SENATE—*Friday, August 5, 1994*

The Senate met at 9:30 a.m., and was called to order by the Honorable HARRIS WOFFORD, a Senator from the State of Pennsylvania.

PRAYER

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

Let us pray:

Beloved let us love one another: for love is of God * * *.—1 John 4:7.

Almighty God, holy, just, and loving in all Thy ways, the exhortation of the apostle John to love one another seems unrealistic or impractical in the atmosphere of politics. Nevertheless, the Bible insists it is the most powerful source in life. In the words of Paul, "Love suffereth long and is kind, love envieth not, love vaunteth not itself, love is not puffed up, love seeketh not her own, is not easily provoked, love bears all things, believes all things, hopes all things, endures all things. Love never fails."

Help us, gracious Lord, to understand love as more than emotion. We have been exhorted to love our enemies—those who despitefully use us. Emotionally, we want to crush them, but we have been commanded to love. Help us to see love as volitional, as a matter of the will, as a decision. Help us to comprehend the profound truth that, "Love fulfills the law of God." Help us to determine to love one another, even in the atmosphere of politics.

We pray in His name who is incarnate love. 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 assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, August 5, 1994.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

Mr. WOFFORD thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

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

The majority leader.

DEPARTMENT OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT

Mr. MITCHELL. Mr. President, under the previous order, is it now in order for the Senate to proceed to consideration of H.R. 4606, the Labor, Health and Human Services, and Education and related agencies appropriations bill?

The ACTING PRESIDENT pro tempore. Yes, it is.

Under the previous order, the Senate will now proceed to the consideration of H.R. 4606, the Labor, Health and Human Services, and Education and Related Agencies Appropriations Act, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4606) making appropriations for the Departments of Labor, Health and Human Services, and Education and related agencies, for the fiscal year ending September 30, 1995, and for other purposes.

The Senate proceeded to consider the bill making appropriations for the Departments of Labor, Health and Human Services, and Education and related agencies, for the fiscal year ending September 30, 1995, and for other purposes, 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. 4606

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 Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1995, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs and for carrying out section 908 of the Social Security Act, $90,276,000, together with not to exceed $45,073,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

TRAINING AND EMPLOYMENT SERVICES

(INCLUDING RESCISSION)

For expenses necessary to carry into effect the Job Training Partnership Act, as amended, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Job Training Partnership Act; title II of the Civil Rights Act of 1991; title XV, part A of Public Law 102-325; title VII, subtitle C of the Stewart B. McKinney Homeless Assistance Act; the Women in Apprenticeship and Nontraditional Occupations Act; Goals 2000: Educate America Act; and the School-to-Work Opportunities Act; **[$5,524,991,000]** *$5,468,217,000* plus reimbursements, of which **[$5,035,179,000]** *$5,049,267,000* is available for obligation for the period July 1, 1995 through June 30, 1996; of which **[$150,000,000]** *$126,556,000* is available for the period July 1, 1995 through June 30, 1998 for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers, **[**including $51,254,000 for new centers; of which $184,788,000 shall be available for the period October 1, 1994 through June 30, 1995;**]** and of which **[$140,000,000]** *$100,000,000* shall be available for obligation from July 1, 1995 through September 30, 1996, for carrying out activities of the School-to-Work Opportunities Act: *Provided,* That **[$63,666,000]** *$64,218,000* shall be for carrying out section 401 of the Job Training Partnership Act, **[$84,841,000]** *$86,000,000* shall be for carrying out section 402 of such Act, $8,880,000 shall be for carrying out section 441 of such Act, **[$1,500,000]** *$2,223,000* shall be for the National Commission for Employment Policy, **[$5,579,000]** *$6,000,000* shall be for all activities conducted by and through the National Occupational Information Coordinating Committee under such Act, $3,861,000 shall be for service delivery areas under section 101(a)(4)(A)(iii) of such Act in addition to amounts otherwise provided under sections 202, 252 and 262 of the Act, **[$1,044,813,000]** *$1,064,813,000* shall be for carrying out title II, part A of such Act, and $598,682,000 shall be for carrying out title II, part C of such Act: *Provided further,* That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers: *Provided further, That funds used from this Act to carry out title III of the Job Training Partnership Act shall not be subject to the limitation contained in subsection (b) of section 315 of such Act; that the waiver allowing a reduction in the cost limitation relating to retraining services described in subsection (a)(2) of such section 315 may be granted with respect to funds used from this Act if a substate grantee demonstrates to the Governor that such waiver is appropriate due to the availability of low-cost retraining services, is necessary to facilitate the provision of needs-related payments to accompany long-term training, or is necessary to facilitate the provision of appropriate basic readjustment services; and that funds used from this Act to carry out the Secretary's discretionary grants under part B of such title III may be used to provide needs-related payments to participants who, in lieu of meeting the requirements relating to enrollment in training under section 314(e) of such Act, are enrolled in training by the end of the sixth week after grant funds have been awarded.*

Of the amounts made available in fiscal year 1994 under the Job Training Partnership Act, title II-C, $50,000,000 are hereby rescinded.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out the activities for national grants or contracts with public agencies and

● 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

public or private nonprofit organizations under paragraph (1)(A) of section 506(a) of title V of the Older Americans Act of 1965, as amended, $320,190,000.

To carry out the activities for grants to States under paragraph (3) of section 506(a) of title V of the Older Americans Act of 1965, as amended, $90,310,000.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of benefits and payments as authorized by title II of Public Law 95-250, as amended, and of trade adjustment benefit payments and allowances under part I, and for training, for allowances for job search and relocation, and for related State administrative expenses under part II, subchapters B and D, chapter 2, title II of the Trade Act of 1974, as amended, $274,400,000 together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For activities authorized by the Act of June 6, 1933, as amended (29 U.S.C. 49-491-1; 39 U.S.C. 3202(a)(1)(E)); title III of the Social Security Act, as amended (42 U.S.C. 502-504); necessary administrative expenses for carrying out 5 U.S.C. 8501-8523, and sections 225, 231-235, 243-244, and 250(d)(1), 250(d)(3), title II of the Trade Act of 1974, as amended; as authorized by section 7c of the Act of June 6, 1933, as amended, necessary administrative expenses under sections 101(a)(15)(H), 212(a)(5)(A), (m) (2) and (3), (n)(1), and 218(g)(1), (2), and (3), and 258(c) of the Immigration and Nationality Act, as amended (8 U.S.C. 1101 et seq.); necessary administrative expenses to carry out the Targeted Jobs Tax Credit Program under section 51 of the Internal Revenue Code of 1986, and section 221(a) of the Immigration Act of 1990, [$146,697,000] *$147,351,000*, together with not to exceed [$3,269,013,000] *$3,280,357,000* (including not to exceed $1,653,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980, and including not to exceed $1,000,000 which may be obligated in contracts with non-State entities for activities such as occupational and test research activities which benefit the Federal-State Employment Service System), which may be expended from the Employment Security Administration account in the Unemployment Trust Fund, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502-504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501-8523, shall be available for obligation by the States through December 31, 1995, except that funds used for automation acquisitions shall be available for obligation by States through September 30, 1997; and of which [$144,763,000] *$145,417,000* together with not to exceed [$817,224,000] *$821,803,000* of the amount which may be expended from said trust fund shall be available for obligation for the period July 1, 1995, through June 30, 1996, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail made available to States in lieu of allotments for such purpose, and of which [$232,437,000] *$232,202,000* shall be available only to the extent necessary for additional State allocations to administer unemployment compensation laws to finance increases in the number of unemployment insurance claims filed and claims paid or changes in a State law: *Provided*, That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 1995 is projected by the Department of Labor to exceed 2.772 million, an additional [$27,800,000] *$30,000,000* shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: *Provided further*, That funds appropriated in this Act and in Public Law 103-112 which are used to establish a national one-stop career center network may be obligated in contracts, grants or agreements with non-State entities: *Provided further, That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A-87.*

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and section 104(d) of Public Law 102-164, and section 5 of Public Law 103-6, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 1996, $686,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 1995, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

OFFICE OF THE AMERICAN WORKPLACE

SALARIES AND EXPENSES

For necessary expenses for the Office of the American Workplace, [$30,411,000] *$32,225,000*.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for Pension and Welfare Benefits Administration, [$66,388,000] *$69,454,000*.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96-364, within limits of funds and borrowing authority available to such 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 (31 U.S.C. 9104), as may be necessary in carrying out the program through September 30, 1995, for such Corporation: *Provided*, That not to exceed $11,493,000 shall be available for administrative expenses of the Corporation: *Provided further*, That expenses of such Corporation in connection with the termination of pension plans, for the acquisition, protection or management, and investment of trust assets, and for benefits administration services shall be considered as nonadministrative expenses for the purposes hereof, and excluded from the above limitation.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, [$242,860,000] *$248,667,000*, together with $1,059,000 which may be expended from the Special Fund in accordance with sections 39(c) and 44(j) of the Longshore and Harbor Workers' Compensation Act: *Provided*, That the Secretary of Labor is authorized to accept, retain, and spend, until expended, in the name of the Department of Labor, all sums of money ordered to be paid to the Secretary of Labor, in accordance with the terms of the Consent Judgment in Civil Action No. 91-0027 of the United States District Court for the District of the Northern Mariana Islands (May 21, 1992): *Provided further*, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under Title I of the Migrant and Seasonal Agricultural Worker Protection Act, 29 U.S.C. 1801 et seq.

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the head "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; and sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 per centum of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $258,000,000 together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: *Provided*, That such sums as are necessary may be used for a demonstration project under section 8104 of title 5, United States Code, in which the Secretary may reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: *Provided further*, That balances of reimbursements unobligated on September 30, 1994, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further*, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary of Labor determines to be the cost of administration for employees of such fair share entities through September 30, 1995: *Provided further*, That of those funds transferred to this account from the fair share entities to pay the cost of administration, $5,299,000 shall be made available to the Secretary of Labor for expenditures relating to capital improvements in

support of Federal Employees' Compensation Act administration, and the balance of such funds shall be paid into the Treasury as miscellaneous receipts: *Provided further*, That the Secretary may require that any person filing a notice of injury or a claim for benefits under Subchapter 5, U.S.C., Chapter 81, or under Subchapter 33, U.S.C. 901, et seq. (the Longshore and Harbor Workers' Compensation Act, as amended), provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payments from the Black Lung Disability Trust Fund, $994,864,000, of which $943,005,000 shall be available until September 30, 1996, for payment of all benefits as authorized by section 9501(d) (1), (2), (4), and (7), of the Internal Revenue Code of 1954, as amended, and interest on advances as authorized by section 9501(c)(2) of that Act, and of which $28,216,000 shall be available for transfer to Employment Standards Administration, Salaries and Expenses, and $23,333,000 for transfer to Departmental Management, Salaries and Expenses, and $310,000 for transfer to Departmental Management, Office of Inspector General, for expenses of operation and administration of the Black Lung Benefits program as authorized by section 9501(d)(5)(A) of that Act: *Provided*, That in addition, such amounts as may be necessary may be charged to the subsequent year appropriation for the payment of compensation, interest, or other benefits for any period subsequent to June 15 of the current year: *Provided further*, That in addition such amounts shall be paid from this fund into miscellaneous receipts as the Secretary of the Treasury determines to be the administrative expenses of the Department of the Treasury for administering the fund during the current fiscal year, as authorized by section 9501(d)(5)(B) of that Act.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $312,500,000, including not to exceed $70,615,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act, which grants shall be no less than fifty percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Occupational Safety and Health Act of 1970; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $500,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: *Provided*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 with respect to any employer of ten or fewer employees who is included within a category having an occupational injury lost workday case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, [$197,519,000] *$201,238,000*, of which $5,851,000 shall be for the State Grants Program, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the Department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster: *Provided*, That none of the funds appropriated under this paragraph shall be obligated or expended to carry out section 115 of the Federal Mine Safety and Health Act of 1977 or to carry out that portion of section 104(g)(1) of such Act relating to the enforcement of any training requirements, with respect to shell dredging, or with respect to any sand, gravel, surface stone, surface clay, colloidal phosphate, or surface limestone mine.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, [$296,761,000] *$298,761,000*, of which $5,134,000 shall be for expenses of revising the Consumer Price Index and shall remain available until September 30, 1996, together with not to exceed $54,102,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of five sedans, and including up to $4,392,000 for the President's Committee on Employment of People With Disabilities, *and including $2,500,000 for the International Program on the Elimination of Child Labor notwithstanding any other provision of law*, [$156,002,000, which includes $6,500,000 which shall remain available until expended for use by appropriate Departmental agencies for ADP equipment acquisition, systems development and associated support related to Departmental enforcement programs;] *$152,818,000* together with not to exceed $328,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT AND TRAINING

Not to exceed [$185,281,000] *$187,964,000* may be derived from the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 2001–10 and 2021–26.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, [$47,676,000] *$48,535,000*, together with not to exceed [$3,860,000] *$3,966,000*, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

GENERAL PROVISIONS

[SEC. 101. None of the funds in the Employees' Compensation Fund under 5 U.S.C. 8147 shall hereafter be expended for payment of compensation, benefits, and expenses to any individual convicted of a violation of 18 U.S.C. 1920, or of any felony fraud related to the application for or receipt of benefits under subchapters I or III of chapter 81 of title 5, United States Code.]

SEC. 101. DETERRENCE OF FRAUD AND ABUSE IN THE FEDERAL EMPLOYEE'S WORKER COMPENSATION PROGRAM.

(a) IN GENERAL.—(1) Chapter 81 of title 5, United States Code, is amended by inserting after section 8147 the following new section:

"§8148. Forfeiture of benefits by convicted felons

"(a) Any individual convicted of a violation of section 1920 of title 18, or any other Federal or State criminal statute relating to fraud in the application for a receipt of any benefit under this subchapter or subchapter III of this chapter, shall forfeit (as of the date of such conviction) any entitlement to any benefit such individual would otherwise be entitled to under this subchapter or subchapter III for any injury occurring on or before the date of such conviction. Such forfeiture shall be in addition to any action the Secretary may take under section 8106 or 8129.

"(b)(1) Notwithstanding any other provision of this chapter (except as provided under paragraph (3)), no benefits under this subchapter or subchapter III of this chapter shall be paid or provided to any individual during any period during which such individual is confined in a jail, prison, or other penal institution or correctional facility, pursuant to that individual's

conviction of an offense that constituted a felony under applicable law.

"(2) Such individual shall not be entitled to receive the benefits forfeited during the period of incarceration under paragraph (1), after such period of incarceration ends.

"(3) If an individual has one or more dependents as defined under section 8110(a), the Secretary of Labor may, during the period of incarceration, pay to such dependents a percentage of the benefits that would have been payable to such individual computed according to the percentages set forth in section 8133(a) (1) through (5).

"(c) Notwithstanding the provision of section 552a of this title, or any other provision of Federal or State law, any agency of the United States Government or of any State (or political subdivision thereof) shall make available to the Secretary of Labor, upon written request, the names and Social Security account numbers of individuals who are confined in a jail, prison, or other penal institution or correctional facility under the jurisdiction of such agency, pursuant to such individuals' conviction of an offense that constituted a felony under applicable law, which the Secretary of Labor may require to carry out the provisions of this section.".

(2) The table of sections for chapter 81 of title 5, United States Code, is amended by inserting after the item relating to section 8147 the following new item:

"8148. Forfeiture of benefits by convicted felons.".

(b) CRIMINAL PENALTIES.—(1) Section 1920 of title 18, United States Code, is amended to read as follows:

"§1920. False statement or fraud to obtain Federal employee's compensation

"Whoever knowingly and willfully falsifies, conceals, or covers up a material fact, or makes a false, fictitious, or fraudulent statement or representation, or makes or uses a false statement or report knowing the same to contain any false, fictitious, or fraudulent statement or entry in connection with the application for or receipt of compensation or other benefit or payment under subchapter I or III of chapter 81 of title 5, shall be guilty of perjury, and on conviction thereof shall be punished by a fine of not more than $250,000, or by imprisonment for not more than 5 years, or both; but if the amount of the benefits falsely obtained does not exceed $1,000, such person shall be punished by a fine of not more than $100,000, or by imprisonment for not more than 1 year, or both.".

(2) The table of sections for chapter 93 of title 18, United States Code, is amended by amending the item relating to section 1920 to read as follows:

"1920. False statement or fraud to obtain Federal employee's compensation.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act. The amendments made by subsection (a) shall apply to claims filed before, on, or after the date of enactment of this Act, and shall apply only to individuals convicted after such date of enactment.

SEC. 102. None of the funds appropriated under this Act shall be expended by the Secretary of Labor to implement or administer either the final or proposed regulations referred to in section 303 of Public Law 102-27.

(TRANSFER OF FUNDS)

SEC. 103. Not to exceed 1 percent of any appropriation made available for the current fiscal year for the Department of Labor in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 104 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 104. (a) None of the funds provided under this Act to the Department of Labor shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act to the Department of Labor shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress, unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

SEC. 105. The Secretary of Labor may, in his discretion, utilize funds appropriated in this and subsequent Acts to engage in joint projects, or perform services, on matters of mutual interest, with nonprofit organizations, research organizations, or public organizations or agencies, the cost of which shall be apportioned equitably, as determined by the Secretary.

SEC. 106. The Secretary of Labor is authorized to accept, in the name of the Department of Labor, and employ or dispose of in furtherance of authorized activities of the Department of Labor, during the fiscal year ending September 30, 1995, and each fiscal year thereafter, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise.

SEC. 107. Section 5315 of title 5, United States Code, is amended by inserting at the end thereof: "The Commissioner of Labor Statistics, Department of Labor.".

Section 5316 of title 5, United States Code, is amended by striking: "Commissioner of Labor Statistics, Department of Labor.".

SEC. 108. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of $125,000.

This title may be cited as the "Department of Labor Appropriations Act, 1995".

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, VII, VIII, X, XII, XVI, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, Public Law 101-527, and the Native Hawaiian Health Care Act of 1988, as amended, [$3,008,225,000] *$3,066,254,000*, of which $411,000 shall remain available until expended for interest subsidies on loan guarantees made prior to fiscal year 1981 under part B of title VII of the Public Health Service Act: *Provided*, That when the Department of Health and Human Services administers or operates an employee health program for any Federal department or agency, payment for the full estimated cost shall be made by way of reimbursement or in advance to this appropriation: *Provided further*, That of the funds made available under this heading, $933,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: *Provided further*, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: *Provided further, That of the amounts available for Area Health Education Centers, $25,000,000 shall be for section 746(i)(1)(A) of the Health Professions Education Extension Amendments of 1992, notwithstanding section 746(i)(1)(C): Provided further, That of the funds made available under this heading for program administration, $3,000,000 shall be made available for grants to cities under title XXVI, sections 2601-2608 of the Public Health Service Act: Provided further, That no more than $5,000,000 is available for carrying out the provisions of Public Law 102-501.*

MEDICAL FACILITIES GUARANTEE AND LOAN FUND

FEDERAL INTEREST SUBSIDIES FOR MEDICAL FACILITIES

For carrying out subsections (d) and (e) of section 1602 of the Public Health Service Act, $9,000,000, together with any amounts received by the Secretary in connection with loans and loan guarantees under title VI of the Public Health Service Act, to be available without fiscal year limitation for the payment of interest subsidies. During the fiscal year, no commitments for direct loans or loan guarantees shall be made.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

For the cost of guaranteed loans, such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended: *Provided*, 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 total loan principal any part of which is to be guaranteed at not to exceed $375,000,000. In addition, for administrative expenses to carry out the guaranteed loan program, $2,946,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: *Provided*, That for necessary administrative expenses, not to exceed $3,000,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

VACCINE INJURY COMPENSATION

For payment of claims resolved by the United States Court of Federal Claims related to the administration of vaccines before October 1, 1988, $110,000,000, to remain available until expended.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, and XIX of the Public Health Service Act, sections 101, 102, 103, 201, 202, and 203 of the Federal Mine Safety and Health Act of 1977, and sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970; including insurance of official motor vehicles in foreign countries; and hire, maintenance, and operation of aircraft, [$2,086,850,000] *$2,050,931,000*, of which $3,575,000 shall remain available until expended for equipment and construction and renovation of facilities, and in addition, such sums as may be derived from authorized user fees, which shall be credited to this account: *Provided*, That for fiscal year 1995 and subsequent fiscal years training of private persons shall be made subject to reimbursement or advances to this appropriation for not in excess of the full cost of such training: *Provided further*, That funds appropriated under this heading for fiscal year 1995 and subsequent fiscal years shall be available for payment of the costs of medical care, related expenses, and burial expenses hereafter incurred by or on behalf of any person who had participated in the study of untreated syphilis initiated in Tuskegee, Alabama, in 1932, in such amounts and subject to such terms and conditions as prescribed by the Secretary of Health and Human Services and for payment, in such amounts and subject to such terms and conditions, of such costs and expenses hereafter incurred by or on behalf of such person's wife or offspring determined by the Secretary to have suffered injury or disease from syphilis contracted from such person: *Provided further*, That for fiscal year 1995 and subsequent fiscal years amounts received by the National Center for Health Statistics from reimbursements and interagency agreements and the sale of data tapes may be credited to this appropriation and shall remain available until expended: *Provided further*, That in addition to amounts provided herein, up to [$27,862,000] *$28,873,000* shall be available from amounts available under section 241 of the Public Health Service Act, to carry out the National Center for Health Statistics surveys.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $1,919,419,000.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out sections 301 and 1105 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $1,259,590,000.

NATIONAL INSTITUTE OF DENTAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $162,832,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney diseases, [$726,784,000] *$728,784,000*.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, [$626,801,000] *$628,801,000*.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $536,416,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $877,113,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $513,409,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, [$290,335,000] *$292,022,000*.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, [$266,400,000] *$267,955,000*.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, [$431,198,000] *$433,198,000*.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis, and musculoskeletal and skin diseases, [$227,021,000] *$229,021,000*.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, [$166,155,000] *$167,129,000*.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, [$47,971,000] *$48,326,000*.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $181,445,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $290,280,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, [$542,050,000] *$544,050,000*.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $294,877,000: *Provided*, That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants: *Provided further*, That $20,000,000 shall be for extramural facilities construction grants.

NATIONAL CENTER FOR HUMAN GENOME RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $152,010,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, [$15,193,000] *$13,209,000*.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, [$123,274,000] *$127,274,000*.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, [$219,474,000] *$215,045,000*: *Provided*, That funding shall be available for the purchase of not to exceed five passenger motor vehicles for replacement only: *Provided further*, That the Director may direct up to 1 percent of the total amount made available in this Act to all National Institutes of Health appropriations to activities the Director may so designate: *Provided further*, That no such appropriation shall be increased or decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer.

OFFICE OF AIDS RESEARCH

(INCLUDING TRANSFER OF FUNDS)

For carrying out part D of title XXIII of the Public Health Service Act, $1,337,606,000: *Provided*, That the Director of the Office of AIDS Research shall transfer from this appropriation the amounts necessary to carry out section 2353(d) of the Act.

BUILDINGS AND FACILITIES

For the study of, construction of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, [$114,370,000] *$113,370,000*, to remain available until expended.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out the Public Health Service Act with respect to substance abuse and mental health services, section 612 of Public Law 100-77, as amended, and the Protection and Advocacy for Mentally Ill Individuals Act of 1986, [$2,166,148,000] *$2,164,179,000*: *Provided*, That no portion of amounts appropriated for the programs of the Department of Health and Human Services shall be available for obligation pursuant to section 571 of the Public Health Service Act, other than an amount of $3,750,000 from amounts appropriated to carry out section 510 of that Act.

ASSISTANT SECRETARY FOR HEALTH

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

(INCLUDING TRANSFER OF FUNDS)

For the expenses necessary for the Office of Assistant Secretary for Health and for carrying out titles III, XVII, XX and XXI of the Public Health Service Act, [$70,261,000] *$63,004,000, of which $2,048,000 and 30 full-time equivalent positions will be transferred from the National Vaccine Program Office to the Centers for Disease Control and Prevention for the expanded immunization program*, and, in addition, amounts received from Freedom of Information Act fees and reimbursable and interagency agreements shall be credited to

this appropriation and shall remain available until expended[: *Provided*, That $2,000,000 of the amount appropriated in this paragraph shall be transferred to the Food and Drug Administration, Salaries and Expenses appropriation account].

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, and for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan and for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), such amounts as may be required during the current fiscal year.

AGENCY FOR HEALTH CARE POLICY AND RESEARCH

HEALTH CARE POLICY AND RESEARCH

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, [$134,624,000] *$128,914,000*, together with not to exceed [$5,806,000] *$5,786,000* to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by sections 1142 and 201(g) of the Social Security Act; in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data tapes shall be credited to this appropriation and shall remain available until expended: *Provided*, That the amount made available pursuant to section 926(b) of the Public Health Service Act shall not exceed [$13,202,000] *$31,504,000*.

HEALTH CARE FINANCING ADMINISTRATION

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act [$62,637,775,000] *$62,640,775,000*, to remain available until expended.

For making, after May 31, 1995, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 1995 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States under title XIX of the Social Security Act for the first quarter of fiscal year 1996, $27,047,717,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under sections 217(g) and 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97-248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $37,546,758,000.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, and XIX of the Social Security Act, and title XIII of the Public Health Service Act, the Clinical Laboratory Improvement Amendments of 1988, section 4360 of Public Law 101-508, and section 4005(e) of Public Law 100-203, not to exceed [$2,183,985,000] *$2,207,237,000*, together with all funds collected in accordance with section 353 of the Public Health Service Act, the latter funds to remain available until expended; the [$2,183,985,000] *$2,207,237,000* to be transferred to this appropriation as authorized by section 201(g) of the Social Security Act, from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds: *Provided*, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act are to be credited to this appropriation.

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, $15,000,000 together with any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 1995, no commitments for direct loans or loan guarantees shall be made.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $25,094,000.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, $527,874,000, to remain available until expended.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Federal Mine Safety and Health Act of 1977, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV of the Federal Mine Safety and Health Act of 1977 for the first quarter of fiscal year 1996, $180,000,000, to remain available until expended.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92-603, section 212 of Public Law 93-66, as amended, and section 405 of Public Law 95-216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, [$21,237,101,000] *$21,192,101,000*, to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For carrying out title XVI of the Social Security Act for the first quarter of fiscal year 1996, $7,060,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, not more than [$5,127,785,000] *$5,157,011,000* may be expended, as authorized by section 201(g)(1) of the Social Security Act or as necessary to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986 as such sections were in effect on January 1, 1993, from any one or all of the trust funds referred to therein: *Provided*, That reimbursement to the Trust Funds under this heading for administrative expenses to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986 shall be made, with interest, not later than September 30, 1996.

In addition to funding already available under this heading, and subject to the same terms and conditions, [$352,000,000] *$320,000,000*, for disability caseload processing.

In addition to funding already available under this heading, and subject to the same terms and conditions, [$130,000,000] *$64,000,000*, which shall remain available until expended, to invest in a state-of-the-art computing network, including related equipment and administrative expenses associated solely with this network, for the Social Security Administration and the State Disability Determination Services, may be expended from any or all of the trust funds as authorized by section 201(g)(1) of the Social Security Act.

ADMINISTRATION FOR CHILDREN AND FAMILIES

FAMILY SUPPORT PAYMENTS TO STATES

For making payments to States or other non-Federal entities, except as otherwise provided, under titles I, IV-A (other than section 402(g)(6)) and D, X, XI, XIV, and XVI of the Social Security Act, and the Act of July 5, 1960 (24 U.S.C. ch. 9), $12,761,788,000, to remain available until expended.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV-A and D, X, XI, XIV, and XVI of the Social Security Act, for the last three months of the current year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or other non-Federal entities under titles I, IV-A (other than section 402(g)(6)) and D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9) for the first quarter of fiscal year 1996, $4,400,000,000, to remain available until expended.

JOB OPPORTUNITIES AND BASIC SKILLS

For carrying out aid to families with dependent children work programs, as authorized by part F of title IV of the Social Security Act, $1,300,000,000.

LOW INCOME HOME ENERGY ASSISTANCE

(INCLUDING RESCISSION)

Of the funds made available beginning on October 1, 1994 under this heading in Public Law 103-112, [$250,000,000] *$89,592,000* are hereby rescinded.

The funds remaining after said rescission shall be available for obligation through September 30, 1995.

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, [$1,225,000,000] *$1,475,000,000*, to be available for obligation in the period October 1, 1995 through September 30, 1996.

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, an additional $600,000,000: *Provided*, That all of the funds available under this paragraph are hereby designated by Congress to be emergency requirements pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That these funds shall be made available only after submission to Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985.

REFUGEE AND ENTRANT ASSISTANCE

For making payments for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96–422), $399,779,000: *Provided*, That funds appropriated pursuant to section 414(a) of the Immigration and Nationality Act under Public Law 102–394 for fiscal year 1993 shall be available for the costs of assistance provided and other activities conducted in such year and in fiscal years 1994 and 1995.

COMMUNITY SERVICES BLOCK GRANT

For making payments under the Community Services Block Grant Act, section 408 of Public Law 99–425, and the Stewart B. McKinney Homeless Assistance Act, [$465,714,000] *$476,219,000, of which $12,000,000 shall be for carrying out the National Youth Sports Program: Provided, That payments from such amount to the grantee and subgrantees administering the National Youth Sports Program may not exceed the aggregate amount contributed in cash or in kind by the grantee and subgrantees: Provided further, That amounts in excess of $9,400,000 for such amount may not be made available to the grantee and subgrantees administering the National Youth Sports Program unless the grantee agrees to provide contributions in cash over and above the preceding year's cash contribution to such program in an amount that equals 29 percent of such excess amount.*

CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), $934,656,000, which shall be available for obligation under the same statutory terms and conditions applicable in the prior fiscal year.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $2,800,000,000.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the State Dependent Care Development Grants Act, the Head Start Act, the Child Development Associate Scholarship Assistance Act of 1985, the Child Abuse Prevention and Treatment Act, chapters 1 and 2 of subtitle B of title III of the Anti-Drug Abuse Act of 1988, the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of Public Law 95–266 (adoption opportunities), the Temporary Child Care for Children with Disabilities and Crisis Nurseries Act of 1986, the Abandoned Infants Assistance Act of 1988, subtitle F of title VII of the Stewart B. McKinney Homeless Assistance Act, and part B of title IV and section 1110 of the Social Security Act, and for necessary administrative expenses to carry out said Acts and titles I, IV, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, section 204 of the Immigration Reform and Control Act of 1986, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, Public Law 100–77, and section 126 and titles IV and V of Public Law 100–485, [$4,408,775,000] *$4,415,514,000*.

FAMILY PRESERVATION AND SUPPORT

For carrying out section 430 of the Social Security Act, $150,000,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities, under title IV–E of the Social Security Act, [$3,440,871,000] *$3,597,371,000*.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, and section 10404 of Public Law 101–239 (volunteer senior aides demonstration), [$869,823,000] *$873,662,000*.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six medium sedans, [$89,500,000] *$88,774,000*, together with $31,008,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $63,585,000, together with not to exceed $37,060,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $18,409,000 together with not to exceed $3,874,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act, [$14,632,000] *$10,741,000*.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $37,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated under this Act may be used to implement section 399L(b) of the Public Health Service Act or section 1911(d) [and section 1503] of the National Institutes of Health Revitalization Act of 1993, Public Law 103–43.

[SEC. 204. None of the funds made available by this Act may be used to require States as a condition of receiving funding under the Child Abuse Prevention and Treatment Act to restrict, condition, or otherwise qualify a State's authority to determine (i) whether and under what circumstances a parent's decision to provide non-medical health care for a child may constitute negligent treatment or maltreatment, and (ii) the circumstances under which it is appropriate to order medical treatment for a child who is receiving non-medical health care.]

SEC. 204. None of the funds made available by this Act may be used to withhold payment to any State under the Child Abuse Prevention and Treatment Act by reason of a determination that the State is not in compliance with section 1340.2(d)(2)(ii) of title 45 of the Code of Federal Regulations. This provision expires upon the date of enactment of the reauthorization of the Child Abuse Prevention and Treatment Act or upon September 30, 1995, whichever occurs first.

SEC. 205. (a) Of the budgetary resources available to the Department of Health and Human Services (excluding the Food and Drug Administration and the Indian Health Service) during fiscal year 1995, $37,125,000 are permanently canceled.

(b) The Secretary of Health and Human Services shall allocate the amount of budgetary resources canceled among the Department's accounts (excluding the Food and Drug Administration and the Indian Health Service) available for procurement and procurement-related expenses. Amounts available for procurement and procurement-related expenses in each such account shall be reduced by the amount allocated to such account.

(c) For the purposes of this section, the definition of "procurement" includes all stages of the process of acquiring property or services, beginning with the process of determining a need for a product or services and ending with contract completion and closeout, as specified in 41 U.S.C. 403(2).

SEC. 206. None of the funds appropriated in this title for the National Institutes of Health and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of $125,000 per year.

SEC. 207. (a) Of the budgetary resources available to the Department of Health and Human Services for space rental charges (excluding Food and Drug Administration and the Indian Health Service) during fiscal year 1995, $4,505,000 are permanently canceled.

(b) The Secretary of Health and Human Services shall allocate the amount of budgetary resources canceled among the Department's accounts (excluding the Food and Drug Administration and the Indian Health Service) available for space rental charges. Amounts available for space rental charges in each such account shall be reduced by the amount allocated to such account.

SEC. 208. Taps and other assessments made by any office located in the Department of Health and Human Services shall be treated as a reprogramming of funds and shall not be available for obligation or expenditure except in compliance with the Committee reprogramming procedures.

SEC. 209. None of the funds made available by this Act shall be obligated or expended for storage or distribution of publicly-purchased pediatric vaccine through a warehouse and distribution facility operated by the General Services Administration until such time as the Secretary of Health and Human Services receives written approval by the Appropriations Committees of both the House and Senate: Provided, That such approval shall be contingent upon the following requirements:

(1) All aspects of the ordering, storage, packaging and distribution system are fully developed, tested and validated in accordance with the requirements imposed on commercial manufacturers and distributors.

(2) The Commissioner of FDA has conducted a complete review of all aspects of the system, has reviewed and verified documentation of testing and validation procedures, and has provided documentation to the Committees of both the House and the Senate that all licensing and performance standards required of commercial distributors have been met by the General Services Administration system.

(3) The Secretary has provided documentation to the Committees of both Houses that the cost of the General Services Administration system is lower than the cost of private sector bids.

This title may be cited as the "Department of Health and Human Services Appropriations Act, 1995".

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION REFORM

For carrying out activities authorized by titles II [and III], *III, and IV* of the Goals 2000: Educate America Act and titles II, III, and IV of the School-to-Work Opportunities Act, $528,400,000 of which $503,670,000 shall become available on July 1, 1995, and remain available through September 30, 1996.

EDUCATION FOR THE DISADVANTAGED

For carrying out the activities authorized by title I of the Elementary and Secondary Education Act of 1965, as amended by the Improving America's Schools Act as [passed the House of Representatives on March 24, 1994] *reported by the Senate Committee on Labor and Human Resources on June 24, 1994*, and by section 418A of the Higher Education Act, [$7,245,655,000] *$7,233,411,000*, of which [$7,212,093,000] *$7,214,849,000* shall become available on July 1, 1995 and shall remain available through September 30, 1996: *Provided*, That $6,698,356,000 shall be available for grants to local education agencies, *not less than* $41,434,000 shall be available for capital expenses, $102,024,000 shall be available for the Even Start program, $305,475,000 shall be available for title I migrant education activities, [$37,244,000] *not less than $40,000,000* shall be available for title I delinquent and high-risk youth education activities, *no more than* $27,560,000 shall be for program improvement activities, [$15,000,000 shall be for demonstration grants,] and $8,270,000 shall be for evaluation.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by the Improving America's Schools Act as [passed the House of Representatives on March 24, 1994] *reported by the Senate Committee on Labor and Human Resources on June 24, 1994*, [$728,000,000] *$666,880,000*, of which $40,000,000, to remain available until expended, shall be for payments for heavily impacted districts under section [8004(f)] *9004(f)*.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by titles II, [III, IV, and V] *IV, V, VII, VIII, IX, and XV* of the Elementary and Secondary Education Act of 1965, as amended by the Improving America's Schools Act as [passed the House of Representatives on March 24, 1994] *reported by the Senate Committee on Labor and Human Resources on June 24, 1994*; the Stewart B. McKinney Homeless Assistance Act; the Civil Rights Act of 1964; and title V of the Higher Education Act; [$1,424,513,000] *$1,570,201,000*, of which [$1,158,695,000] *$1,164,849,000* shall become available on July 1, 1995, and remain available through September 30, 1996: *Provided*, That [$5,899,000 shall be for law related education under section 3702] *$100,000,000 shall be for education infrastructure under title XV, $5,899,000 shall be for law related education under section 8252, $37,393,000 shall be for dropout assistance under part B of title V, $4,185,000 shall be for Ellender Fellowships under part E of title VIII, $15,000,000 shall be for education for Native Hawaiians under part C of title IX, and $10,912,000 shall be for foreign language assistance under part B of title VII.*

BILINGUAL AND IMMIGRANT EDUCATION

For carrying out, to the extent not otherwise provided, bilingual and immigrant education activities authorized by [title VII] *titles VII and IX* of the Elementary and Secondary Education Act as amended by the Improving America's Schools Act, as [passed the House of Representatives on March 24, 1994 and by title IV of the Carl D. Perkins Vocational and Applied Technology Education Act] *reported by the Senate Committee on Labor and Human Resources on June 24, 1994*, [$247,572,000] *$238,082,000*, of which $25,180,000 shall be for training activities under [part C] *subpart 3 of part A of title VII*, and $50,000,000 shall be for the immigrant education program *under part B of title IX*.

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act, [$3,106,634,000] *$3,299,459,000*, of which [$2,858,973,000] *$3,045,425,000* shall become available for obligation on July 1, 1995, and shall remain available through September 30, 1996.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Technology-Related Assistance for Individuals with Disabilities Act, and the Helen Keller National Center Act, as amended, [$2,355,600,000] *$2,413,675,000*.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), [$6,406,000] *$6,680,000*.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), [$41,462,000] *$43,191,000*, of which [$333,000 for the endowment program as authorized under section 207 and not to exceed $192,000 for construction shall remain available until expended] *$336,000 shall be for the endowment program as authorized under section 207 and shall be available until expended and $150,000 shall be for construction and shall be available until expended.*

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), [$76,742,000] *$80,030,000*, of which [$991,000] *$1,000,000* shall be for the endowment program as authorized under section 207 and shall be available until expended.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Applied Technology Education Act, the Adult Education Act, *the National Literacy Act of 1991*, and the Stewart B. McKinney Homeless Assistance Act, [$1,456,383,000, of which $1,453,464,000] *$1,475,736,000, of which $1,472,817,000* shall become available on July 1, 1995 and shall remain available through September 30, 1996: *Provided*, That of the amounts made available under the Carl D. Perkins Vocational and Applied Technology Education Act, $400,000 of the amount available for Tech-Prep shall be for evaluation of the program and [$25,767,000] *$37,096,000* shall be for national programs under title IV, including $7,851,000 for research, of which $6,000,000 shall be for the National Center for Research on Vocational Education; [$13,000,000] *$23,245,000* for demonstrations, notwithstanding section 411(b); and [$4,916,000] *$6,000,000* for data systems: *Provided further*, That of the amounts made available under the Adult Education Act, [$5,400,000] *$3,900,000* shall be for national programs under [sections 382 and 383] *section 383*, and $4,869,000 shall be for the National Institute for Literacy under section 384.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3, and 4 of part A, and parts C, E, and H of title IV of the Higher Education Act of 1965, as amended, including, notwithstanding section 401(a)(1), not to exceed 3,930,000 Pell Grant recipients in award year 1994–1995, [$7,825,417,000] *$7,685,524,000*, which shall remain available through September 30, 1996, and of which [$54,322,000] *$72,429,000* shall be for State Student Incentive Grants under subpart 4 of part A.

The maximum Pell Grant for which a student shall be eligible during award year 1995–1996 shall be $2,340: *Provided*, That notwithstanding section 401(g) of the Act, as amended, if the Secretary determines, prior to publication of the payment schedule for award year 1995–1996, that the $6,247,180,000 included within this appropriation for Pell Grant awards for award year 1995–1996, and any funds available from the FY 1994 appropriation for Pell Grant awards, are insufficient to satisfy fully all such awards for which students are eligible, as calculated under section 401(b) of the Act, the amount paid for each such award shall be reduced by either a fixed or variable percentage, or by a fixed dollar amount, as determined in accordance with a schedule of reductions established by the Secretary for this purpose.

FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT

For Federal administrative expenses to carry out guaranteed student loans authorized by title IV, part B, of the Higher Education Act, as amended, $62,191,000.

FEDERAL DIRECT STUDENT LOAN PROGRAM ACCOUNT

For the cost of direct loans authorized by title IV, part D, of the Higher Education Act, as amended, such sums as may be necessary to carry out the purposes of the program, including such sums as may be derived from negative subsidy receipts: Provided, That such costs, including costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, titles I, [II, without regard to section 241(d),] III, IV, including chapter 2 of subpart 2 of part A, V, VI, VII, [IX, part A, and subpart 1 of part B of title X,] *VIII, IX, part A, subpart 1 of part B, and part D of title X, and* XI, without regard to section 1151, *and section 1521 as amended by Public Law 103–239*, [and XV] of the Higher Education Act of 1965, as amended; the Mutual Educational and Cultural Exchange Act of 1961; [title VI, including part C,] *and title VI* of the Excellence in Mathematics, Science and Engineering Education Act of 1990; [and Public Law 102–423; $954,686,000, of which $8,248,000] *$946,703,000, of which $7,498,000* for endowment activities under section 331 of part C of title III and $17,512,000 for interest subsidies under title VII of the Higher Education Act, as amended, [and $4,000,000 for Public Law 102–423] shall remain available until expended [and $1,500,000 of the amount provided herein for title III shall be available for an evaluation of the title III programs].

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), [$206,463,000] *$192,896,000*, of which [$7,910,000] *$3,530,000*, to remain available until expended, shall be for a matching endowment grant to be administered in accordance with the Howard University Endowment Act (Public Law 98–480) [and $6,000,000, to remain available until expended, shall be for construction].

HIGHER EDUCATION FACILITIES LOANS

The Secretary is hereby authorized to make such expenditures, within the limits of funds available under this heading and in accord with law, and to make such contracts and commitments without regard to fiscal year limitation, as provided by section 104 of the Government Corporation Control Act (31 U.S.C. 9104), as may be necessary in carrying out the program for the current fiscal year.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For the costs of direct loans, as authorized by title VII, part C, of the Higher Education Act, as amended, [$134,000] *$168,000: Provided*, That such costs, including costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974 and that these funds are available to subsidize gross obligations for the principal amount of direct loans of not to exceed [$8,000,000] *$10,000,000*: *Provided further*, That obligated balances of these appropriations will remain available until expended, notwithstanding the provisions of 31 U.S.C. 1552(a), as amended by Public Law 101–510. In addition, for administrative expenses to carry out the existing direct loan program of college housing and academic facilities loans entered into pursuant to title VII, part C, of the Higher Education Act, as amended, $1,022,000.

COLLEGE HOUSING LOANS

Pursuant to title VII, part C of the Higher Education Act, as amended, for necessary expenses of the college housing loans program, previously carried out under title IV of the Housing Act of 1950, the Secretary shall make expenditures and enter into contracts without regard to fiscal year limitation using loan repayments and other resources available to this account. Any unobligated balances becoming available from fixed fees paid into this account pursuant to 12 U.S.C. 1749d, relating to payment of costs for inspections and site visits, shall be available for the operating expenses of this account.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING, PROGRAM ACCOUNT

The total amount of bonds insured pursuant to section 724 of title VII, part B of the Higher Education Act shall not exceed $357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title VII, part B of the Higher Education Act, as amended, $347,000.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

For carrying out activities authorized by the Educational Research, Development, Dissemination, and Improvement Act; the Elementary and Secondary Education Act of 1965 [and the Education Council Act, as amended by the Improving America's Schools Act as passed the House of Representatives on March 24, 1994; the National Education Statistics Act of 1994 as passed the House of Representatives on March 24, 1994; and the General Education Provisions Act, $318,775,000: *Provided*, That $39,320,000 shall be for regional laboratories, including rural initiatives; $4,463,000 shall be for civics education activities; $14,480,000 shall be for the National Diffusion Network; $34,424,000 shall be for Eisenhower professional development Federal activities; and $20,000,000 shall be for Federal leadership activities in education technology], *as amended by the Improving America's Schools Act as reported by the Committee on Labor and Human Resources on June 24, 1994; the National Education Statistics Act of 1994, as reported by the Committee on Labor and Human Resources on June 24, 1994; and title VI of Public Law 103–227; $371,586,000: Provided, That $41,000,000 shall be for regional laboratories, including rural initiatives and network activities; $33,000,000 shall be for research centers; $5,000,000 shall be for title VI of Public Law 103–227; $3,000,000 shall be for part K of title VIII of the Elementary and Secondary Education Act, as amended by the Improving America's Schools Act as reported by the Committee on Labor and Human Resources on June 24, 1994; $4,463,000 shall be for civic education activities; $14,480,000 shall be for the National Diffusion Network; $40,000,000 shall be for Eisenhower professional development Federal activities, including not less than $5,472,000 for the National Clearinghouse for Science and Mathematics, $15,000,000 for regional consortia, and $3,000,000 for part E of title II of the Elementary and Secondary Education Act, as amended by the Improving America's Schools Act as reported by the Committee on Labor and Human Resources on June 24, 1994; and $50,000,000 shall be for education technology activities under part A of title III of the Elementary and Secondary Education Act, as amended by the Improving America's Schools Act as reported by the Committee on Labor and Human Resources on June 24, 1994.*

LIBRARIES

For carrying out, to the extent not otherwise provided, titles I, II, III, IV, and VI of the Library Services and Construction Act (20 U.S.C. ch. 16), and [section 222 of the Higher Education Act, $115,996,000] *title II of the Higher Education Act, $147,558,000, of which $17,792,000 shall be used to carry out the provisions of title II of the Library Services and Construction Act and shall remain available until expended, and $4,916,000 shall be for section 222 and $8,270,000 shall be for section 223 of the Higher Education Act, of which $2,500,000 shall be for demonstration of on-line and dial-in access to a statewide, multitype library bibliographic data base through a statewide fiber optic network housing a point of presence in every county, connecting library services in every municipality, and $1,500,000 shall be for a demonstration project making Federal information and other data bases available for public use by connecting Internet to a multistate consortium of public and private colleges and universities, a public library system, and a State historical library.*

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of two passenger motor vehicles, [$359,358,000] *$346,008,000*.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $58,325,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, [$29,199,000] *$31,675,000*.

GENERAL PROVISIONS

SEC. 301. No part of the funds contained in this title may be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88–352, to take any action to force the busing of students; to force on account of race, creed or color the abolishment of any school so desegregated; or to force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.

SEC. 302. (a) No part of the funds contained in this title shall be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88–352, to take any action to force the busing of students; to require the abolishment of any school so desegregated; or to force on account of race, creed or color the transfer of students to or from a particular school so desegregated as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school.

(b) No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 303. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 304. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

This title may be cited as the "Department of Education Appropriations Act, 1995".

TITLE IV—RELATED AGENCIES

ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the United States Soldiers' and Airmen's Home and the United States Naval Home, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, [$59,816,000] *$56,820,000*, of which $2,906,000 shall remain available until expended for construction and renovation of the physical plants at the United States Soldiers' and Airmen's Home and the United States Naval Home: *Provided*, That this appropriation shall not be available for the payment of hospitalization of members of the Soldiers' and Airmen's Home in United States Army hospitals at rates in excess of those prescribed by the Secretary of the Army upon

recommendation of the Board of Commissioners and the Surgeon General of the Army.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, [$205,771,000] *$217,688,000.*

CORPORATION FOR PUBLIC BROADCASTING

[(RESCISSION)

[Of the funds made available under this heading in Public Law 102-394, $21,100,000 are hereby rescinded.]

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 1997, $330,000,000: Provided, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: Provided further, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor-Management Relations Act, 1947 (29 U.S.C. 171-180, 182-183), including hire of passenger motor vehicles; and for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95-454 (5 U.S.C. chapter 71), [$31,078,000] *$31,610,000.*

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $6,200,000.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91-345, as amended by Public Law 102-95), $901,000.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, [$1,643,000] *$1,843,000.*

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141-167), and other laws, [$173,388,000] *$176,047,000: Provided,* That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 per centum of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151-188), including emergency boards appointed by the President, $8,119,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $7,595,000.

PHYSICIAN PAYMENT REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1845(a) of the Social Security Act, $4,176,000 to be transferred to this appropriation from the Federal Supplementary Medical Insurance Trust Fund.

PROSPECTIVE PAYMENT ASSESSMENT COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1886(e) of the Social Security Act, $4,667,000 to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $261,000,000, which shall include amounts becoming available in fiscal year 1995 pursuant to section 224(c)(1)(B) of Public Law 98-76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $261,000,000: *Provided,* That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $300,000, to remain available through September 30, 1996, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98-76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board, $73,881,000, to be derived from the railroad retirement accounts: *Provided,* That $200,000 of the foregoing amount shall be available only to the extent necessary to process workloads not anticipated in the budget estimates and after maximum absorption of the costs of such workloads within the remainder of the existing limitation has been achieved: *Provided further, That notwithstanding any other provision of law, no portion of this limitation shall be available for payments of standard level user charges pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(j); 45 U.S.C. 231-231u).*

LIMITATION ON RAILROAD UNEMPLOYMENT INSURANCE ADMINISTRATION FUND

For further expenses necessary for the Railroad Retirement Board, for administration of the Railroad Unemployment Insurance Act, not less than $17,031,000 shall be apportioned for fiscal year 1995 from moneys credited to the railroad unemployment insurance administration fund.

SPECIAL MANAGEMENT IMPROVEMENT FUND

To effect management improvements, including the reduction of backlogs, accuracy of taxation accounting, and debt collection, $1,640,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: *Provided,* That these funds shall supplement, not supplant, existing resources devoted to such operations and improvements.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than [$6,682,000] *$6,860,000,* to be derived from the railroad retirement accounts and railroad unemployment insurance account.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, [$10,912,000] *$11,500,000.*

TITLE V—GENERAL PROVISIONS

SEC. 501. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary of or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at, or doing research at an institution of higher education who has engaged in conduct on or after August 1, 1969, which involves the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curricula, or to prevent the faculty, administrative officials, or students in such institution from engaging in their duties or pursuing their studies at such institution.

SEC. 502. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided,* That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 503. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 504. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress.

SEC. 505. The Secretaries of Labor and Education are each authorized to make available not to exceed $15,000 from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $2,500 from the funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $2,500 from funds available for "Salaries and expenses, National Mediation Board".

SEC. 506. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles for the hypodermic injection of any illegal drug unless the Surgeon General of the United States determines that such programs are effective in preventing the spread of HIV and do not encourage the use of illegal drugs, except that such funds may be used for such purposes in furtherance of demonstrations or studies authorized in the ADAMHA Reorganization Act (Public Law 102-321).

[SEC. 507. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

[(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.]

SEC. 507. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance 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").

SEC. 508. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state (1) the percentage of the total costs of the program or project which will be financed with Federal money, (2) the dollar amount of Federal funds for the project or program, and (3) percentage and dollar amount of the total costs of the project or program that will be financed by nongovernmental sources.

SEC. 509. None of the funds appropriated under this Act shall be expended for any abortion except when it is made known to the Federal entity or official to which funds are appropriated under this Act that such procedure is necessary to save the life of the mother or that the pregnancy is the result of an act of rape or incest.

[SEC. 510. No funds appropriated herein shall be used to implement any regulation promulgated under section 481(b)(6) of the Higher Education Act of 1965, as amended, prior to July 1, 1995.

[SEC. 511. None of the funds appropriated or otherwise made available under this Act may be obligated in violation of existing Federal law or regulation already prohibiting such benefit or assistance.]

SEC. 511. None of the funds appropriated or otherwise made available under this Act may be obligated in violation of existing Federal law or regulation already prohibiting such benefit or assistance. None of the funds appropriated under this Act may be used by any Federal official, or any State or local official, to encourage the application by or on behalf of illegal aliens for Federal or federally assisted benefits for which they are not eligible. Each State agency and each other entity administering a program under which verification of immigration status is required by section 121 of the Immigration Reform and Control Act of 1986 shall participate in the system for the verification of such status established by the Commissioner of the Immigration and Naturalization pursuant to section 121(c) of that Act, unless an alternative system is available and employed for such purposes which is found to meet the criteria for waiver under section 121(c)(4).

SEC. 512. Notwithstanding any other provision of law, monthly benefit rates under part B or part C of the Black Lung Benefits Act shall continue to be based on the benefit rates in effect in September, 1994 and be paid in accordance with the Act, until exceeded by the benefit rate specified in section 412(a)(1) of the Act.

SEC. 513. No more than one percent of salaries appropriated for each Agency in this Act may be expended by that Agency on cash performance awards.

SEC. 514. Funds available for executive direction, excluding the Centers for Disease Control and Prevention, the National Institutes of Health and the Social Security Administration, shall not exceed the amounts set forth in the budget estimates submitted to Congress for fiscal year 1995.

SEC. 515. (a) No appropriations for Agencies in this Act may be used to fund non-formula grants or contracts or modifications thereto to grantees or contractors determined by each Agency's grant or contracting officer to have previously included expressly unallowable costs in required cost reports or in claims to the Government, unless such grant or contract includes a clause which—

(1) specifically states that the costs previously determined to be unallowable will not again be reported as allowable costs or claimed for reimbursement, and

(2) requires the submission of a certification by the grantee or contractor attesting to (1) above.

(b) A grantee or contractor that knowingly submits a cost report or claim for reimbursement which includes a cost that is expressly specified by regulation as being unallowable and which was determined to have been disallowed in a previous grant or contract with this grantee or contractor shall be subject to the provisions of 18 U.S.C. 287, 31 U.S.C. 3729, and/or 31 U.S.C. 3801.

(c) The unallowability of a type of cost reported or claimed for reimbursement may be evidenced by a prior final determination by a grant or contracting officer of the Agency disallowing such costs charged by that grantee or contractor which determination is, where appropriate, upheld by any adjudicatory body, such as an Administrative Law Judge, Board of Contract Appeals, or other higher level review provided by law or regulation.

This Act may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1995".

MEASURES PLACED ON THE CALENDAR—S. 2346 AND S. 2357

Mr. MITCHELL. Mr. President, I ask unanimous consent that it be in order for those items currently listed under bills and joint resolutions read the first time to be considered to have received their second reading, en bloc, and objection having been heard to further proceedings, the measures be placed on the calendar as provided for under rule XIV, paragraph 2.

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

SCHEDULE

Mr. MITCHELL. Mr. President, the Senate is now considering the Labor-HHS appropriations bill and will continue in consideration of that measure throughout the day. I expect amendments to be offered shortly to the bill following the managers' opening statements, and Senators, therefore, should be aware that votes may occur at any time during the day today.

Mr. President, as I previously announced on several occasions, following consultations with the distinguished Republican leader and many other Senators, it is my intention to proceed to consideration of health care reform legislation on next Tuesday afternoon. There will be, under the proposed schedule, a period for debate only lasting until Wednesday afternoon so as to permit all Senators who wish to make opening statements and make other comments to do so.

Beginning on Wednesday afternoon, the bill will be open to amendment and debate. The Senate will remain in session through Saturday of next week—that is through and including Saturday. And then we will return to session the following Monday and be in session Monday through Saturday for as long as it takes to complete action on the health care reform bill.

I introduced a bill on Wednesday of this week which is a blend of the bills previously acted upon by the Senate Labor Committee in early June and the Senate Finance Committee in early July. I stated when I introduced the bill, and I repeat now, that I welcome constructive suggestions and alternatives by other Senators. It is clear to all people that a bill of this magnitude will not pass the Senate without change. I expect the change to occur. I hope and expect much of it will be in the form of improvement.

I am open to constructive suggestion and alternative ways to achieve our common objective by other Senators. I have read in the newspaper that our Republican colleagues intend to introduce their bill today. I welcome that.

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Obviously, the bill, as with the bill I introduced and all others, should and will be given careful scrutiny, and I hope that in the debate that follows, beginning next Tuesday, we can all remember that whatever State we represent and whatever political party we are in, our highest obligation is to the American people. This will be a rare opportunity to act in a meaningful and a constructive way. And while there clearly are, and appropriately so, differences on what our goals should be and on how to get there, there is no reason why we cannot conduct this debate in a positive and constructive way, concentrate on the issues rather than on the individuals, tone down the rhetoric on all sides, and, hopefully, reach a result that we and the American people can justifiably describe as meaningful reform action.

I want to assure all Senators that is my objective. I believe that to be the objective of most of the Members of the Senate. And I hope that we can conduct ourselves in a manner so that we will be proud not only of the product but of the process involved.

I thank my colleagues who have made suggestions so far with respect to the bill that I have introduced. I have already incorporated many of the suggested changes. We are continuing our consultation with other Senators. There will be some changes from the draft bill presented on Wednesday to when we introduce it next week. Some are technical in nature. Some correct the inevitable drafting errors in legislation of this magnitude. Some will incorporate what I believe to be constructive suggestions by Senators. That process will continue.

I have said, and I now repeat and emphasize, I am open about this. I want very much to produce a good result. I think that all of us have much to learn from each other. And for myself, I am interested only in getting a result that is good for the American people—not so much who makes it, who presents an idea, but what is the idea itself. I hope we can all approach the debate and conduct ourselves through the debate in that manner.

Mr. INOUYE. Mr. President, will the leader yield for a question?

Mr. MITCHELL. Yes, sir.

Mr. INOUYE. Am I to conclude from the leader's announcement that Defense appropriations will not be scheduled for Senate consideration until September?

Mr. MITCHELL. Mr. President, it is my hope that we can do so sooner. But it depends upon our ability to get through the rest of the schedule and the willingness of our colleagues, our Republican colleagues, to permit consideration of such a measure.

As I previously indicated to the distinguished chairman of the subcommittee, his is the last and one of the more important and significant of the appropriations bills that we will be considering. I have previously, and do now encourage him, if possible, to work out agreements which would limit the time which I think increases the likelihood of our gaining consent from our colleagues to bring the bill up and complete action on it.

Mr. INOUYE. Mr. President, I bring this up because I think it should be noted by my colleagues that the appropriations bill includes, among other things, funding for Rwanda, funding for Bosnia and other matters of urgent interest in the U.S. Congress.

Mr. MITCHELL. I agree completely with the Senator. As he knows, we have been taking these bills up largely in the order that they were reported out by the Appropriations Committee. Of the last two remaining, the bill we are now on, the Labor-HHS bill and the defense bill, Labor-HHS was reported out at an earlier time. I tended generally, although not in every instance, to proceed to them in the chronological order that they were reported out.

I will also say to the Senator that we will have to, if necessary, interrupt the debate next week to take up the crime conference report when the House acts on that. If it is at all possible to get an agreement and work in the DOD appropriations bill, I would be very receptive to that. That, of course, as the Senator knows, requires the consent of all of our colleagues. If we encounter objection to that—it will depend, in part, on other factors, such as when we complete action on the current bill and how long it would take to complete the bill that the Senator will manage.

So I assure him of my interest in doing so. I will do the very best I can in that regard.

Mr. INOUYE. I thank the leader.

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

Mr. KERREY. Mr. President, I ask unanimous consent that I and the distinguished Senator from North Dakota be allowed 15 minutes of morning business.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. SPECTER. Reserving the right to object, I did not hear the request. How much time does the Senator from Nebraska ask for?

Mr. KERREY. Fifteen minutes equally divided between the distinguished Senator from North Dakota and myself.

Mr. SPECTER. I had understood that the Senator from Nebraska wanted 5 minutes. If I may have the attention of the manager of the bill, the Senator from Nebraska had asked for 5 minutes. We have been talking about the urgency of not having a Haiti amendment, which I intend to offer at the earliest moment for an hour equally divided. If we are going to try to finish this bill today, I just want to call my colleague's attention to that, and we will spend a lot of time talking about 15 minutes equally divided, but this is three times the request the Senator from Nebraska has just talked about.

Mr. KERREY. Mr. President, the Senator from North Dakota indicated to me that he had asked last night for morning business. I was consolidating it and trying to ask for an amount of time which I made sure I did not run over. I will deliver my statement as rapidly as possible so as not to cut into the debate on the bill.

Mr. SPECTER. To keep the time short, I shall not object.

Mr. HARKIN. I understand the request is 15 minutes equally divided between the Senator from North Dakota and the Senator from Nebraska.

The ACTING PRESIDENT pro tempore. That is correct.

Mr. HARKIN. The Senator from Minnesota would like to respond.

Mr. DURENBERGER. I would like to add 5 minutes to that request.

Mr. HARKIN. I ask unanimous consent that there be 15 minutes equally divided—5 minutes for the Senator from Nebraska, 5 minutes for the Senator from North Dakota, 5 minutes for the Senator from Minnesota.

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

The Senator from Nebraska is recognized.

UNIVERSAL HEALTH CARE

Mr. KERREY. Mr. President, President Clinton, Wednesday night at his press conference, said in a statement that was broadcast and distributed across the Nation that he urged the American people, and us on their behalf, to go with him down the road to universal health care.

The route to be taken is either of the Democratic bills written by the Majority Leader GEPHARDT of the House or Majority Leader MITCHELL of the Senate. My answer, despite my great passion to have every American secure in the knowledge they will receive high-quality health care and despite my great respect for the President and both majority leaders, is no. I do not want America to go down the road the President is asking us to travel.

The road the President is asking us to travel takes us to a place where health care decisions will be increasingly centralized. The American public does not want that and their judgment is sound. They do not want political representatives or Government employees in Washington, DC, to make more of their health care decisions for them. They want them to make fewer.

The road the President is asking us to travel takes us to a place where Federal spending on health care entitlements will have displaced even more of a dwindling pool of household savings. As one representative who has some

knowledge of these predictions, I do not trust forecasts that our deficits will get smaller or remain the same.

The air is full of promises to spend more. The winds carry a message to the people that our problem is we do not spend enough on health care, telling Americans they are victims of insidious individuals and institutions with malice in their hearts. Any campaign for universal coverage which proceeds upon these beliefs cannot be trusted to make the structure of America's fiscal house any stronger.

The road the President is asking us to travel takes us to a place where an even larger percentage of the Federal budget and a larger percentage of total taxes will be devoted to spending on health care.

Washington, DC, is already beginning to resemble an ATM machine where too many individuals and too many businesses come to get some extra cash. Worse, this emphasis on broadening and deepening the promise to pay somebody else's health care bills subordinates the promise of restraint or cost containment to the promise of free health care.

The present system already penalizes States like Nebraska where frugality and efficiency are the order of the day. Any bill with new entitlements will create more demand, driving prices even higher, making matters worse for my State. It will also make matters worse by creating new Federal regulations driving Americans to Washington, DC, for permission to proceed in a wide range of currently unregulated health care activities.

The majority leader has told me he is willing to make changes in this legislation. I believe him. I have great respect for his integrity and legislative ability. However, I want there to be no doubt that I will not vote for this bill as is. My vote is no.

Tomorrow, America will celebrate, or curse, the 1-year anniversary of enactment of legislation which passed because I voted yes. I believed the road America would travel with that legislation would take us in the direction of improved consumer confidence, leading to sustained economic recovery, lower interest rates, increased housing starts, more American jobs and lower deficit spending.

I voted "yes" because I believed the positives outweighed the negatives. The economy could withstand the blow of higher taxes and the weight of fiscal constraint imposed through tough spending caps. As it turned out, the economy not only survived, it has thrived.

I almost voted no, Mr. President, for two reasons, both of which are relevant to my decision to inform the President and my Senate Democratic leader, GEORGE MITCHELL, that I will not vote for his bill in its current form.

First, it did not finish the job of eliminating our deficit. It did not put us on a course of paying off rather than continuing to accumulate debt.

Second, the rhetoric which began with the lofty and powerful message of shared sacrifice, deteriorated into the harangue of the middle class as victims of the wealthy.

This time I will not vote yes unless this bill is changed. Unless the road takes us where the power of decisionmaking shifts away from Washington, DC, I will vote "no". Unless the road takes us to where cost containment is our overriding purpose, I will not agree to get on board, Mr. President.

This time I will only vote "yes" if the President follows his own stated desire to get a bipartisan bill. And there is a way. It is the so-called mainstream coalition which includes Senator CHAFEE, Senator DANFORTH, and Senator DURENBERGER, three of the Republican Party leading advocates of health care reform. The President should call them in and ask them what they want, support their requests as an amendment to the MITCHELL bill.

The coalition has great appreciation for the President's leadership. He will discover sincere gratitude for his service in the health care cause. He has driven this issue relentlessly and with a high sense of purpose. The President will also learn we are willing to fight so that every American has the help needed to pay the costs of health care. We want health care security to be universal.

However, we believe that unless you deal with costs first you cannot get to health care security. It is the rising costs of care that are making Americans feel insecure. Further, we believe that demand for expensive care in an environment where someone else pays the bills is principally responsible for higher costs. In order to achieve universality, the price of health care must be affordable for all Americans. We cannot risk creating new entitlements which drive up costs for everyone.

Government intervention to expand coverage is risky. Using history as a guide we should be very cautious to presume that government can get the job done. Every time we withdraw money from the non-health-care economy and drive it into the health care system, prices go up. Thus, as we collectively agree to pay someone's health care bills that agreement increases costs and makes it more unaffordable creating added pressure to pay more of someone's health care bills. It is a vicious cycle.

Indeed, it is fair to say the unprecedented reduction of health care costs which has taken place in the marketplace the past 2 years is at least in part attributable to the fear of Government action. It is the action in the market which gives us a clue about what we should do with our health care laws. It is the marketplace's success at controlling costs and the Federal Government's failure which leads me to conclude that we should use the forces of the market to control costs instead of the dictates of the Government.

The Mitchell bill has too many new Federal Government dictates. The majority leader has asked and next week we will supply him with suggested changes in his good faith effort to achieve consensus. Today, let me identify five areas of increased Federal decisionmaking:

FEDERAL OVERSIGHT OF STATES

The Federal Government would set requirements which status must follow in the new system. States would submit an application to the Federal Government specifying how they will meet the requirements. If the State does not submit an application, or if the Federal Government does not approve the application, the Federal Government can step in and take over health care reform in the State, and charge a 15-percent tax on all insurance. After a State's application is approved, it is subject to the Uncle Sam's variation of the random drug test: It can audit a State's program at any time.

FEDERAL OVERSIGHT OF MEDICINE

The Federal Government would decide how many doctors will be trained each year and how many go into primary care and how many will be permitted to train in each specialty and where they will train.

The National Health Board will set standards for what is medically necessary and appropriate treatment instead of doctors.

The National Health Benefits Board and the National Health Care Cost and Coverage Commission are exempted from the Federal Advisory Committee Act. Translation: They do not have to allow the public into their meetings.

FEDERAL REGULATION OF HEALTH SPENDING

The Federal Government would set the baseline for total health spending excluding Medicare and SSI based on 1994 spending for the standard benefit package. That number is trended forward in 1995 and 1996 based on CBO estimates for health care growth in their 1993 report. The Government then sets what the rate of growth will be beginning in 1997 and forward. Any plan that exceeds that will be taxed at 25 percent of the difference beginning in 1997. Big business and big unions are exempt from the tax until 1999.

FEDERAL REGULATION OF HEALTH INSURANCE

These regulations have the net effect of eliminating the existence of hospital indemnity policies, cancer policies, and other types of supplemental policies.

FEDERAL REGULATION OF SMALL BUSINESS

No business with fewer than 500 employees would be permitted to self-insure. All businesses of less than 500 would be required to join purchasing alliances.

I do not want to travel down this road, and I do not believe the people I

represent want to either. They and I do want health care reform. They know that much in our current system is broken and they want it fixed. They know health care is becoming unaffordable for many and they know the ice of medical indigency grows thinner under their feet.

Increasingly, however, their mood is turning skeptical that we here in Washington, DC, know what we are doing. As they trust us less, they are less enthusiastic about any change we propose.

The source of their skepticism is the hyper-inflated and unnecessarily exaggerated language of the partisans for or against change. The cure for this skepticism is not a hard line decision to support or oppose one bill or another. Instead the cure is a broad based bipartisan effort to write a new law. Either we quickly produce a bipartisan majority—as I believe the mainstream coalition could become—or we should just as quickly abandon all hope of doing the people's will.

In conclusion, it will require States to come to Washington, DC, to get permission from a plan, and the Federal Government can take over the State's plan if they do not comply, giving the Federal Government the equivalent of a random drug test to come in and audit a State and take them over if they are not doing the right thing; increased regulation of business, Mr. President, increased regulation as well of the health care system and providers, increased opportunity for the Federal Government to make decisions about whether or not health care is going to be given.

Mr. President there has been unprecedented change in the marketplace in the last 3 years, and this legislation ought to recognize that change, ought to give the President full credit for producing some of it and ought to enact legislation that gets cost control done by taking advantage of it.

I yield the floor and I thank my friend from North Dakota.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

DURUM WHEAT PRICES

Mr. DORGAN. Mr. President, I appreciate the indulgence of the managers of the bill. I will be brief.

I did not want this week to go by without challenging the statements made by both the New York Times in their editorials and the pasta manufacturers, the pasta industry in this country, as a result of decisions the Clinton administration took against Canada on Monday of this week. The fact is the Canadian Wheat Board targeted the American grain market with a flood of unfairly subsidized durum. This administration finally stood up and took action, fair action, that says to the Canadians, you cannot engage in unfair trade against the American producer, against the American farmer. This administration did the right thing.

Now, let us look at what is being said. The pasta industry says this is going to have a very negative effect on the U.S. pasta industry; pasta producers are going to pay higher prices, which are also going to hit the consumer.

Now, look, this proves you do not have to think to run a pasta association, I guess. Let me show you a chart. And let us have a little show and tell. I say to the pasta manufacturers, bring your noodles, bring your linguini, bring your lasagna, your spaghetti here to Capitol Hill and let us talk. Let us find out what you did with the price of your macaroni when the price of durum went up and down.

I can show you 3 years when the price of durum wheat went down and the price of macaroni went up. Why? Why, when the price of durum wheat collapses $2 a bushel can you not walk into a grocery store, if there is such a relationship between durum wheat and macaroni, and find that macaroni prices are down in the grocery store? The fact is the pasta industry seldom, if ever, reduces their prices irrespective of what is happening to the price of durum wheat. That is a plain fact. If they dispute it, they ought to come to Capitol Hill and let us talk about it.

Second, that great bastion of knowledge about agriculture and trade, the New York Times, wrote an editorial that says the Clinton administration is keeping Canadian wheat out. Nonsense. A substantial amount of Canadian wheat will continue to come in. This administration just took the first action that finally says let us begin to stop this speeding train.

With all due respect to those folks who apparently wear coveralls and go to the New York Times every morning and think about agriculture and write these editorials, they ought to get the facts. The facts are this was unfair trade. This administration had every justification, in fact a requirement, to intervene on behalf of the U.S. producers. I am just flat sick and tired of every time there is a dispute between the big moneyed interests and the little folks, big moneyed interests win. This is a dispute that pits the big moneyed interests, some of the biggest food companies in this country with record profits, against the economic interests of the small family farmer. And guess who always wins?

Well, this administration finally stood up for the interests of the family farmer. It is about time. We could not get the time of the day from the Bush administration. This administration has taken action against Canada, and it ill-behooves the editors of the New York Times to write an editorial that does not contain the facts and reaches the wrong conclusion. And it certainly ill-behooves those who manufacture macaroni and spaghetti and lasagna in this country to tell us their prices have much to do with durum wheat. The fact is they buy durum. It does not matter what the price is; they jack up the price of pasta products in the grocery store. When durum wheat prices drop $2 a bushel, I defy anybody to go to the grocery store and find the beneficial nature of these big food corporations to rush in and reduce the sticker price of macaroni. It does not happen. Frankly, they take advantage for their own economic interests, for their own profits, and they care little about those who raise the durum wheat that produces the semolina flour that is eventually produced into a piece of elbow macaroni.

So I applaud the Clinton administration and Ambassador Kantor. It is about time. I ask the New York Times to write an editorial with the right facts, and that will lead you to the right conclusion. I say to the pasta manufacturers, if the price of macaroni has anything to do with the price of durum wheat, then let us see some reduced pasta prices for a change.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Mr. DURENBERGER. How much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator from Minnesota has 5 minutes.

Mr. DURENBERGER. I rise first to thank my colleague from North Dakota for his statement, and, in my time this morning, I would add to it the discussion of barley and some other situations that we have in common.

HEALTH CARE REFORM

Mr. DURENBERGER. Mr. President, I listened with interest to my colleague, the majority leader, this morning talk about health care reform and the schedule we are on, and I am glad we are getting to that point. I appreciate also the comments about the fact it is time to rise up and do what is good for America. So I would like to take just a couple minutes this morning and remind everyone in this Chamber of a visual that I hope they cannot and do not forget, and that is the President of the United States, William Jefferson Clinton, on January 25, 1994, speaking on the subject and the challenge of health care reform, holding up his veto pen and saying: If the legislation you send me does not guarantee every American private health insurance that can never be taken away, I will take this pen, veto that legislation, and we will come right back here and start over again.

I hope that during the course of the debate, I and others will have an opportunity to continue to repeat that promise: If the legislation you send me

does not guarantee every American private health insurance that can never be taken away, I will take this pen and veto that legislation.

Mr. President, we can get ready right now to veto the Gephardt bill, the Clinton bill, and the Mitchell bill. Not a one of these bills meets the test of the President of the United States. Neither does anything that the President has said since January 25, with the exception of one very lucid response to a Governor in Boston when he spoke on the subject of universal coverage. All of the rhetoric since January has been on the word "guarantee" and none of the rhetoric has been zeroed in on "private health insurance."

In all the talk about promises about universal coverage, about mandates, about triggers, hard and soft and in between, I have never forgotten the President's insistence on private health insurance for every American.

Mr. President, the bills presented by President Clinton, by Mr. MITCHELL and Mr. GEPHARDT do not guarantee private health plans to all Americans. The only way to make good on that guarantee is to give everyone an opportunity to buy a private health plan. The only way to make good on that guarantee is to make that plan affordable to every person to whom the guarantee is made. Otherwise, it is an empty promise. The only way to get affordable prices on health plans is to reduce the cost of medical and insurance services, maintain and improve quality of care, and expand access to those services. And the only way to improve quality and lower prices is through market competition.

So as I began looking through the 1400 or so pages of the latest Democratic proposal, Senator MITCHELL's bill, I went on a hunt for a marketplace. I have been through this drill before, back in a snowstorm in December, with the Clinton bill. I searched in vain for real market forces in the Labor Committee product—the same result. It is not there. And here we go again.

Mr. President, all is not lost. There is at the desk today the one bipartisan bill that has been passed through a committee of the Congress of the United States. Its number, if you care, is S. 2351. It was passed out of the Senate Finance Committee on July 2, 1994.

If you want to find out how to encourage medical markets, I urge you to read S. 2351. I urge you to listen to the comments of those of us who have worked so hard over this period of time to get to this point. Remember, the President promised the American people private health plans. The Finance Committee bill extends that promise to the elderly. For nearly 30 years, America's elderly have been forced at age 65 to join the Federal Government's single-payer system we call Medicare. The Finance Committee bill gives American elderly a way out of a wasteful Canadian system back into America, a private health plan that cannot be taken away. The Mitchell bill drops out all of those provisions. Instead, it slashes payments to the doctors and the hospitals who serve Medicare patients and uses all of the proceeds for a new drug benefit.

Mr. President, I express my appreciation to the managers of this bill for yielding time from morning business.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT

The Senate continued with the consideration of the bill.

Mr. HARKIN. Mr. President, what is the regular order?

The ACTING PRESIDENT pro tempore. The regular order is the Senate is considering H.R. 4606.

PRIVILEGE OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent, for the purposes of floor consideration of H.R. 4606, the Labor-HHS appropriations bill, that William Cordess, Ellen Murray, Ron Yucas, and Antonio Clinkscales be given floor privileges. They are temporarily detailed to the committee staff.

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

Mr. HARKIN. Mr. President, we are now on the Labor, Health and Human Services, and Education and related agencies appropriations bill for fiscal year 1995 that is now before the Senate.

So I ask Senators who have amendments, after the opening statements of me and Senator SPECTER, to be ready to offer their amendments so that we might finish at a reasonable hour yet today.

This bill before us totals $252.8 billion for both discretionary and mandatory spending. This bill is $6.647 billion below the appropriations for fiscal 1994.

So this is in keeping with the budget caps and the reductions for the 5-year period. That amount includes $182.9 billion for mandatory programs, a decrease of 4.9 percent from last year's level. It also includes $69.976 billion in discretionary budget authority.

The recommendations before the Senate is at its 602(b) outlay ceiling, so any amendments that Members want to offer today will have to be fully offset.

As the Senators know, this year has been particularly challenging for this subcommittee. As I said last year, the President presented us with a size 12 budget, but we received an allocation to accommodate only a size 9 shoe. This year, our feet got bigger, and our shoe smaller.

Our problem began with last year's reconciliation bill which essentially froze discretionary outlays for 5 years. That freeze presented special problems for our subcommittee, which includes nearly all of the President's people-first investments—for education reform, job retraining, and children's programs—and 40 percent of the President's entire investment package, far greater than any other subcommittee. And more than all this subcommittee's increases were devoted to those investments. In fact, the President's original budget called for $2.6 billion in increase for his investments, which is greater than the overall net increase in outlays for this subcommittee.

Our situation got worse with the allocation process. A combination of CBO's rescoring of the President's budget and the Exon-Grassley amendment to the budget resolution forced $3.6 billion in cuts to the President's overall budget. The end result of the President's appeal was that our subcommittee suffered a cut in its allocation nearly equal to the Defense Subcommittee, even through defense is nearly three times larger than ours.

As with every year, this subcommittee and staff faced additional pressures from the numerous requests by other Senators for increases in their particular programs. This year, staff received more than 1,000 requests from 96 individuals Senators.

I also want to say that I am grateful to the President and his staff for helping us to find additional sources of budget authority and outlays for this subcommittee to help meet at least most of the requests and the needed investment package in our subcommittee.

Our bill provides 43 percent of the increases the President requested for his investment programs, including:

A total of $1.296 billion for dislocated workers assistance, $120 million for one-stop career centers, $1.08 billion for Job Corps, and $200 million evenly divided between the Departments of Labor and Education for the school-to-work initiative;

A total of $3.544 billion for Head Start, a $220 million increase over last year; and $634 million for Ryan White, a $54 million increase, and the President's request for immunizations;

A total of $11.33 billion for NIH, a $395 million increase over last year; and

A total of $7.7 billion for the President's education investments, including $428 million for Goals 2000, and $6.7 billion for title I.

In addition, the subcommittee has provided $1.385 billion for the Low-Income Home Energy Assistance Program. That is $160 million more than the House figure, and $655 million more than the President's request. In addition, we have included $1.475 billion in advance funding for fiscal 1996, and $600 million in an emergency fund. I want to specially thank Senator SPECTER for all his efforts to increase funding over the House level for this important program.

Also, the subcommittee has provided $100 million for a new program providing construction and repair grants to disadvantaged urban and rural school districts. Neither the administration request nor the House bill included funds for this activity.

I believe that this is going to be a very important program that we are starting to help rebuild, and renovate schools in disadvantaged areas. It will provide jobs for people to work, and I think it will be one of the best welfare programs we have ever had because not only will it put people to work, but it will put them to work renovating, rebuilding, and building schools in urban and rural areas, disadvantaged areas.

Like last year, the subcommittee has included a number of provisions to reduce administrative costs, reduce duplication, and promote consolidation of programs within our jurisdiction.

In response to the recommendations of the Vice President's National Performance Review, this subcommittee eliminated 25 existing programs or programs that were created by the House in this year's appropriations bill.

Our bill freezes program management accounts for most departments, including the Department of Education, the Administration on Aging, HRSA [Health Resources Services Administration], and Administration on Children and Families. In addition, our bill cuts below the fiscal 1994 levels, the administrative accounts for several other offices, including the Office of the Secretary at HHS, the Centers for Disease Control and Prevention, AHCPR, SAMHSA Program Management, and the Assistant Secretary for Health.

Limits have been placed on employee bonuses for all agencies, requiring that no more than 1 percent of all salary and benefit funds can be used for employee bonuses. Furthermore, we have capped the number of employees in a single agency who can receive cash awards.

So I wanted to bring that especially to Senators' attention. I know we always have amendments that say we will take money out of salaries and expenses and we will put them into a program that we like. Again, I want to repeat for emphasis sake that in most of the management accounts we have frozen them or we have cut them below last year's level, and we put the limit on how much bonuses can be given out.

So I ask Senators to please take that into account if they have such amendments in mind.

Following up on several hearings our subcommittee held this year on waste, fraud and abuse, our bill takes several steps to implement the recommendations from those hearings. Specifically, the bill provides for—

An increase of $7.2 million for payment safeguards to eliminate overcharges to the Medicare Program. Historically, payment safeguards have been documented to save $14 for every $1 invested.

A pilot demonstration of an information system designed to help investigators detect potential Medicaid fraud. Such automated systems are an effective tool in combating health care fraud.

A requirement that prevents payment of workmen's compensation benefits to convicted felons. This requirement expands on the restrictions we imposed last year that eliminated workmen's compensation benefits for those who defrauded that program.

Increased monitoring by the Social Security Administration to identify and suspend SSI benefits to recipients who do not comply with drug or alcohol treatment requirements; certification from Government contractors that they will not knowingly claim costs that have been previously judged unallowable. Additionally, should a contractor be convicted of filing such a fraudulent claim, the conviction will be a felony punishable by fines and/or imprisonment.

So, Mr. President, there are many highlights, but I will not take the time to discuss them again. I want to yield to Senator SPECTER for any comments he would like to make and say that we are indebted to Senator SPECTER for his advice and assistance throughout this long process. His counsel is reflected throughout this bill and report, and I am grateful to him and his staff.

Following his comments, we will be open for any statements or amendments Members wish to make. Any amendments that are offered will, of course, require appropriate offsets.

As in previous years, $500,000 of the funds appropriated for targeted training grants under OSHA's compliance assistance activity is to be used to award demonstration grants for people employed in the logging industry. People in this hazardous industry have and will continue to benefit from continued efforts under the pilot worker safety program.

Mr. President, I ask unanimous consent that a statement clarifying several provisions in the committee report, Senate Report 103-294, accompanying this legislation, be printed in the RECORD.

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

SENATE REPORT 103-318 CLARIFICATION

On page 85, under the section dealing with the National Institute of Allergy and Infectious Diseases, the language concerning "Infertility and Contraceptive Research" should be moved to the section dealing with the National Institute of Child Health and Human Development.

Mr. HARKIN. I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Senator from Pennsylvania [Mr. SPECTER] is recognized.

Mr. SPECTER. Mr. President, at the outset, I compliment the chairman, Senator HARKIN, his staff, and my staff, on an extraordinary job of accommodating many, many conflicting interests.

The appropriations bill on discretionary accounts amounts to slightly less than $70 billion. While that may sound like a great sum of money—and it is—accommodating the appropriations process for labor, health, human services, and education is an enormous task.

I will supplement what Senator HARKIN has said by way of brief summary, because there is an interest in moving ahead to complete this bill today, if we can.

With respect to the issue of health and human services, we have added to the National Institutes of Health almost $400 million, bringing that account to $11.3 billion. That is the account which has been consistently increased, notwithstanding frequent requests by the Presidents, whether they are Democrats or Republicans, to have a cut in that account. This is my 14th year in the Senate, my 14th year in service on this subcommittee, and there has been consistent attention to that account, notwithstanding the cuts in the budget generally. I believe that has served America, really, and the world, tremendously.

We have seen advances in technology. We have seen advances in gene research. So now there are marvelous breakthroughs on cystic fibrosis, cholesterol, Alzheimer's disease, and enormous progress on AIDS and cancer, and technical developments with mechanisms like the MRI, of which I personally was a major beneficiary last year.

I think that is an enormous achievement where there will be additional funds for research on many lines—AIDS, breast cancer, prostate cancer. There have been specific additional increases in funding on screening for breast and cervical cancer, an increase of almost $22 million; increases in funds for Ryan White and other AIDS services. So that on the medical side, as the Congress is looking at comprehensive health reform, this subcommittee has been hard at work on providing very important funding for very important matters.

With respect to education, again, there has been priority treatment here with additional funding for Head Start for youngsters, some $220 million extra, now totaling in excess of $3.5 billion a year, on the recognition that early education is so important. Even Start has had an increase in funding. We have had an increase in student financial assistance on the basic recognition that education is so vital for our society as we move into the 21st century.

With respect to mine safety and health, there has been an increase in funding for black lung, provisions for

dislocated workers, Job Corps, school-to-work programs; and I think that we have taken a very hard look at the priorities and have come up with a bill which is as carefully crafted as possible. I think it meets the objectives and priorities of the sums of money involved.

LIHEAP—Low-Income Housing Energy Assistance Program—has been of tremendous concern as those funds have been decreased. It is a matter of enormous importance in Iowa, Pennsylvania, the New England States—all over the country. There has been a considerable addition in LIHEAP in this bill.

EXCEPTED COMMITTEE AMENDMENTS

Mr. HARKIN. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc; that the bill, as thus amended, be regarded for the purposes of amendment as original text, provided that no point of order shall have been considered to have been waived by agreeing to this request; and that the following committee amendments be excepted from this en bloc request:

Page 25, lines 8 through 13; page 50, line 17; page 78, line 16 through page 81, line 8; page 63, line 5 through page 64, line 4; page 68, line 18 through page 69, line 5; page 78, line 24 through page 79, line 15.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HARKIN. Mr. President, we are ready to go to amendments at any point.

I yield the floor.

Mr. SPECTER. Mr. President, I believe it is in order that I request unanimous consent that the pending committee amendment be temporarily laid aside and that it be in order to consider the committee amendment beginning on page 25, line 8; is that correct?

The PRESIDING OFFICER. The Chair advises the Senator that that is the pending committee amendment; therefore, no unanimous consent request is required.

AMENDMENT NO. 2460 TO THE EXCEPTED COMMITTEE AMENDMENT ON PAGE 25, LINES 8 THROUGH 13

(Purpose: To prohibit the use of the United States Armed Forces in Haiti)

Mr. SPECTER. 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 Pennsylvania [Mr. SPECTER] proposes an amendment numbered 2460.

Mr. SPECTER. 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 25, line 13, before the last period, insert the following:

SEC. 108. PROHIBITION ON THE USE OF THE UNITED STATES ARMED FORCES IN HAITI.

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

(1) Article I, Section 8 of the United States Constitution provides that Congress shall have the sole power to declare war; and

(2) On July 31, the United Nations Security Council adopted Resolution 940, which authorizes member states of the United Nations to use all necessary means to facilitate the departure from Haiti of the military leadership, consistent with the Governors Island Agreement, the prompt return of the legitimately elected President, and the restoration of the legitimate authorities of the Government of Haiti.

(b) PROHIBITION OF UNITED STATES ARMED FORCES IN HAITI.—The President is prohibited from using the United States Armed Forces to facilitate the departure of the military leadership and the restoration of the legitimately elected government.

(c) The prohibition in subsection (b) does not apply if—

(1) the use of the United States Armed Forces in Haiti is authorized in advance by Congress;

(2) the temporary deployment of forces of the United States Armed Forces into Haiti is necessary in order to protect or evacuate United States citizens from a situation of imminent danger and the President reports as soon as practicable to Congress after the initiation of the temporary deployment, but in no case later than 48 hours after the initiation of the temporary deployment; or

(3) the deployment of forces of the United States Armed Forces into Haiti is vital to the national security interests of the United States (including the protection of American citizens of Haiti), there is not sufficient time to seek and receive congressional authorization, and the President reports as soon as practicable to Congress after the initiation of the deployment, but in no case later than 48 hours after the initiation of the deployment.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. McCAIN. Mr. President, I believe that once the amendment is proposed, the Senator loses the right to the floor.

The PRESIDING OFFICER. Once the amendment is offered, the floor is open for recognition, but the Chair recognized the Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair. I will be glad to yield to my colleague from Arizona.

Mr. McCAIN. Mr. President, the only reason I sought recognition was to ask the Senator if he was prepared to enter into a time agreement on this particular amendment. That was the only reason.

I yield back to the Senator.

Mr. SPECTER. I thank the chairman. I am prepared to do that.

Senator HARKIN and I had discussed the time agreement and it is agreeable to have a 1-hour time agreement equally divided.

Mr. HARKIN. Mr. President, if the Senator will yield, I will propound a unanimous consent request.

UNANIMOUS-CONSENT AGREEMENT

Mr. HARKIN. Mr. President, I ask unanimous consent that at 11:30 a.m., Senator McCAIN, or his designee, be recognized to move to table the Specter amendment No. 2460, with the time between now and then equally divided and controlled in the usual form, with no other amendments in order prior to the vote on the motion to table; that the time be controlled by Senator SPECTER, or his designee, and by Senator McCAIN, or his designee.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Who yields time?

Mr. SPECTER. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 10 minutes.

Mr. SPECTER. Mr. President, the amendment proposes that there be a prohibition on the use of armed forces in Haiti unless there is specific authorization in advance by Congress or the temporary deployment of forces in Haiti is necessary in order to protect or evacuate United States citizens or the deployment of forces is vital to the national security interests of the United States and there is not sufficient time to seek and receive congressional authorization.

We have debated the Haiti issue substantially on this floor, Mr. President, in the course of the past several weeks, and I believe that it is necessary to consider this amendment for a number of reasons.

One reason is that notwithstanding the sense-of-the-Senate resolutions expressing the concern of the Senate and objecting to the deployment of military forces in Haiti, the President of the United States has continued to say that he does not have to get congressional authority to move ahead with an invasion in Haiti.

It is my view that the President is incorrect and that as a matter of fundamental constitutional law, where the sole authority to declare war resides in the Congress, and the Congress has spoken, the Senate has spoken in opposition to an invasion in Haiti, the President may not proceed on the current record without a change in circumstances or cannot proceed when Congress is in session and there is an opportunity for the President to come to Congress to get congressional authorization as the Constitution requires.

The President had a news conference on Wednesday night, August 2, the day before yesterday, and it was reported in the New York Times, August 3, and I read a brief extract of the President's statement at that time. This is with respect to Haiti:

I would welcome the support of the Congress, and I hope that I will have that like my predecessors of both parties. I have not agreed that I was constitutionally mandated to get it, but at this moment I think we have done all we need to do because I do not want to cross that bridge until we come to it.

The suggestion has been made, Mr. President, that this type of an amendment is premature, but it is my view that we do not know when the Congress will recess. We do not know when the President may proceed to use force in Haiti, and it is necessary that the Senate speak as clearly and as unequivocally as possible and the Senate speak promptly after the President's statement on Wednesday night.

When the United Nations moved to authorize the use of force in Haiti at the request of the United States, it seems to me that the President, short of coming to Congress, had taken the last step to set the stage for the invasion of Haiti. On Monday of this week, the day following the United Nations action, I asked the majority leader if he had an intention of bringing to the floor a resolution authorizing the use of force as the Congress considered such a resolution before the war in Iraq, and the majority leader told me that he had not considered that but would do so. I talked with him again yesterday afternoon, and he advised me that he thought it was premature to undertake such a consideration of such a resolution. I respectfully disagree with the majority leader because I believe that it is necessary to consider that resolution at this time.

The majority leader has considerably more power in the premises than does any other Senator because the majority leader establishes the schedule of the Senate as to when we will be here. I do not know how long the Senate will be in session during the month of August before the break if there is to be a break. I understand, too, that the majority leader cannot be sure, depending upon how long the debate takes on the crime bill and how long the debate takes on the legislation for reform of our health system.

But the majority leader does have the authority to keep the Senate in for an extra day or two, and the majority leader does have the authority to set the agenda so that if he sets forth a resolution for the use of force in Haiti as he set forth a resolution for the use of force in Iraq back in 1991, he has that control which is obviously greater than the control which any other Senator has.

The other consideration on what may or may not be premature is that it is impossible to make a determination as to what the President will do. He has not said that he is going to use force or established any timetable, and there is substantial speculation in the press about when it may or may not occur. But it is entirely possible that the President may decide to use force and to invade Haiti when the Senate goes out of session later in August or perhaps in early September. I believe it is vitally important that the Senate, as one of the two Houses of the Congress, speak as emphatically and as directly as we can on this subject.

There have been a series of amendments and the sense-of-the-Senate resolutions passed by overwhelming numbers expressing our sense that there not be an invasion of Haiti. When the resolutions have taken a slightly different form, that is, to prohibit funding for an invasion, a different result occurred largely along party lines with the Senate being unwilling to cut off funding for an invasion in Haiti, and then after that, an additional amendment was offered again expressing the sense of the Senate that there not be an invasion and that resolution passed in large numbers. And then the distinguished Republican leader, Senator DOLE, and Senator GREGG offered an amendment saying that the U.N. resolution on the use of force did not constitute authorization by the Congress, and that passed unanimously 100 to nothing.

That was an important resolution because there is some legal theory that the United States is bound by treaties that become the supreme law of the land, and there might be a commitment by the United States to proceed to use force—notwithstanding the constitutional provision—because of the authorization by the United Nations.

One of the difficulties is that the sense-of-the-Senate resolutions are not binding. I considered what might be done procedurally to set forth a resolution authorizing the use of force and then arguing against it because I believe we should not invade Haiti, and I considered a sense-of-the-Senate resolution and decided that a more direct and a more binding way is to provide for a prohibition on the use of United States Armed Forces in Haiti. And that is what this amendment provides.

There are two issues, Mr. President, involved here. One is the constitutional issue, and the second is the public policy as to whether Haiti ought to be invaded. I think that the constitutional issue is institutionally the more important by far.

Taking up the question of an invasion of Haiti on the merits, there has been a virtual unanimity or overwhelming majorities in the Senate, 98 to 2 and, I believe, 93 to 4, on the sense of the Senate that Haiti should not be invaded, that we do not have vital national interests at stake. When we went into Haiti in 1915, we were there some 19 years, and it was a mistake then, and it will be a mistake now.

The President, in his press conference on Wednesday, uses another concept, a concept of fundamental interest as he articulates it. The word "vital" interests, I think, has some substantial meaning. I do believe that the Senate is virtually unanimous that there is not a vital national interest in invading Haiti, and the House of Representatives has spoken on the matter as well.

And yet, in the face of that, the President persists in saying that "I have not agreed that I was constitutionally mandated to get it"—"it", obviously, referring to congressional approval.

Mr. President, I believe that we have strayed a long way in the United States from the head-on recognition of Congress' sole authority to declare war and have moved a great deal where the powers of the President, as Commander in Chief, have been expanded.

This is a subject that I have been concerned about long before coming to the Senate, and have expressed myself on it on many occasions in my 14 years here in the Senate.

Korea, by all accounts, was a war, but Congress never declared war there. Once the President initiates an action—as President Truman did on June 25, 1950—Congress could exercise power by limiting funds, but has never done that. It is, as a practical matter, not realistic to cut off funding once the President has dispatched troops to the field.

I recall the day well, June 25. I started that day at Lowry Air Force Base in ROTC summer training between my third and fourth years at the University of Pennsylvania. When several thousand young men started that training, the thought in all of our minds was that we probably would not take the khaki off with the Korean war starting. We were not correct on that. I went back, as did the others, to finish my 4 years of college and then served as a lieutenant in the Office of Special Investigations in the Air Force stateside.

But it seemed to me at that time the constitutional mandate was not observed. Then we became embroiled in the Vietnam war. There was never a declaration of war there, and we had the Gulf of Tonkin resolution. I think Vietnam demonstrated that the United States could not fight a war without public support. The first line to get that public support is in the Congress. And I think that applies today to Haiti, as well.

When we had issues on Lebanon, the matter was debated under the War Powers Act. I had a debate with Senator Percy about whether Korea was a war, about whether Vietnam was a war. Senator Percy then was chairman of the Foreign Relations Committee and the best person to talk to about that. He agreed that both of those events constituted war, and yet there had not been a declaration. I consulted with Senator Baker, then our majority leader, and went through the laborious task of drafting a complaint to try to get a Supreme Court determination of the relative authority of the President and the Congress under the constitutional provisions. I tried to get a submission to the Supreme Court with the agreement of the President, not that that necessarily would have prevailed, where the Court takes only cases in

controversy, and the White House turned it down at that time.

We have seen the matters evolve in many situations which I will not go into now. But I think it is safe to say, Mr. President, that there has never been a situation like Haiti, where the Congress has spoken repeatedly and definitely on our judgment that we should not invade Haiti and the President has come back and, on Wednesday night, says again that he does not consider it necessary to get congressional authorization.

I was one who spoke out early on the Iraq situation after the United Nations authorized the use of force there, spoke out and said that the President, President Bush, a Republican President, did not have the authority to use force in Iraq unless there was congressional approval.

There was a very complex series of events. Senator HARKIN spoke up on January 3, 1991 on a procedural issue, which I think compelled bringing that matter to the Senate. There was a very extensive debate. The use of force was authorized and I supported it. But I thought it was important for the Congress institutionally to make that decision, and we did at that time.

And, similarly, I think it is very important institutionally that the Congress make a decision if there is to be an invasion of Haiti.

We talk about what constitutes a war, semantics as to whether the Korean conflict was a war. Certainly, it was. In my legal opinion, where there is an invasion of Haiti under these circumstances, it is a war; not a war that will necessarily be hard to win. But what do we do after we are there? And what does it do to the institutions of American Government where the constitution is explicit that only the Congress has the authority to declare war?

Congress has spoken about its sense of the matter and we have a renewed statement by the President of the United States that he does not consider himself to be constitutionally obliged—"I have not agreed that I was constitutionally mandated to get it," referring to congressional authorization.

So this is the articulation of this issue in the terms that most squarely presents the issue. That is why I have offered the amendment here. I do not wish to see this bill encumbered unnecessarily, but I think this is an important amendment. Since we have debated it in the past, I thought we could handle it in the course of an hour's debate. I am advised that the leadership does not want a vote before 11:30, so I do not think we are encumbering the process here and I do not believe that there are any other Senators who have any other amendments to offer.

But I make no apologies for offering this amendment at this time. There is no other way to take it up. We are not likely to have the defense appropriations bill on the floor before the recess. And, who knows, this issue may have to be revisited when other legislation is on the floor between now and the time of recess, depending upon what events transpire.

I inquire of the Chair, how much time remains?

The PRESIDING OFFICER. The Senator from Pennsylvania has 18 minutes and 20 seconds remaining. The Senator from Arizona has the full 35 minutes.

Mr. SPECTER. I thank the Chair and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I yield myself 10 minutes.

Mr. President, according to the unanimous-consent agreement, I will be offering a motion to table the Specter amendment at the expiration of the time.

Mr. President, it is kind of an unusual situation, because in every way I am in agreement with Senator SPECTER and the majority of this body on this issue. To me, the Specter amendment—which has been addressed in various forms in the past, and I have spoken out on this constitutional issue on several occasions—is one of an interpretation of the Constitution of the United States.

Before I go further and my friend from Pennsylvania departs, I would say that I believe that he is one of the foremost constitutional experts in this country. I believe that on many occasions he has illuminated this body on the Constitution of the United States. I appreciate the many contributions he has made.

On this particular issue, we happen to disagree, although on a constitutional basis, not on whether we should invade Haiti. I appreciate the continued efforts of the Senator from Pennsylvania to alert the people of this country as to the consequences of an invasion and also an invasion without congressional approval, which the Senator from Pennsylvania correctly assumes is an extreme likelihood.

In fact, this morning's Washington Post states:

Senior officials said that at a meeting of Clinton's senior foreign policy and security advisers on Tuesday, Joint Chiefs of Staff Chairman Gen. John Shalikashvili laid out a 4-to-6 week period as "optimal" for assembling and training an international coalition. September also would have the virtue of coinciding with the end of the upcoming congressional recess, should Clinton be disposed to consult.

So, I do not think there is any doubt that the congressional recess has an impact on the decisionmaking process in the White House, which I find, frankly, very distasteful.

Mr. President, it is well known, and I will not go into detail, all the reasons I am opposed to an invasion of Haiti. I do not think it is in our national security interest. I do not think it is worth the risk of American lives. Very importantly, I believe once we are there, without the ability to disengage, the ability to form some international force—which we are finding nearly impossible to get together—the chances of their succeeding are about the same as those of the multinational force that tried and failed in Somalia.

I am also deeply concerned—and I have to mention this again —that in yesterday's New York Times and again in this morning's Washington Post, Mr. Strobe Talbott, the No. 2 person who is described as being the lead person on this issue, is in opposition to speaking with or negotiating with Mr. Cedras and those other thugs in Haiti. He said he found it, according to the New York Times, "morally repugnant," although he did not in the past find it morally repugnant for the United States to talk with Mr. Brezhnev who invaded Afghanistan and slaughtered thousands of innocent people. But he finds it morally repugnant to talk to Cedras. Whereas Secretary of Defense Perry, as portrayed by the media, strongly feels we should try everything, every possible avenue before we put American lives at risk.

Mr. President, I ask unanimous consent this article from the Washington Post be printed in the RECORD at this time.

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

BEST TIME TO INVADE HAITI IS WEEKS AWAY, AIDES SAY

(By Ann Devroy and Daniel Williams)

President Clinton's top advisers have concluded they need until at least mid-September to launch an invasion of Haiti under "optimal" conditions, senior officials said yesterday.

That conclusion, reached following a series of high-level meetings on Haiti this week, is based on what officials said was the time required to enlist and train the international component of an invasion force headed by the United States, although so far no country has stepped forward to join such a force. Argentina, the only country to have made a public commitment, yesterday withdrew.

Officials say they also want to plug the porous border with the Dominican Republic, long a major hole in the economic blockade of Haiti. About 30 percent of Haiti's energy needs are met with gasoline and oil coming across the border.

"It will be a matter of some weeks" before the United States is prepared to invade, said one official, although others noted that if American lives were threatened or Haiti exploded in violence, military action could be undertaken right away.

Another high-ranking official said that President Clinton, who was involved in some but not all of the meetings, has "a great number of individual decisions to make," including a determination that economic sanctions will produce no further progress and invasion is the only option to achieve his goal of ousting Haiti's military rulers.

Pending decisions include whether to issue a public deadline for their departure from

the country, whether to send a high-profile envoy to Haiti to deliver an ultimatum to the military, and whether to enlist support in Congress for an invasion.

The delay in reaching decisions has costs, for Haiti suffering under sanctions and a repressive regime, but also for Washington in its efforts to synchronize policy with other countries.

Even as efforts to collect invasion partners have been unsuccessful so far, Venezuela and other hemispheric governments that oppose invasion prepared a separate diplomatic approach to Haiti. The Venezuelans have proposed sending a delegation of foreign ministers to Haiti to offer a secure and comfortable exile to Haiti's military leaders, and amnesty for their subordinates left behind.

If Haitian military leaders Lt. Gen. Raoul Cedras and others refuse, the ministers would warn of invasion, Venezuelan officials said. Yesterday Venezuela put the plan on hold pending a clear sign from the United States that invasion would follow an ultimatum. "We don't want to go with a weak hand," said Enrique Tejera Paris, Venezuela's ambassador to the United Nations.

U.S. officials expressed some dismay over the Venezuelan proposal, however, saying it might cause greater delay if it involves prolonged negotiation. The officials also said they feared it would result in letting Cedras and the others off the hook.

Senior officials said that at a meeting of Clinton's senior foreign policy and security advisers on Tuesday, Joint Chiefs of Staff Chairman Gen. John Shalikashvili laid out a four-to-six week period as "optimal" for assembling and training an international coalition. September also would have the virtue of coinciding with the end of the upcoming congressional recess, should Clinton be disposed to consult.

The officials discussed but rejected setting an internal deadline for the Haitian rulers to leave, fearing that it would become public and tie the administration's hands. Defense Secretary William J. Perry was particularly opposed, senior officials said.

Secretary of State Warren Christopher argued for no further negotiations with the Haitian military, but he was opposed by Perry who said that all options should be given a chance because American lives would be at stake.

Deputy Secretary of State Strobe Talbott and Perry clashed over whether financial inducements should be offered to Cedras and others, with Talbott opposing, officials said.

White House and other administration officials yesterday attempted to portray the administration as united, with everyone in agreement that the United States must lead an invasion force as a "last resort" and that all other options would be exhausted first. The rest was mere debate over tactics, they said.

Clinton has "not even entered this discussion seriously," a senior official added.

Supporters and advisers of deposed President Jean-Bertrand Aristide here suspect that delay is a maneuver by the Clinton administration to prepare for compromise with anti-Aristide political forces in Haiti. They say that Talbott and Clinton's national security adviser Anthony Lake have talked of a need for a political counterweight in the Haitian government to Aristide, viewed as radical by many U.S. officials.

Meanwhile, White House press secretary Dee Dee Myers said yesterday that the United States has asked Haitian authorities for permission to send a charter plane to pick up as many as 500 Haitians who have been approved to come to the United States as refugees. She said no response has been received.

Haiti has been without international air service since Sunday, when Air France, the last carrier operating out of Port-au-Prince, suspended all flights. American and other international carriers stopped serving Haiti weeks ago as part of the international sanctions.

Myers said that if the U.S. request to send a charter plane is turned down, other means of evacuating the Haitians will be explored, according to the Associated Press.

In addition to the 500 who are ready to leave, another 1,000 or so Haitians also have been declared eligible for refugee status but are not ready to travel because their paperwork is not complete.

Officials said they are pleased with current trends, noting only one Haitian has been rescued at sea since Sunday. In contrast, more than 3,200 were saved on July 4, the most since Haitians began to flee after Aristide's ouster almost three years ago.

Mr. McCAIN. "Deputy Secretary of State Strobe Talbott and Perry clashed over whether financial inducements should be offered to Cedras and others, with Talbott opposing, officials said."

Then most alarming of all, Mr. President—in fact I find it unbelievable—the article says, "Clinton"—obviously President Clinton—"Clinton has 'not even entered this discussion seriously,' a senior official added."

Here we are making plans for an invasion of Haiti and the President of the United States has "not even entered this discussion seriously." Give me a break. I think it is time that the President of the United States entered this discussion seriously.

We have sent, in clear and unequivocal terms within the constitutional constraints of this body and the Congress of the United States, the views of the Senate of the United States against an invasion of Haiti. I believe the 100-to-0 vote that just occurred in this body within the last 48 hours on a resolution stating unequivocally that authorization by the United Nations does not constitute authorization by the Congress of the United States sends a clear message. Time after time both bodies in this Congress have sent sense-of-the-Congress resolutions saying we are opposed to an invasion of Haiti. The message is clear, and it reflects the overwhelming majority view of the American people.

My problem with the Specter amendment is that it exceeds the authority of the Congress of the United States. The first military endeavor in the history of this country was a dispatch of naval forces to the Mediterranean to stop the Barbary pirates, as they were then known, from interfering with U.S. commerce in the Mediterranean. The great nations were not disturbed by these pirates. Those ships were sent. They engaged in combat—very successful combat I am happy to say. There was conflict, they took casualties, and the Congress of the United States never made a declaration of war or even a declaration of approval. That has been the case throughout.

Senator SPECTER mentioned the case of Korea. I would say to Senator SPECTER, at any time if the Congress of the United States had shown the willingness to do so, they could have had a resolution on a declaration of war. They chose not to.

There was a case, I inform my friend from Pennsylvania, in the case of Cambodia, where the Congress of the United States did cut off funds which prevented further aerial bombardment of Cambodia. I did not happen to agree with that decision of Congress, but there is historical precedent for congressional action, after the President of the United States acts.

Why is that? Why did our Founding Fathers give this enormous authority to one person, the Commander in Chief of the U.S. Armed Forces, the President of the United States? Because legislative bodies cannot anticipate events in the world. If we use the philosophy and the line of thinking of this amendment, we should be considering as amendments to this bill resolutions by the Senate prohibiting our engagement in Rwanda. Right now there is a possibility of our being involved militarily in Rwanda. Perhaps this body wants to speak on that issue.

In Bosnia, clearly the Bosnian peace process is breaking down. Should we be considering legislation prohibiting the President of the United States from engaging militarily in Bosnia? I do not want the President of the United States to engage militarily in Bosnia, but I can draw a scenario where, if the Balkan conflict spreads throughout the region, then maybe, tragically the United States may have to be involved. But should we have passed an amendment, a binding amendment on the President of the United States that he not go into Bosnia?

Mr. President, it is impossible for legislative bodies to anticipate world events. That is why our Founding Fathers put those responsibilities, enormous responsibilities—the lives of American service men and women—within the authority of the President of the United States of America.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Arizona has 26 minutes 30 seconds remaining.

Mr. McCAIN. Mr. President, we put that enormous responsibility into the hands of the President of the United States because there is no way that a legislature can anticipate events in the world which would require U.S. reaction. And that is particularly true in the 20th century.

But if the President of the United States embarks on a wrong or dangerous course—on a course which involves the needless and wasteful loss of American lives, then the Congress of the United States does have the clear responsibility—not just the privilege or

right, but responsibility—to act. We have the power of the purse. If the President of the United States leads this country into some kind of military debacle, then we can cut off those funds. That is clear. That was exercised, as I mentioned, in the case of the bombing of Cambodia back in the year 1973, if I remember correctly.

So the problem that I see here is that if we approve an amendment, no matter how well-meaning and no matter how much I share the goal of prohibiting the President of the United States from invading Haiti, there is no reason why we should not be able to prohibit the President of the United States from going anywhere in the world. And, unfortunately, this body, the Congress of the United States, does not have the clairvoyance and ability to predict events anywhere in the world.

Two or three years ago, I do not believe there were many Americans who knew where Bosnia was. Unfortunately, today most Americans do not know where Macedonia is, where we happen to have a few hundred marines stationed. I do not believe the people of this country are appreciative—nor should they be—of the flash points of the world, nor of the fact that there are conflicts going on in 40 places in the world. It takes a wise and foresighted foreign policy in order to anticipate where the United States may have to be militarily involved, where our vital national security interests are threatened.

I would say again to my friend from Pennsylvania, elections have consequences. Elections have consequences, as we all know. I supported and I believe that the foreign policy of the Reagan-Bush administration will go down in history as perhaps one of this Nation's finest hours in the conduct of foreign policy. I do not have to review for my colleagues the incredible events that took place between the years 1981 and 1993 that literally changed the shape and complexion of this world. Our children can now go to sleep at night without fear of a nuclear exchange. But the fact is, at no time during those years would I have contemplated prohibiting the President of the United States from military actions any place in the world.

In 1983, when we were considering a resolution about Beirut, I went to the floor of the House of Representatives where I was at the time and spoke as passionately as I could in opposition to sending our marines to Beirut. I wish they had listened to me because 241 young marines would be alive today. But I exhausted my responsibilities at that time as a Member of Congress, just as, when we pass resolutions as to what the sense of this body is, we exhaust our responsibilities, as tragic as it may be. And the fact is, the President of the United States, Bill Clinton—although I obviously wish it were not Bill Clinton because I am of the opposite party—has that responsibility. It was given to him by the American people. And as long as he is Commander in Chief I intend to help him carry out his responsibilities, although I will closely monitor them. And if he goes wrong, I will take every constitutional action to try to prohibit further mistakes and further loss of American life.

Mr. President, I believe that there have been serious mistakes made. I have ventilated my views on this issue many times on this floor. But the fact is that the President of the United States is given the responsibility, the most grave responsibility of sending into harms way our greatest national treasure, our young men and women.

So, Mr. President, with all due respect to Senator SPECTER, whose knowledge of the Constitution I am deeply appreciative of, and whose impassioned interest on this issue and many other foreign policy issues has been a great service to this body and this country, I will seek to table the amendment.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank my colleague from Arizona for those comments. I understand his background as a naval pilot, and I appreciate the comments he has made about the authority of the President. But where we join issue, and where I disagree with him categorically—if I might have the Senator's attention because I would like to discuss this one point—is the point about prohibiting him from acting, which does bind him.

I agree with most of what Senator MCCAIN had to say. When he talks about the Cambodian situation, Congress did withdraw funds, but that was on bombing, which is very different when you have forces on the ground. So I think it would be impossible for the Congress realistically to stop ground forces once they were in Haiti, just as I think it was impossible for the Congress to stop ground forces in Vietnam, although there was much sentiment in this body and in the House against the Vietnam war.

When the Senator from Arizona says that the necessity exists for Executive action in cases of emergency if something unforeseen happens, I agree with him. I have tried to craft the exceptions very much as Senator GREGG did in an amendment which Senator MCCAIN approved cutting off funds. I believe he voted for that amendment.

Mr. MCCAIN. I say to my friend I voted against that.

Mr. SPECTER. I thank the Senator for the correction. I had thought he was with us on that.

But coming to the merits as to what he has argued, this prohibition would not apply under three specific circumstances. One of the circumstances is when the temporary deployment of forces of the United States into Haiti is necessary in order to protect or evacuate United States citizens from a situation of imminent danger. And a second exception would be when the deployment of forces into Haiti is vital to the national security interests of the United States and there is not sufficient time to seek and receive congressional authorization.

So I believe that on the face of this amendment there would be sufficient latitude for the President to act if there were an emergency.

The concern that I have is that if the President moves into Haiti after the House and the Senate have spoken, and there is no change in circumstance, there is really nothing left to the congressional authority to declare war and that when the Senator from Arizona says that legislative bodies cannot anticipate all the events in the world, I agree with him on that. But I think there is sufficient latitude here.

So the question on which I take issue with the Senator from Arizona and would like a specific view, is that where you agree that the Constitution gives the authority to the Congress to declare war, and where you agree that there should not be an invasion of Haiti on the merits, if there is no change in circumstance, why should not the Congress enter a prohibition?

Mr. MCCAIN. I say to my friend from Pennsylvania, the Constitution gives the Congress the right to declare war. It does not give the Congress of the United States the right to declare peace. It does not give the Congress of the United States the right to declare, prior to the President acting, that we cannot engage militarily. The President of the United States, as Commander in Chief of the Armed Forces, can send forces into hostilities any place in the world, with the proviso that sooner or later—hopefully sooner—he should seek congressional approval.

That is my reading of the Constitution of the United States, as it was probably Thomas Jefferson's when he sent a naval task force to put down the Barbary pirates in 1801. Just as there were expeditions, in my view tragically, into Mexico on several occasions in pursuit of Pancho Villa. Just as there was another occupation of Haiti in the year 1915 that was planned to last for a few months, but unfortunately and tragically for all concerned, lasted until 1934.

There is a clear history, I will say to my friend from Pennsylvania, from the beginning of the origins of this country where military force has been used by the Commander in Chief of the United States without congressional approval. If Congress did not choose to exercise

its constitutional responsibility, I cannot blame the President of the United States for that.

Mr. SPECTER. I have a followup question. I would appreciate it if the Senator from Arizona would be willing to answer on his time because my time is whittling down, and he has a fair amount left.

Where you say the Congress does not have the authority to declare peace, the thought crosses my mind that the Congress has the sole authority to declare war. And if the President gets us involved in a war in Haiti where Congress has had a chance to speak, authorize the use of force or to declare war and there is no change in circumstance, but the President does not consider it necessary to come to Congress to get authorization to invade and, therefore, to undertake a war, is not the President really usurping the sole congressional authority to declare war?

Mr. McCAIN. I will say to my friend, if the President gets us into Haiti militarily—and if the Washington Post is to be believed and other information we have, it is increasingly likely—then the Congress of the United States has the right to act at that time, according to my reading of the Constitution of the United States.

But the Congress of the United States, in my view, does not have the authority to act prospectively. Never in the history of the United States has the Congress prohibited the President from carrying out his responsibilities as Commander in Chief of the Armed Forces.

The Senator from Pennsylvania talks about interpretations of the Constitution. I would tell him that the history of the United States indicates time after time, from our earliest history, that the President of the United States, as Commander in Chief of the Armed Forces, has engaged militarily. If Congress has not shown the guts, in the case of the Vietnam war—where at one point an overwhelming public opinion was for an immediate withdrawal—to force that withdrawal, which they had the power to do, I cannot blame the President of the United States.

We cannot do anything but open a veritable Pandora's box if we somehow establish the precept and the concept that the Congress of the United States has a right to prohibit military action anyplace in the world. I think we would then see resolutions that the President cannot engage militarily in Africa, the President cannot engage in Bosnia.

I would love to not see the United States of America involved in Bosnia. And if I were President of the United States, I absolutely would not go militarily into Bosnia, I promise you that. But I am not the President of the United States.

Where the Senator and I disagree is where the American people and the Constitution of the United States has placed the responsibilities of the Commander in Chief of U.S. Armed Forces.

Now, they have given the right and the authority of Congress to cut off funds—the powers of the purse—but if the Congress of the United States does not choose to use that, then that is not the President's responsibility. Mr. President, I would like to yield 4 minutes to Senator PELL, from Rhode Island, if that is all right.

Mr. SPECTER. Mr. President, if I may——

Mr. McCAIN. I am sorry, the Senator from Pennsylvania still has the floor.

Mr. SPECTER. Mr. President, just in response to what the Senator from Arizona has said. My interpretation is, from the thrust of our debate, that what he cited are circumstances totally different from what we have today in Haiti where Congress has expressed its view on the merits and has ample time.

The conclusion that I come to and submit to my colleagues is that if the conclusions of the Senator from Arizona are adopted and not mine, that there is nothing left of the congressional authority to declare war under the Constitution.

I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM). Who yields time?

Mr. McCAIN. I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Let me say in response to the Senator from Pennsylvania, one, the Congress of the United States has the right to declare war. They can do that without any prompting from the President of the United States, although clearly that has not been the case at any time we have chosen to declare war in the past. I believe that the Senate of the United States has spoken as much and as strongly as it can given our constitutional responsibilities and that was the 100 to zero vote on the resolution by the Republican leader and Senator GREGG that the United Nations does not constitute Congressional authorization and other sense-of-the Congress resolutions that said we do not support an invasion of Haiti. And if the President invades Haiti and it turns out to be a debacle, I would be one of the first to come to the floor of this Senate, although I would not do so at the time when American lives are at risk, at least in the beginning, and seek a prohibition and a cutoff of funds for further military involvement in Haiti which I think is clearly within the responsibilities of the Congress.

I would like to yield 4 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 4 minutes.

Mr. PELL. I thank my colleague.

Mr. President, the gist of this amendment should be familiar to every Member of this body. The Senate has rejected similar amendments which would prohibit or restrict our Presidents' ability to deploy troops in Haiti three times. While I share the desire that the United States should not use force and have so advised our President, I do not believe we should be tying the hands of our President.

I very much hope and it is very much in the interest of the United States and the people of Haiti that the ruling junta leave voluntarily so that democracy can be restored. If that is to happen, however, the possibility of the use of force to remove the junta cannot be taken off the table or called into question. It is ironic, but true, that if military action is to be avoided, the threat of it is essential.

At this point, the President has decided that rather than using force, the United States should tighten sanctions and allow them time to work in the hope of avoiding military intervention. The United States and the United Nations are working to tighten the border along the Dominican and Haitian border. The United States is providing equipment and the United Nations will send observers to help the Dominican Government enforce the embargo. And, only a few days ago, the last commercial flight servicing Haiti left Port-au-Prince, heightening pressure on the coup leaders and their supporters.

If the pending amendment were to be enacted it would seriously undermine the administration's diplomacy which focused on persuading the illegal government in Haiti that it must go voluntarily. If the amendment were to pass, it would send the very damaging message that General Cedras and his cohorts would have nothing to fear from refusing to give up power, because the Congress would see to it that the threat of force is an empty one. Indeed, the rascal leaders in Port au Prince have interpreted similar amendments considered by this body as a sign that some in the Senate do not support democracy or human rights, but instead are on the side of the thugs who continue to rule through terror.

I am certain my colleagues would agree this is not the message that we ought to send either to the junta or the Haitian people who have suffered so much—too much in fact.

This is a very strong amendment, mandatory, and actually prohibits our President from taking the kinds of actions that Presidents have taken in the past.

I urge my colleagues to oppose this amendment.

Mr. SPECTER. The question I have for the distinguished chairman of the Foreign Relations Committee is the essential question. It is true that the President of the United States has engaged as Commander in Chief in many military operations historically, but there has never been an occasion like

the one present where both bodies of the Congress have spoken as a matter of the sense-of-the-Senate, the sense-of-the House, in opposing on the merits the invasion of Haiti. If there is no change of circumstance, and there is ample time for the President to come to the Congress and get our authorization for the use of force or a declaration of war, and the President says that he does not feel mandated to do it, and all of this time has elapsed where we have been considering this for many months, what then is left of the congressional sole authority under the Constitution to declare war?

Mr. PELL. We have that right. As you know, we have not exercised it since 1941. And I think that we have that right, we can do that, but we see military actions taken without declaring war—Vietnam, Grenada, and so forth.

Mr. SPECTER. Well, my followup question would be where the Congress has the opportunity to declare war or authorize the use of force and withholds from doing so, does the President then have the authority to declare and to make war?

Mr. PELL. The President has the authority to make it de facto, not de jure, by his actions.

Mr. SPECTER. Well, I thank the chairman for that. If the Senator says that the President has the power to make it de facto, not de jure, I think that——

Mr. PELL. The Constitution gives it to the Congress de jure.

Mr. SPECTER. Right. But does the Senator think the President has the right to declare or make war de facto?

Mr. PELL. I do. He has waged war in the absence of a formal declaration several times.

Mr. SPECTER. Well, I think that underscores the necessity for this amendment to reassert the sole authority of the Congress of the United States to declare war.

I thank the Chair and yield. I thank my colleague from Rhode Island. I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. Who yields time?

The time is under the control of the Senator from Arizona and the Senator from Pennsylvania.

Mr. DOLE. How much time does the Senator from Pennsylvania have?

The PRESIDING OFFICER. The Senator from Pennsylvania has 10 minutes 6 seconds.

Mr. DOLE. I yield myself 5 minutes of his time.

The PRESIDING OFFICER. The minority, leader, the Senator from Kansas.

Mr. DOLE. Mr. President, I first want to call attention to all my colleagues on both sides of this issue what I consider to be an excellent treatise by Louis Fisher, senior specialist in separation of powers, Congressional Research Service, Library of Congress dated August 1, 1994. I am going to put the entire document in the RECORD. For anybody on either side of this issue, I would certainly say this is recommended reading.

It will be presented to the American Political Science Association, New York Hilton, September 1 through 4, this coming month. Let me read just three short paragraphs.

THE KOREAN WAR: ON WHAT LEGAL BASIS DID TRUMAN ACT?

In June 1950, President Harry Truman ordered U.S. troops to Korea without first requesting congressional authority. For legal footing he cited resolutions passed by the United Nations Security Council, a beguiling but spurious source of authority. In 1990 the Bush administration tried the same tactic, relying on the Korean War as an acceptable precedent for taking offensive action against Iraq, again without seeking congressional approval. Like Truman, Bush claimed that UN resolutions were a sufficient base of authority. In Bosnia, President Clinton has relied on UN resolutions and NATO agreements as sufficient authority to military force without first seeking congressional approval.

UN machinery is not a legal substitute for congressional action. If that were possible, the President and the Senate, through treaty action, would strip from the House of Representative its constitutional role in deciding questions of war. Following that same logic, the President and the Senate, through the treaty process, could rely on the UN to determine trade and tariff matters, again bypassing the prerogatives of the House of Representatives. This history of the United Nations makes it very clear that all parties in the legislative and executive branches understood that the decision to use military force through the UN required prior approval from both Houses of Congress.

THE LEAGUE OF NATIONS

The Versailles Treaty was defeated by the Senate in 1919 and again in 1920. The treaty failed in large part because a number of Senators insisted that any commitments of U.S. troops to a world body (the League of Nations) had to be first approved by Congress. On that issue, and others, President Wilson refused to yield.

I ask unanimous consent this treatise by Louis Fisher be printed in the RECORD.

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

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, August 1, 1994.

Senator ROBERT DOLE,
Washington, DC.

DEAR SENATOR DOLE: UN Security Council Resolution 940 of July 31, 1994, authorizing military action against Haiti, raises the same issue that this country faced in 1950 when President Truman relied on a Security Council resolution to take military action against North Korea. The fundamental question: Is a Security Council resolution a legal substitute for explicit congressional approval?

In a paper to be presented next month at the American Political Science Association annual meeting, I conclude that Truman's action violated the Constitution and violated the UN Participation Act, which calls for congressional approval by bill or joint resolution. The UN Charter, entered into by a President and the Senate, was never a means of eliminating the constitutional role of the House of Representatives. In short, UN resolutions are not an appropriate or legal mechanism for circumventing Congress.

If I can be of any further assistance, please contact me at 707-8676.

Sincerely,

LOUIS FISHER,
Senior Specialist in Separation of Powers.

THE KOREAN WAR: ON WHAT LEGAL BASIS DID TRUMAN ACT?

(By Louis Fisher, Congressional Research Service)

In June 1950, President Harry Truman ordered U.S. troops to Korea without first requesting congressional authority. For legal footing he cited resolutions passed by the United Nations Security Council, a beguiling but spurious source of authority. In 1990 the Bush administration tried the same tactic, relying on the Korean War as an acceptable precedent for taking offensive action against Iraq, again without seeking congressional approval. Like Truman, Bush claimed that UN resolutions were a sufficient base of authority. In Bosnia, President Clinton has relied on UN resolutions and NATO agreements as sufficient authority to use military force without first seeking congressional approval.

UN machinery is not a legal substitute for congressional action. If that were possible, the President and the Senate, through treaty action, could strip from the House of Representatives its constitutional role in deciding questions of war. Following that same logic, the President and the Senate, through the treaty process, could rely on the UN to determine trade and tariff matters, again bypassing the prerogatives of the House of Representatives. The history of the United Nations makes it very clear that all parties in the legislative and executive branches understand that the decision to use military force through the UN required prior approval from both Houses of Congress.

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President Wilson submitted the treaty to the Senate on July 10, 1919, attaching to it the Covenant of the League of Nations. The Covenant provided for an Assembly (giving each member nation an equal voice) and a Council (consisting of representatives from the United States, Great Britain, France, Italy, Japan, and four other nations elected by the Assembly). Members pledged to submit to the League all disputes threatening war and to use military and economic sanctions against nations that threatened war. In an emotional address to the Senate, Wilson called the League of Nations a "practical necessity" and "indeed indispensable." He said that statesmen saw it as "the hope of the world. . . . Shall we or any other free people hesitate to accept this great duty? Dare we reject it and break the heart of the world?"[1]

Senator Henry Cabot Lodge (R-Mass.) favored U.S. participation in the League but

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Footnotes at end of article.

proposed a number of "reservations" to protect American interests. The second of fourteen reservations concerned the congressional prerogative to decide questions of war:

"The United States assumes no obligation to preserve the territorial integrity or political independence of any other country or to interfere in controversies between nations—whether members of the league or not—under the provisions of article 10, or to employ the military or naval forces of the United States under any article of the treaty for any purpose, unless in any particular case the Congress, which, under the Constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States, shall by act or joint resolution so provide."[2]

Wilson opposed the Lodge reservations, claiming that they "cut out the heart of this Covenant" and represented "nullification" of the treaty.[3] Wilson's theory of the treaty process was a simple one: the President proposes, the Senate acquiesces. There was no room in his philosophy of government for independent Senate thinking or the offering of legislative amendments and reservations.

Wilson's attitude toward the Senate and presidential power had been revealed crisply in two books. In Congressional Government (1883), he advocated unilateral presidential negotiation with complete exclusion of the Senate. These executive initiatives would supposedly set to the country "into such scrapes, so pledged in the view of the world to certain courses of action, that the Senate hesitates to bring about the appearance of dishonor which would follow its refusal to ratify the rash promises or to support the indiscreet threats of the Department of State."[4] In Constitutional Government in the United States (1908), he reiterated the same line of argument:

"One of the greatest of the President's powers I have not yet spoken of at all: his control, which is very absolute, of the foreign relations of the nation. The initiative in foreign affairs, which the President possesses without any restriction whatever, is virtually the power to control them absolutely. The President cannot conclude a treaty with a foreign power without the consent of the Senate, but he may guide every step of diplomacy, and to guide diplomacy is to determine what treaties must be made, if the faith and prestige of the government are to be maintained. He need disclose no step of negotiation until it is complete, and when in any critical matter it is completed the government is virtually committed. Whatever its disinclination, the Senate may feel itself committed also."[5]

This legislative strategy, fully articulated in Wilson's writings, failed abysmally with the Treaty of Versailles. After excluding the Senate from the negotiating sessions, he tried to present Senators with a fait accompli. The result: a resounding political defeat for Wilson. He had never cultivated sufficient support among Senators to have his handiwork approved. The treaty was rejected in November 1919 and again in March 1920. Wilson appealed to the public in an exhausting campaign across the country, leading to his physical and emotional collapse. The dismal experience of a President's "going it alone" would remain seared in the nation's memory, casting a shadow over future efforts to create the United Nations.

CREATING THE U.N. CHARTER

America's entry into a world organization was revived in 1943 through a series of methodical steps: the Ball Resolution, the Connally and Fulbright Resolutions, and the Moscow Declaration. Those actions were followed by meetings at Dumbarton Oaks in 1944 and in San Francisco in 1945. The issue of which branch takes the nation to war—Congress or the President—was ignored at some of these meetings and addressed at others. The predominant view required prior authorization by Congress (both Houses) of any commitment of U.S. forces to the United Nations.

On March 16, 1943, Senator Joseph Hurst Ball (R-Minn.) introduced a resolution calling for the formation of the United Nations. He was joined by Senators Lister Hill (D-Ala.), Harold Burton (R-Ohio), and Carl Hatch (D-N.M.). The bipartisan nature of this resolution commanded respectful attention. Senator Ball said that the "whole world, and our allies, know today that it is the United States Senate which will finally decide what will be the foreign policy of our country when the war ends." He noted that the Senate's constitutional power in the past had been used "negatively," reminding listeners of the rejection of the Treaty of Versailles. Senator Ball hoped that the decision on the United Nations would not become embroiled in partisan politics.[6] Senate debate on the Ball Resolution said nothing about which branch of government would commit U.S. troops.

On the day that Ball introduction his resolution, Walter Lippman wrote an article on the Senate's role in giving advice and consent to treaties. Lippman had long been identified as a defender of foreign policy by elites and executive officials. In an article published in the *Washington Post*, he now urged that President Wilson's mistake with the Treaty of Versailles not be repeated. Ways and means had to be found of "enabling the Senate to participate in the negotiations."[7]

On September 20, the House debated a resolution introduced by Senator J. William Fulbright (D-Ark.) to support the concept of a United Nations. The language was exceedingly brief:

"*Resolved by the House of Representatives (the Senate concurring)*, That the Congress hereby expresses itself as favoring the creation of appropriate international machinery with power adequate to establish and to maintain a just and lasting peace, among the nations of the world, and as favoring the participation by the United States therein."[8]

Congressman Hamilton Fish, Jr. (R-N.Y.) proposed that Fulbright's resolution end with the language "favoring participation by the United States therein through its constitutional processes."[9] He explained that the additional language meant that any commitment to join the United Nations, made either by agreement or by treaty "must go through in a constitutional way, either by a two-thirds vote of the Senate or by the approval of the entire Congress."[10] He warned that a number of Members of Congress were prepared to oppose the Fulbright Resolution because they "are afraid that some secret commitments will be entered into and that the Congress will be by-passed, and that the Constitution will be ignored."[11]

The House passed the Fulbright resolution, as introduced, 252 to 23.[12] The following day it voted again, after adding the language "through its constitutional processes," and this time the margin was 360 to 29.[13] The House action sharply challenged the Senate's presumed monopoly to define foreign policy for the legislative branch. The debate pointed out that both Houses acted on the declaration of war for World War II, voted funds to sustain it, and conscripted American soldiers to fight the battles.[14] Recalling the Senate's role in rejecting the Treaty of Versailles, Congressman Mike Monroney (D-Okla.) said he was "unwilling to surrender to 33 Members of the Senate, one-third of that body, the life or death veto over the security of future generations of Americans."[15]

The Senate ignored the Fulbright Resolution, which had been introduced as a concurrent resolution (H. Con. Res. 25) and therefore needed concurrence by the Senate. Instead, the Senate considered a resolution (S. Res. 192) requiring only its own action. Debate on this resolution, called the Connally Resolution, stretched from October 25 through November 5. Similar to the House, it included the phrase "through its constitutional processes" to prevent the President from joining the United Nations without explicit congressional support.[16] Congressional processes meant the "powers of Congress"—both Houses, not just the Senate.[17] A few Senators thought of congressional action solely through the treaty process, excluding the House[18] The majority recognized that international commitments (in this case joining the United Nations) could be made either by treaty or by a majority of each House voting on a bill or joint resolution.[19]

The final version of the Connally Resolution, approved 85 to 5, provides that the United States, "acting through its constitutional processes," joins in the establishment of an international authority with power to prevent aggression. The final paragraph states that any treaty made to effect the purposes of the resolution shall be made only with the concurrence of two-thirds of the Senate.[20] Senator Robert Taft (R-Ohio) said that the requirement for Senate action was added because of the fear that the President "has shown some indications of a desire to do by executive agreement things which certainly in my opinion ought to be the subject of a treaty."[21]

Little was said during this lengthy Senate debate about congressional controls over the use of American troops in a UN action. Senator Claude Pepper (D-Fla.) opposed any delegation of Congress' war-declaring power to an international body, but believed that it would be permissible for American troops to be used, without prior congressional approval, as a "police force" to combat aggression in small wars.[22] The notion of a "police action" would be later used by President Truman as a legal pretext for going to war in Korea without congressional approval. Truman was a member of the Senate at the time Pepper made that remark.

Senate action on the Connally Resolution occurred during a four-nation conference that endorsed an international peacekeeping organization. On October 30, 1943, the United States, the United Kingdom, the Soviet Union, and China issued the Moscow Declaration, setting forth a number of guiding principles. The declaration recognized "the necessity of establishing at the earliest practicable date a general international organization . . . . for the maintenance of international peace and security."

Those same nations met a year later at Dumbarton Oaks, in Washington, D.C., to give further definition to the international organization. Legal specialists who monitored these meetings speculated on the procedures for going to war. Edwin Borchard surmised: "Constitutionally, the plan seems to assume that the President, or his delegate, without consulting Congress, the war-making and declaring authority, can vote for the use of the American quota of armed forces, if that can be limited when the 'aggressor' resists."[23] Two weeks after the end

of the conference at Dumbarton Oaks, President Roosevelt delivered an address in which he indicated the need for advance congressional approval:

"The Council of the United Nations must have the power to act quickly and decisively to keep the peace by force, if necessary. A policeman would not be a very effective policeman if, when he saw a felon break into a house, he had to go to the town hall and call a town meeting to issue a warrant before the felon could be arrested.

"It is clear that, if the world organization is to have any reality at all, our representatives must be endowed in advance by the people themselves, by constitutional means through their representatives in the Congress, with authority to act."[24]

After Roosevelt's death, Borchard learned that President Truman had sent a cable from Potsdam stating that all agreements involving U.S. troop commitments to the UN would first have to be approved by both Houses of Congress.[25] Borchard believed that the Constitution required approval by both Houses and not merely the Senate.[26]

Another perspective appeared in a letter to The New York Times. Six specialists of international law analyzed the President's authority to contribute troops to the UN. They recognized the risks for congressional prerogatives: "It is doubtless true that Congress feel a certain hesitancy in permitting the President, acting through the Security Council, to engage even a small policing force in international action because it will fear that this might commit the United States to further military action and thus might impair the discretion of Congress in respect to engagement in 'war.'" Yet they suggested that Presidents in the past had broad discretion in the use of military force, frequently acting without explicit congressional authority. The American constitutional system, they said, relied heavily on good-faith actions and sensitive political judgment by the President: "Congress has always been dependent upon the good faith of the President in calling upon it when the situation was so serious that a large-scale use of force may be necessary."[27]

The meetings at Dumbarton Oaks were followed by a conference in San Francisco in 1945, attended by fifty nations and lasting nine weeks. Unlike Wilson's futile strategy for the Versailles Treaty, half of the eight members of the U.S. delegation came from Congress: Senators Tom Connally (D-Tex.) and Arthur H. Vandenberg (R-Mich.) and Representatives Sol Bloom (D-N.Y.) and Charles A. Eaton (R-N.J.).[28] John Foster Dulles, later to be Secretary of State under President Eisenhower, told the Senate Foreign Relations Committee in 1945 that, in the past, he had "some doubts as to the wisdom of Senators participating in the negotiation of treaties." After his experience at the San Francisco conference, he said those doubts "were dispelled."[29]

Out of the San Francisco conference came the United Nations Charter, which was submitted to the Senate for its approval. The UN consisted of a General Assembly (representing all member states), a Security Council (eleven members, including China, France, the Soviet Union, the United Kingdom, and the United States as permanent members), a Secretariat, an International Court of Justice, and specialized councils. Chapter VII of the Charter dealt with UN responses to threats of peace, breaches of the peace, and acts of aggression. Procedures were established to permit the UN to employ military force to deal with these threats. All UN members would make available to the Security Council, "on its call and in accordance with a special agreement or agreements," armed forces and other assistance for the purpose of maintaining international peace and security. The agreements were to be concluded between the Security Council and members states and "shall be subject to ratification by the signatory states in accordance with their respective constitutional processes." Thus, the decision of who would grant that approval in the United States—Congress, the President, or the two branches acting jointly—was deliberately deferred. Each nation would determine for itself the "constitutional processes" to be followed.

From July 9 to July 13, 1945, the Senate Foreign Relations Committee held hearings on the Charter. Leo Pasvolsky, a Special Assistant to the Secretary of State, was asked whether Congress would have ultimate control over the special agreements to use armed force. Pasvolsky replied: "That is a domestic question which I am afraid I cannot answer."[30] Senator Vandenberg volunteered that, in his opinion, the President would not need "the consent of Congress to every use of our armed forces."[31]

John Foster Dulles, an adviser to the U.S. delegation at San Francisco, testified that the procedure for special agreements would need the approval of the Senate and could not be done unilaterally by the President.[32] Dulles elaborated: "It is clearly my view, and it was the view of the entire United States delegation, that the agreement which will provide for the United States military contingent will have to be negotiated and then submitted to the Senate for ratification in the same way as a treaty." Senator Connally agreed with that interpretation.[33] When Senator Walter F. George (D-Ga.) suggested that congressional approval could be by statute, involving both Houses, Dulles disagreed: "The procedure will be by treaty—agreements submitted to the Senate for ratification."[34] Senator Eugene Millikin (R-Colo.) tried to distinguish between "policing powers" (to be exercised exclusively by the President) and "real war problems" (reserved for congressional action).[35] Dulles agreed with that concept: "If we are talking about a little bit of force necessary to be used as a police demonstration, that is the sort of thing that the President of the United States has done without concurrence by Congress since this Nation was founded."[36]

During floor debate, Senator Scott Lucus (D-Ill.) took sharp exception to Dulles' contention that special agreements would come back to Congress as treaties to be disposed of solely by the Senate. Such agreements, Lucas said, required action by both Houses. He cited constitutional passages giving to the entire Congress powers to raise and support armies and to make rules for the government and regulation of the land and naval forces.[37] Of course action by both Houses is required to declare war and to appropriate funds for the military. A number of Senators agreed with Lucas in rejecting the proposition advanced by Dulles.[38]

As the debate continued, Senator Vandenberg called Dulles to clarify his position. Dulles explained that when the issue came up in the hearings, he thought the question was between unilateral action by the President (through executive agreements) or retaining congressional control (which Dulles took to mean action on treaties). The central point he tried to make, Dulles said, was that "the use of force cannot be made by exclusive Presidential authority through an executive agreement." He was positive about that. On the other issue—whether Congress should act by treaty or by joint resolution—he was less certain.[39]

At other points in the debate, Senator Harlan Bushfield (R-S.D.) said he had objected "and I still object, to a delegation of power to one man or to the Security Council, composed of 10 foreigners and 1 American, to declare war and to take American boys into war." Such a proposal "is in direct violation of the Constitution." Congress did not have the power, Bushfield said, "to make such a delegation even if we desired to do so."[40] Senator Burton Wheeler (D-Mont.) was also emphatic on that point:

"If it is to be contended that if we enter into this treaty we take the power away from the Congress, and the President can send troops all over the world to fight battles anywhere, if it is to be said that that is to be the policy of this country, I say that the American people will never support any Senator or any Representative who advocates such a policy; and make no mistake about it."[41]

President Truman, aware of the Senate debate on which branch controlled the sending of armed forces to the UN, wired a note to Senator McKellar on July 27, 1945, from Potsdam. Truman pledged: "When any such agreement or agreements are negotiated it will be my purpose to ask the Congress for appropriate legislation to approve them."[42] In asking "Congress" for legislation, Senators understood that Congress "consists not alone of the Senate but of the two Houses."[43] With that understanding, the Senate approved the UN Charter by a vote of 89 to 2.[44]

Having approved the Charter, Congress now had to pass additional legislation to implement it and to determine the precise mechanisms for the use of force. The specific procedures, brought into conformity with "constitutional processes," are included in the UN Participation Act of 1945.

THE UN PARTICIPATION ACT

Nothing in the passage of the Fulbright and Connally Resolutions or the history of the UN Charter supports the notion that Congress, by endorsing the structure of the United Nations as an international peacekeeping body, altered the Constitution by reading itself out of the war-making power. Congress did not—it could not—do that. That conclusion is driven home even more sharply by the legislative history of the UN Participation Act.

Under the provisions of the UN Charter, in the event of any threat to the peace, breach of the peace, or act of aggression, the UN Security Council may decide under Article 41 of the UN Charter to recommend "measures not involving the use of armed force." If those measures prove inadequate, Article 43 provides that all UN members shall make available to the Security Council—in accordance with special agreements—armed forces and other assistance. These agreements would spell out the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided. It was anticipated that each nation would ratify these agreements "in accordance with their respective constitutional processes."

The meaning of constitutional processes is defined by Section 6 of the UN Participation Act of 1945. Without the slightest ambiguity, this statute requires that the agreements "shall be subject to the approval of the Congress by appropriate Act or joint resolution." Statutory language could not be more clear. The President must seek congressional

approval in advance. Two qualifications are included in Section 6:

The President shall not be deemed to require the authorization of the Congress to make available to the Security Council on its call in order to take action under Article 42 of said Charter and pursuant to such special agreement or agreements the armed forces, facilities, or assistance provided therein: *Provided*, That nothing herein contained shall be construed as an authorization to the President by the Congress to make available to the Security Council for such purpose armed forces, facilities, or assistance in addition to the forces, facilities, and assistance provided for in such special agreements or agreements."[45]

The first qualification states that once the President receives the approval of Congress for a special agreement, he does not need subsequent approval from Congress to provide military assistance under Article 42 (under which the Security Council determines that peaceful means are inadequate and military action is necessary). Congressional approval is needed for the special agreement, not subsequent implementations of that agreement. The second qualification clarifies that nothing in the UN Participation Act is to be construed as congressional approval of other agreements entered into by the President.

Thus, the qualifications do not eliminate the need for congressional approval. Presidents could commit armed forces to the UN only after Congress gave its explicit consent. That point is crucial. The League of Nations Covenant foundered precisely on the issue of needing congressional approval before using armed force. The framers of the UN Charter knew of that history and very consciously included protections for congressional prerogatives.[46]

The legislative history of the UN Participation Act reinforces the need for advance congressional approval. In his appearance before the House Committee on Foreign Affairs, Under Secretary of State Dean Acheson explained that only after the President receives the approval of Congress is he "bound to furnish that contingent of troops to the Security Council; and the President is not authorized to furnish any more than you have approved of in that agreement."[47] When Congresswoman Edith Rogers remarked that Congress "can easily control the [Security] Council," Acheson agreed unequivocally: "It is entirely within the wisdom of Congress to approve or disapprove whatever special agreement the President negotiates."[48] Congressman John Kee wondered whether the qualifications in Section 6 of the UN Participation Act permitted the President to provide military assistance to the Security Council without consulting or submitting the matter to Congress. Acheson firmly rejected that possibility. No special agreement, Acheson said, could have any "force or effect" until Congress approved:

"This is an important question of Judge Kee, and may I state his question and my answer so that it will be quite clear here: The judge asks whether the language beginning on line 19 of page 5, which says the President shall not be deemed to require the authorization of Congress to make available to the Security Council on its call in order to take action under article 42 of the Charter, means that the President may provide these forces prior to the time when any special agreement has been approved by Congress.

"The answer to that question is "No," that the President may not do that, that such special agreements refer to the special agreement which shall be subject to the approval of the Congress, so that until the special agreement has been negotiated and approved by the Congress, it has no force and effect."[49]

Other parts of the legislative history support this understanding. In reporting the UN Participation Act, the Senate Foreign Relations Committee anticipated a shared, coequal relationship between the President and Congress:

"Although the ratification of the Charter resulted in the vesting in the executive branch of the power and obligation to fulfill the commitments assumed by the United States thereunder, the Congress must be taken into close partnership and must be fully advised of all phases of our participation in this enterprise. The Congress will be asked annually to appropriate funds to support the United Nations budget and for the expenses of our representation. It will be called upon to approve arrangements for the supply of armed forces to the Security Council and thereafter to make appropriations for the maintenance of such forces."[50]

The Senate Foreign Relations Committee further noted that "all were agreed on the basic proposition that the military agreements could not be entered into solely by executive action."[51] Nevertheless, during floor debate, Senators Connally and Taft agreed that in "certain emergencies" the President and the Security Council might be able to act without first obtaining authority from Congress.[52] These comments are interesting, but they do not change the statutory requirement that special agreements be approved in advance by "appropriate Act or joint resolution." Moreover, Connally and Taft seemed to be laboring under concepts left over from the San Francisco conference and the Senate debate over the UN Charter. They were endorsing the President's ability to become engaged in "police actions" without any congressional involvement.

Connally's confusion is evident a few pages later where he agrees with Senator Kenneth Wherry (R-Neb.) that special agreements could be made by treaty.[53] That misinterpretation, originally pushed by John Foster Dulles and others, was explicitly corrected by the language in Section 6 of the UN Participation Act. Later, an amendment was offered in the Senate to authorize the President to negotiate a special agreement with the Security Council solely with the support of two-thirds of the Senate.[54] Senator Vandenberg opposed the amendment on these grounds:

"If we go to war, a majority of the House and Senate puts us into war. . . . The House has equal responsibility with the Senate in respect of raising armies and supporting and sustaining them. The House has primary jurisdiction over the taxation necessities involved in supporting and sustaining armies and navies, and in maintaining national defense.

". . . [The Senate Foreign Relations Committee] chose to place the ratification of that contract in the hands of both Houses of Congress, inasmuch as the total Congress of the United States must deal with all the consequences which are involved either if we have a war or if we succeeded in preventing one. . . ."[55]

Vandenberg's reasoning prevailed. The great majority of Senators recognized that the decision to go to war must be made by both Houses of Congress. The amendment was defeated decisively, 57 to 14.[56]

The House of Representatives also designed the UN Participation Act to protect congressional prerogatives over war and peace. In reporting the bill, the House Foreign Affairs Committee drew attention to the vote in the Senate rejecting the idea that special agreements could be handled solely by the Senate through the treaty process. The Committee "believes that it is eminently appropriate that the Congress as a whole pass upon these agreements under the constitutional powers of the Congress."[57] During floor debate, Congressman Sol Bloom, one of the delegates at the San Francisco conference, underscored that point:

"The position of the Congress is fully protected by the requirement that the military agreement to preserve the peace must be passed upon by Congress before it becomes effective. Also, the obligation of the United States to make forces available to the Security Council does not become effective until the special agreement has been passed upon by Congress."[58]

The restrictions on the President's power under Section 6 to use armed force were clarified by amendments adopted in 1949, allowing the President on his own initiative to provide military forces to the United Nations for "cooperative action." However, presidential discretion to deploy these forces are subject to stringent conditions: they could serve only as observers and guards, could perform only in a noncombatant capacity, and could not exceed one thousand.[59] Moreover, in providing these troops in the UN the President shall assure that they not involve "the employment of armed forces contemplated by chapter VII of the United Nations Charter."[60] Clearly, there was no opportunity in the UN Participation Act or its amendments for unilateral military action by the President.

THE KOREAN WAR

With these safeguards supposedly in place to protect congressional prerogatives, on June 26, 1950, President Truman announced to the American public that he had conferred with the Secretaries of State and Defense, their senior advisers, and the Joint Chiefs of Staff "about the situation in the Far East created by unprovoked aggression against the Republic of Korea."[61] He said that the UN Security Council had acted to order a withdrawal of the invading forces to positions north of the 38th parallel, and that, "[i]n accordance with the resolution of the Security Council, the United States will vigorously support the effort of the Council to terminate this serious breach of the peace."[62] At that point, he made no commitment of U.S. military forces.

On the next day, however, President Truman announced that North Korea had failed to cease hostilities and to withdraw to the 38th parallel. He summarized the UN action in this manner:

"The Security Council called upon all members of the United Nations to render every assistance to the United Nations in the execution of this resolution. In these circumstance I have ordered United States air and sea forces to give the [South] Korean Government troops cover and support."[63]

In addition to this argument, Truman said that "the occupation of Formosa by Communist forces would be a direct threat to the security of the Pacific area and to United States forces performing their lawful and necessary functions in that area."[64] Finally, he advised that all members of the United Nations "will consider carefully" the consequences of Korea's aggression "in defiance of the Charter of the United Nations" and that a "return to the rule of force in international affairs" would have far-reaching effects. The United States, he said, "will continue to uphold the rule of law."[65]

In fact, Truman violated the unambiguous statutory language and legislative history of the UN Participation Act. How could he pretend to act militarily in Korea under the UN umbrella without any congressional approval? The short answer is that he ignored the special agreements that were the vehicle for assuring congressional approval in advance of any military action by the President. With the Soviet Union absent, the Security Council voted 9 to 0 to call upon North Korea to cease hostilities and to withdraw their forces. Two days later the Council requested military assistance from UN members to repel the attack, but by that time Truman had already ordered U.S. air and sea forces to assist South Korea.

Truman's legal authority was non-existent for two reasons. First, it cannot be argued that the President's constitutional powers vary with the presence or absence of Soviet delegates to the Security Council. As Robert Bork noted in 1971, "the approval of the United Nations was obtained only because the Soviet Union happened to be boycotting the Security Council at the time, and the President's Constitutional powers can hardly be said to ebb and flow with the veto of the Soviet Union in the Security Council."[66]

Second, the Truman administration did not act pursuant to UN authority, even though it strained to make that case. On June 29, 1950, Secretary of State Acheson claimed that all U.S. actions taken in Korea "have been under the aegis of the United Nations."[67] Aegis is a fudge word, meaning shield or protection. Acheson was using it to suggest that the United States was acting under the legal banner of the United Nations, which of course was not the case.

Acheson falsely claimed that Truman had done his "utmost to uphold the sanctity of the Charter of the United Nations and the rule of law," and that the administration was in "conformity with the resolutions of the Security Council of June 25 and 27 giving air and sea support to the troops of the Korean government."[68] Yet Truman committed U.S. forces before the Council called for military action. General MacArthur was immediately authorized to send supplies of ammunition to the South Korean defenders. On June 26, Truman ordered U.S. air and sea forces to give South Koreans cover and support.[69] After Acheson summarized the military situation for some members of Congress at noon on June 27, President Truman exclaimed: "But Dean, you didn't even mention the U.N.!"[70] Later that evening the Security Council passed the second resolution. In his memoirs, Acheson admitted that "some American action, said to be in support of the resolution of June 27, was in fact ordered, and possibly taken, prior to the resolution."[71] After he left the presidency, Truman was asked whether he was prepared to use military force in Korea without UN backing. He replied, with customary bluntness: "No question about it."[72]

On June 29, at a news conference, Truman was asked whether the United States was at war. His response: "We are not at war."[73] He was asked whether it would be more correct to call the conflict "a police action under the United Nations." He agreed with that language: "That is exactly what it amounts to."[74] The UN exercised no real authority over the conduct of the war. Other than token support from a few nations, it was an American war. The Security Council requested the United States to designate the commander of the forces and authorized the "unified command at its discretion to use the United Nations flag."[75] Truman designated Gen. Douglas MacArthur to serve as commander of this so-called unified command.[76] Measured by troops, money, casualties, and deaths, it remained an American war.

As to the distinction between police actions and wars, federal courts had no difficulty in defining the hostilities in Korea as war. A federal district court noted in 1953: "We doubt very much if there is any question in the minds of the majority of the people of this country that the conflict now raging in Korea can be anything but war."[77] During Senate hearings in June 1951, Secretary of State Acheson conceded the obvious by admitting "in the usual sense of the word there is a war."[78]

Truman violated constitutional and statutory requirements in part because of his mistaken reading of history. In deciding whether North Korean aggression could go unanswered, he looked, in his own lifetime, to Japan's invasion of Manchuria and Germany's reoccupation of the Rhineland. He did not consider other historical parallels where force is used, such as the American Civil War or with nineteenth-century efforts in Germany for unification. It did not occur to him that the situation in Korea resembled the latter more than it did Manchuria and the Rhineland.[79]

Even if a case could be made that the emergency facing Truman in June 1950 required him to act promptly without first seeking and obtaining legislative authority, nothing prevented him from returning to Congress and asking for a supporting statute or retroactive authority. John Norton Moore has made this point: "As to the suddenness of Korea, and conflicts like Korea, I would argue that the President should have the authority to meet the attack as necessary but should immediately seek congressional authorization."[80] I would put it a little differently. In a genuine emergency a President may act without congressional authority (and without express legal or constitutional authority), trusting that the circumstances are so urgent and compelling that Congress will endorse his actions and confer a legitimacy that only Congress, as the people's representatives, can provide.

POLITICAL REPERCUSSIONS

Congress was largely passive to Truman's usurpation of the war power. Some members offered the weak justification that "history will show that on more than 100 occasions in the life of this Republic the President as Commander in Chief has ordered the fleet or the troops to do certain things which involved the risk of war [without seeking congressional consent]."[81] This list of alleged precedents for unilateral presidential action contains not a single military adventure that even comes close to the magnitude of the Korean War. As Edward S. Corwin noted, the list consists largely of "fights with pirates, landings of small naval contingents on barbarous or semi-barbarous coasts, the dispatch of small bodies of troops to chase bandits or cattle rustlers across the Mexican border, and the life."[82]

A few legislators insisted that Truman should have gone to Congress for authority first.[83] Congressman Vito Marcantonio (ALP-N.Y.) delivered this indictment: "when we agreed to the United Nations Charter we never agreed to supplant our Constitution with the United Nations Charter. The power to declare and make war is vested in the representatives of the people, in the Congress of the United States."[84]

Senator Taft warned that if the President could intervene in Korea "without congressional approval, he can go to war in Malaya or Indonesia or Iran or South America." Taft conceded that U.S. entry into the United Nations created a new framework, "but I do not think it justifies the President's present action without approval by Congress." Taft referred to Section 6 of the UN Participation Act, noting that no special agreement had ever been negotiated by the Truman administration and submitted to Congress for its approval.[35]

Almost a year after the war began, a number of Senators participated in a lengthy debate that thoroughly shredded the administration's legal pretenses. Truman's commitment of troops to Korea violated the UN Charter, the UN Participation Act, and repeated assurances given to Congress by Acheson and other executive officials. Truman used military force before the second Security Council resolution. It was a war, not a police action. It was an American, not a UN, operation. On all those points the record is abundantly clear.[36]

Just as the Vietnam War spelled defeat for the Democrats in 1968, so did the Korean War help put an end to twenty years of Democratic control of the White House. "Korea, not crooks or Communists, was the major concern of the voters," writes Stephen Ambrose.[87] The high point of the 1952 campaign came on October 24, less than two weeks before the election, when Dwight D. Eisenhower announced that he would "go to Korea" to end the war.[88] Two authors of a study on Eisenhower described the crucial influence of the Korean War: "Dissatisfaction with the war destroyed Truman's popularity and had much to do with Eisenhower's emphatic victory in the election of 1952."[89]

Some leading academics, after rushing to Truman's support, later regretted their failure to give proper attention to constitutional principles. Henry Steele Commager, a prominent historian, was quick to defend Truman. Writing for The New York Times on January 14, 1951, Commager blithely remarked that the objections to Truman's unilateral actions "have no support in law or in history."[90] His own research into law and history, on this point, was superficial and misinformed. Consider this reasoning by Commager:

". . . it is an elementary fact that must never be lost sight of that treaties are laws and carry with them the same obligation as laws. When the Congress passed the United Nations Participation Act it made the obligations of the Charter of the United Nations law, binding on the President. When the Senate ratified the North Atlantic Treaty it made the obligations of that treaty law, binding on the President.

"Both of these famous documents require action by the United States which must, in the nature of the case, be left to a large extent to the discretion of the Executive. . . ."[91]

Commager not only overstated the President's power under mutual defense treaties but ignored, totally, the statutory text and legislative history of the UN Participation Act.

Arthur S. Schlesinger, Jr. was also an early defender of Truman's action in Korea. In a letter to *The New York Times* on January 9, 1951, he disputed the statement by Senator Taft that President Truman "had no authority whatever to commit American troops to Korea without consulting Congress and without Congressional approval" and that by sending troops to Korea he "simply usurped authority, in violation of the laws and the Constitution." Schlesinger said that Taft's

statements "are demonstrably irresponsible." Harkening back to Jefferson's use of ships to repel the Barbary pirates, Schlesinger claimed that American Presidents "have repeatedly committed American armed forces abroad without prior Congressional consultation or approval."[92]

Schlesinger neglected to point out that Jefferson told Congress he was "[u]nauthorized by the Constitution, without the sanction of Congress, to go beyond the line of defense." It was the prerogative of Congress to authorize "measures of offense also."[93] Schlesinger did not cite, nor could he, a presidential initiative of the magnitude of the Korean War. Years later he expressed regret that, in calling Taft's statement "demonstrably irresponsible," he had responded with "a flourish of historical documentation and, alas, hyperbole."[94]

Edward S. Corwin took Commager and Schlesinger to task by labeling them the "high-flying prerogative men."[95] However, Corwin himself had been careless in earlier publications in describing the scope of presidential war power. Writing in 1949, he said that the original grant of authority to the President to "repel sudden attacks" had developed into an "undefined power—almost unchallenged from the first and occasionally sanctified judicially—to employ without Congressional authorization the armed forces in the protection of American rights and interests abroad whenever necessary."[96] He did note the significance of the UN Participation Act, which is said was based on the theory that American participation in the United Nations "is a matter for Congressional collaboration."[97]

By the late 1960s, with the nation mired in a bitter war in Vietnam, Commager and Schlesinger publicly apologized for their earlier unreserved endorsements of presidential war power. By 1966 Schlesinger was counseling that "something must be done to assure the Congress a more authoritative and continuing voice in fundamental decisions in foreign policy."[98] In 1973 Schlesinger stated that the "idea of prerogative was not part of presidential powers as defined by the Constitution," although it "remained in the back of [the framers'] mind."[99] Commager told the Senate in 1967 that there should be a reconsideration of executive-legislative relations in the conduct of foreign relations.[100] Testifying in 1971, Commager appealed for stronger legislative checks on presidential war powers.[101]

CONCLUSIONS

President Truman's unilateral use of armed force in Korea violated the U.S. Constitution and the UN Participation Act of 1945. It is not a valid precedent for what President Bush planned to do in 1990-91, against Iraq, nor is it a valid precedent for any military operations that President Clinton would want to launch in Bosnia or other UN "peacekeeping" operations. The decision to place U.S. troops in combat and to take the nation from a condition of peace to a state of war requires approval by Congress in advance. That was the constitutional principle in 1787. It has not changed today.

Presidents and their advisers point to more than 200 incidents in which Presidents have used force abroad without first obtaining congressional approval. Most of those actions were minor adventures done in the name of protecting American lives or property, taken at a time when U.S. intervention in neighboring countries was considered routine and proper. Is the bombardment of Greytown, Nicaragua, in 1854 an acceptable "precedent" for the current use of American military power? Are we comfortable with citing America's occupation of Haiti from 1915 to 1934 or the repeated interventions in Nicaragua from 1909 to 1933? Today, such invasions would violate international law and regional treaties. We should not speak nonchalantly about "more than 200 precedents," assuming that such numbers, by themselves, justify unilateral military action by the President. We need to examine the specific incidents. Are they attractive precedents for the use of force today? None of the two hundred incidents come close to justifying military actions of the magnitude and risk of Korea in 1950, Panama in 1989, Iraq in 1990, or Bosnia in 1994.

The Korean War stands as the most dangerous precedent because of its scope and the acquiescence of Congress. In recognizing the importance of the Korean War and its threat to constitutional democracy, we should not attempt to confer legitimacy to an illegitimate act. Illegal and unconstitutional actions, no matter how often repeated, do not build a lawful foundation. If Presidents withdrew funds from the Treasury without an appropriation from Congress, those actions would have no constitutional legitimacy, regardless of the number of infractions. As Gerhard Casper has remarked: "unconstitutional practices cannot become legitimate by the mere lapse of time."[102] Justice Frankfurter noted: "Illegality cannot attain legitimacy through practice."[103] Presidential acts of war, including Truman's initiative in Korea, can never be accepted as constitutional or as a legal substitute for congressional approval.

FOOTNOTES

[1] 17 Richardson 8735.
[2] 58 Cong. Rec. 8777 (1919).
[3] 63 The Papers of Woodrow Wilson 451 (Arthur S. Link ed. 1990); 64 The Papers of Woodrow Wilson 47, 51 (Link ed. 1991).
[4] Woodrow Wilson, Congressional Government 233-234 (1885).
[5] Woodrow Wilson, Constitutional Government in the United States 77-78 (1908).
[6] 89 Cong. Rec. 2031 (1943).
[7] Id. at 2032.
[8] Id. at 7623.
[9] Id. at 7646-47.
[10] Id. at 7647.
[11] Id.
[12] Id. at 7655.
[13] Id. at 7728-29.
[14] Id. at 7705 (Congressman Richards).
[15] Id. at 7706.
[16] Id. at 9187 (Senator Willis, first column).
[17] Id. at 8662 (reading by the legislative clerk).
[18] Id. at 9187 (Senator Willis, first column); id. at 9189 (Senator Brooks); id. at 9205 (Senator Wherry).
[19] Id. at 9207 (Senator Hayden).
[20] Id. at 9222.
[21] Id. at 9101.
[22] Id. at 8742-43.
[23] Edwin Borchard, "The Dumbarton Oaks Conference," 39 Am. J. Int'l L. 97, 101 (1945).
[24] 11 Dep't of State Bull. 447, 448 (1945).
[25] Edwin Borchard, "The Charter and the Constitution," 39 Am. J. Int'l L. 767, 767-768 (1945).
[26] Id. at 770-771.
[27] The New York Times, November 5, 1994, at 8E. Signers of the letter: John W. Davis, W.W. Grant, Philip C. Jessup, George Rublee, James T. Shotwell, and Quincy Wright.
[28] "The Charter of the United Nations," hearings before the Senate Committee on Foreign Relations, 79th Cong., 1st Sess. 197 (1945).
[29] Id. at 644.
[30] "The Charter of the United Nations," hearings before the Senate Committee on Foreign Relations, 79th Cong., 1st Sess. 298 (1945).
[31] Id. at 299.
[32] Id. at 645-646.
[33] Id. at 646.
[34] Id. at 652.
[35] Id. at 654.
[36] Id. at 655.
[37] 91 Cong. Rec. 8021 (1945).
[38] Id. at 8021-8024 (Senators McClellan, Hatch, Fulbright, Maybank, Overton, Hill, Ellender, and George).
[39] Id. at 8027-28.
[40] Id. at 7156.
[41] I. at 7988.
[42] Id. at 8185.
[43] Id. (Senator Donnell).
[44] Id. at 8190.
[45] 59 Stat. 621, §6 (1945).
[46] Michael J. Glennon, "The Constitution and Chapter VII of the United States Charter," 85 Am. J. Int'l L. 74, 75-77 (1991).
[47] "Participation by the United States in the United Nations Organization," hearings before the House Committee on Foreign Affairs, 79th Cong., 1st Sess. 23 (1945).
[48] Id.
[49] Id. at 25-26.
[50] S. Rept. No. 717, 79th Cong., 1st Sess. 5 (1945).
[51] Id. at 8.
[52] 91 Cong. Rec. 10965-66 (1945).
[53] Id. at 10974
[54] Id. at 11296.
[55] Id. at 11301.
[56] Id. at 11303.
[57] H. Rept. No. 1383, 79th Cong., 1st Sess. 7 (1945).
[58] 91 Cong. Rec. 12267 (1945).
[59] 63 Stat. 735-736, §5(1949).
[60] Id.
[61] Public Papers of the Presidents, 1950, at 491.
[62] Id.
[63] Id. at 492.
[64] Id.
[65] Id.
[66] Robert H. Bork, "Comments on the Articles on the Legality of the United States Action in Cambodia," 65 Am. J. Int'l L. 79, 81 (1971).
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[68] Id. at 46.
[69] Public Papers of the Presidents, 1950, at 529.
[70] Glenn D. Paige, The Korean Decision 188 (1968).
[71] Dean Acheson, Present at the Creation 408 (1969). See also Edwin C. Hoyt, "The United States Reaction to the Korean Attack: A Study of the Principles of the United Nations Charter as a Factor in American Policy-Making," 55 Am. J. Int'l L. 45, 53 (1961).
[72] Merle Miller, Plain Speaking: An Oral Biography of Harry S. Truman 276n (1973).
[73] Public Papers of the Presidents, 1951, at 503.
[74] Id. at 504. On July 13, at a news conference, he again called the Korean war a police action." Id. at 522.
[75] Id. at 520.
[76] Id.
[77] Weissman v. Metropolitan Life Ins. Co., 112 F.Supp. 420, 425 (S.D. Cal. 1953). See also Gagliormella v. Metropolitan Life Ins. Co., 122 F.Supp. 246 (D. Mass. 1954); Carius v. New York Life Insurance Co., 124 F.Supp. 388 (D. Ill. 1954); and A. Kenneth Pye, "The Legal Status of the Korean Hostilities," 45 Geo. L. J. 45 (1956).
[78] "Military Situation in the Far East" (Part 3), hearings before the Senate Committees on Armed Services and Foreign Relations, 82d Cong., 1st Sess. 2014 (1951).
[79] Richard S. Kirkendall, Harry S Truman and the Imperial Presidency 11, 16 (1975).
[80] John N. Moore, "The National Executive and the Use of the Armed Forces Abroad," 21 Naval War College Rev. 28, 32 (1969).
[81] 96 Cong. Rec. 9229 (1950). Statement of Senator Scott Lucas (D-Ill.)
[82] Edward S. Corwin, "The President's Power," The New Republic, January 29, 1951, at 16.
[83] 96 Cong. Rec. 9233 (1950). Statement of Senator Arthur V. Watkins (R-Utah). See also Arthur V. Watkins, "War by Executive Order," 4 West. Pol. Q. 539 (1951).
[84] 96 Cong. Rec. 9268 (1951).
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[87] 1 Stephen E. Ambrose, Eisenhower: Soldier, General of the Army, President-Elect 569 (1983).
[88] Id.
[89] Chester J. Pach, Jr. and Elmo Richardson, The Presidency of Dwight D. Eisenhower 46 (1991).
[90] Henry Steele Commager, "Presidential Power: The Issue Analyzed," The New York Times, January 14, 1951, p. 11.
[91] Id. at 24.
[92] Arthur Schlesinger, Jr., "Presidential Powers: Taft Statement on Troops Opposed, Actions of Past Presidents Cited," The New York Times, January 9, 1951, p. 28.
[93] 1 Richardson 315.

[94] Arthur M. Schlesinger, Jr., The Imperial Presidency 139 (1973).

[95] Edward S. Corwin, "The President's Power," The New Republic, January 29, 1951, at 15.

[96] Edward S. Corwin, "Who Has the Power to Make War?" The New York Times Magazine, July 31, 1949, at 14.

[97] Id.

[98] Arthur M. Schlesinger, Jr. and Alfred de Grazia, Congress and the Presidency 27-28 (1967).

[99] Schlesinger, The Imperial Presidency, at 9. Emphasis in original.

[100] "Changing American Attitudes towards Foreign Policy," hearings before the Senate Committee on Foreign Relations, 90th Cong., 1st Sess. 21 (1967).

[101] "War Powers Legislation," hearings before the Senate Committee on Foreign Relations, 92d Cong., 1st Sess. 7-74 (1971).

[102] Gerhard Casper, "Constitutional Constraints on the Conduct of Foreign and Defense Policy: A Nonjudicial Model," 43 U. Chi. L. Rev. 463, 479 (1976).

[103] Inland Waterways Corp. v. Young, 309 U.S. 517, 524 (1940).

Mr. DOLE. The treaty was never ratified.

Mr. President, having said that, this is essentially the same amendment that was defeated in the Senate by a vote of 65 to 34 on June 29, 1994. I am not certain that bringing up the issue again with the same outcome likely sends the right signal to the White House because we read in this morning's paper—at least it hints—that the President will wait until we are in recess before there is any action. We read that he may not have seriously engaged the question and has not really focused on it himself.

The President has indicated he does not want, nor needs, congressional authorization. He said that in his press conference the other night. I happen to believe that is a mistake. If President Clinton made his case for the use of force, and if Congress authorized the use of force, I believe President Clinton's hand would be strengthened just as President Bush's hand was strengthened when he in effect rolled the dice and came to Congress and asked for our support for offensive military action in Iraq.

The best way for the administration to show the United States is serious would be the affirmative Congress authorizing the use of force in Haiti. The Congress should have a role to play.

It is a little odd that the administration goes to the United Nations and ignores the Congress. There is the argument made the other day that the Senator from Arizona has already referred to in this amendment. It passed by a vote of 100 to 0. We indicated at that time, every Senator, that U.N. authorization certainly is not authorization by Congress or the American people.

It is a little odd that Argentina has decided not to participate in the invasion precisely because of opposition from the Argentine Congress. Their Congress said no. They are pulling out.

So apparently they are going to bypass our Congress. That seems the President's attitude at the White House.

There should be no mistake at the other end of Pennsylvania Avenue if this amendment is defeated. It does not mean the Congress does not have a role to play, and Congress should play a role. There is no emergency in Haiti.

The President has plenty of time to come up here right now and say, "OK. I want to get authorization from Congress." But he has to make his case to the American people first. If he cannot make it to the American people, he certainly is not going to make it effectively to the Congress of the United States So the President ought to come up here and try to make his case.

I think Roll Call, a little newspaper here on Capitol Hill, had a good editorial on August 4, which I also want to include in the RECORD.

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

HAITI VOTE NOW

White House officials tell us that President Clinton is undergoing an "excruciating" process of deciding whether to seek Congressional authorization for an invasion of Haiti. His aides are divided, the officials say, with some fearing Congress will deny permission and undercut Clinton's effort to scare the illegitimate military government into abdicating, others arguing that putting the issue to Congress will create a bad precedent narrowing the powers of the Commander-in-Chief, and still others (apparently a minority) advising that a Congressional vote is the right thing to do, politically and constitutionally.

We strongly urge the President to listen to this last group, and we strongly urge Congressional leaders to insist that Clinton seek proper authorization if he decides on an invasion. We render no opinion on the invasion idea itself, but we think it's vital that Congress be restored to its proper constitutional role in deciding whether the United States goes to war.

During the Cold War era, it came to be accepted practice that presidents would commit US troops abroad without a declaration of war or other formal authorization. In some cases where quick action is necessary, this will continue to be the case—as it was prior to the Cold War. But a Haiti invasion, if it occurs, will take place in the new post-Cold War era, and now is the right time to make certain that in this new world, Congress is no longer left out of the process.

The basic principle is simple: If the president decides that military action is required to secure some desired foreign policy purpose, and time is not of the essence, he ought to have to secure Congress' permission for it. This is what President Bush did with the Persian Gulf war, and it's generally agreed that the debate preceding the authorization vote was one of the US government's finest hours in recent history.

If President Clinton is worried that Congress will deny him authorization for an invasion of Haiti, this is all the more reason he needs to seek it. Congress usually supports a president when he takes decisive action overseas, so doubt about Congress's will in this case is strong evidence that the President has failed to make his case for an invasion. He needs to do that to win public support as well as Congressional support. Going to war without such approval leaves a president "on his own"—without a safety net if anything goes wrong.

Independent of the Haiti case, it's time for Congress to fulfill its oft-made—and oft-broken—resolve to rewrite the 1973 War Powers Resolution, which neither Congress nor the President finds workable. It permits a president to put troops in combat for up to 90 days, but then demands their removal if Congress has not approved their dispatch.

In the case of Haiti, President Clinton has sought and obtained the blessing of the United Nations Security Council for an invasion. If he plans to use US troops, however, he needs to secure the authorization of the US Congress. He is rumored to be thinking of mounting an invasion when Congress is in recess later this month, but that would be a mistake. Clinton needs to face, not duck, opponents of his Haiti policy. If he wins a vote in Congress, that might really induce the Haitian military to flee to France.

Mr. DOLE. It says, "Haiti Vote Now," and it points out a number of reasons why I think the President should come to Congress.

Let me just reiterate what my colleague has said.

Mr. President, I am not certain what rationale the administration may have in mind, if in fact there is intervention in Haiti. Certainly, if it is because the people are impoverished or the people are suffering, if that were a rationale that you could use, that might be enough. But that is not. There are not any Americans being threatened. There is no real American interests being threatened. There are a lot of poor people there. They deserve our help. But that is not enough to justify intervention, shedding Haitian blood, and perhaps American blood. And who knows how long the occupation would last thereafter? We all know the last one lasted about 19 years.

So it seems to me that the President of the United States has some obligation to come to Congress and make his case. In my view, if the President can persuade the Congress that he is right, we ought to do what he asked us to do, what he asked the American people to do, or asked the American soldier to do. Then I think his case will be strengthened with the American people.

I recall that after President Bush came to Congress, not one single member of the Democratic leadership, not a single Member in the House or the Senate of the Democratic leadership, supported President Bush's efforts to get Congress to authorize the use of offensive forces in Iraq. But there were 11 Democrats and a number of Republicans, and President Bush rolled the dice and prevailed.

As I recall it—I will go back to check to be certain—but once the Congress put its stamp of approval on what President Bush asked, then support for that operation climbed steadily. I think the same would be true, whether it is Haiti or anywhere else.

I do not see any reason for an intervention in Haiti. Others do. The Presiding Officer feels just as strongly the other way, and maybe for good reason. But I think we all should make the

case that the President has an obligation to come to us, to come to Congress, to make his case. First, he has to make it to the American people.

It appears that the only country that is going to help us is now saying we cannot do it because our Congress objects. What about our Congress? If there are going to be American soldiers, why not Argentine soldiers? In our Congress, we reflect the views of the American people. We ought to be prepared to have some role.

So I support the amendment of the Senator from Pennsylvania because it is much like the Gregg-Dole amendment which was defeated. And I hope that maybe today Senator SPECTER may prevail. But if not, the White House should not misunderstand the vote, or misconstrue the vote.

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN. Mr. President, I yield 3 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, I thank you. I thank my colleague from Arizona.

Mr. President, on this particular question, I join with the Senator from Arizona and others who are concerned about the possible ramifications of potential action that we would be taking if we were to approve the amendment by our colleague from Pennsylvania.

I understand the intent of his amendment at this particular point. I do not agree, however, with the operative effect of it. I think that this would be a very serious and, indeed, dangerous precedent for the Congress of the United States to engage in.

I happen to be one, with all deference to the Republican leader, who was, at least temporarily, as the occupant of the chair is now, in the leadership 3 years ago, whatever the date was, when we were asked to consider the question of force authorization. I, as the occupant of the chair, supported force authorization with respect to the invasion of Kuwait by Iraq. But in this particular case, I differ with my friend from Arizona with respect to the advisability of some action and certainly with respect to the question of whether or not the President is engaged—I know for a fact that he is engaged and is considering this question very, very seriously.

But putting that aside for a moment, the far more serious question is whether or not we should attempt, given the responsibility under the Constitution to declare war, whether we should attempt to usurp the authority of the President of the United States under section 2, article II, in his role as Commander in Chief.

In this particular case, an attempt to engage in prior restraint would not only send the very difficult and mixed signal that has already been alluded to in some of the debate, it would set a precedent for future U.S. actions that would be, in my judgment, fundamentally wrong. Again, there is a wide difference within this body as to whether or not the President ought to engage in certain actions.

I supported the unanimous consent resolution recently because it was a sense-of-the-Senate resolution regarding whether or not U.N. Security Resolution 940, I think was the number, actually authorized the use of U.S. forces. Clearly on its face, it did not and could not.

This is a different question, however. I think it is very important that our colleagues understand the potential ramifications and the precedents that this would set, and I think as far as I am concerned certainly would be entirely a wrong precedent.

So with all deference to my friend from Pennsylvania, whose expertise in terms of the Constitution of the United States is not questioned or challenged by any Member of this body, and indeed there are very wide differences on this particular point, I nonetheless must respectfully urge my colleagues to vote against the Specter amendment.

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

I thank my colleague from Arizona for yielding the time.

Mr. SPECTER. Will the Senator from Virginia yield for a question?

Mr. ROBB. The Senator would be delighted to yield for a question.

Mr. SPECTER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Four minutes and thirty-nine seconds.

Mr. SPECTER. My question to the Senator from Virginia is that the chairman of the Foreign Relations Committee stated earlier in response to a question that the Congress has the de jure authority to declare war but the de facto authority to declare war has been overtaken by the President. Would you agree with that?

Mr. ROBB. Let me say, Mr. President, to the Senator from Pennsylvania that I am not as quick to defend constitutional role in war-making as some of my friends. I accept that. I accept the War Powers Resolution. I think it is important, however, to recognize that as Commander in Chief we expect certain responsibility to be vested in the President of the United States. I think that we severely inhibit his or potentially her ability to carry out that function if we engage in additional restraint, and particularly if the attempt is to engage in specific prior restraint with respect to activities that may or may not be undertaken or authorization that may or may not be requested.

Mr. SPECTER. I thank my colleague. I take that as a qualified yes.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN. Let me try to make myself clear on this issue. The question before this body is not whether we think that the President of the United States should invade Haiti. The Senate has spoken very clearly on that issue. In October 1993, on the Defense appropriations bill, there was a vote by the U.S. Senate to express the sense of the Senate. Just a few days ago, a short time ago, there was a 100-to-0 vote which was correctly interpreted as a message to the President that he must come to the Congress before initiating a military action in Haiti. And if there was a simple, again, sense-of-the-Senate resolution here as to whether we should invade Haiti, I do not have any doubt that the vote would be overwhelming in opposition to invasion.

But this is not about whether we should invade Haiti. I believe with every bone in my body that the President should consult with Congress, should come to Congress for authorization, and should receive approval of any military action in Haiti. According to the Washington Post this morning, "September also would have the virtue of coinciding with the end of the upcoming congressional recess, should Clinton be disposed to consult."

I say to my friend from Virginia, if he believes the President is fully engaged, I hope he will ask that "senior administration official," whoever it was, to correct his statement that the President has "not even entered this discussion seriously." Maybe a retraction could be issued by that senior administration official.

Mr. President, is the answer to the problem of a failure of the President to consult with Congress and receive authorization from Congress a prohibition, a prospective proscription of actions on the part of the President? I would say the answer is no. I believe that if any military action is initiated by the President, without congressional approval, it will fail. The Vietnam war, Somalia, and Beirut prove that you have to have support of the American people and the support of the Congress; otherwise, military actions are doomed to failure.

I believe that this President is very smart, and I believe that this President is going to realize that he has to come to the Congress and the American people—not necessarily in that order—if he is going to invade Haiti. For us to say we are so afraid that he will not that we have to prohibit him from becoming militarily involved in Haiti, I believe, creates an enormous constitutional crisis.

I will add one other thing from the Members' perspective on my side of the aisle; that is, I do not expect the other party to control the White House forever. I believe fervently, hopefully, prayerfully, that somebody from my

party will be President of the United States. If that happens, I would hate for us to have set a precedence where we are prohibiting the President of the United States from carrying out his responsibilities as Commander in Chief. The fact is that at any time the President of the United States is engaged militarily, the Congress can debate a declaration of war and declare war or not. If the Congress chooses not to exercise their constitutional rights to do that, then that responsibility lies on the Congress, not on the President.

I repeat, Mr. President, I want the President of the United States to come and consult. I want him to get approval and authorization before we engage ourselves militarily in Haiti. I am afraid he may not. But for us to prohibit the President of the United States from taking actions, which I believe are clearly within his constitutional authority, I think is the wrong solution. How much time do I have remaining?

The PRESIDING OFFICER. The Senator controls 5 minutes 18 seconds.

Mr. McCAIN. I yield 4 minutes to the Senator from Connecticut.

Mr. DODD. Thank you very much, Mr. President. I thank my colleague from Arizona.

I suppose I can say "amen" here to what he just said. This is not a debate about whether or not we ought to commit United States Forces to Haiti. That debate, hopefully, will never come and we will not have to engage in that question, and the issue will be resolved without ever getting to that point. But if it does, there will clearly be—if it comes to the Congress—a significant debate and discussion.

Ideally—the Senator from Arizona is absolutely correct—the proper way to proceed is that Presidents come to the Congress and ask for that kind of authority before engaging. As my colleague has pointed out—and I was not here for all of this debate—I count 14 or 15 occasions since 1903 when Presidents of all political persuasions have injected U.S. Forces into hostile environments without prior authority from the Congress. It began in Panama in 1903. Coincidentally, the last one also happens to be Panama. Many would have argued—and I think did—that they wish the President had come to this Congress beforehand.

But the point I think the Senator from Arizona is making, and the one I think we need to emphasize, is that under our Constitution, the Constitution divides war powers, in effect, between Congress and the Executive. That is why we have these debates, because it clearly is the power of the President to be Commander in Chief. It is also very clear that the power to declare war is vested in the Congress. So you have these two branches of Government, separate but equal, that are charged in the same Constitution with responsibilities in the conduct of war. And so we find ourselves in this situation. So I say to my friend from Pennsylvania, while I certainly respect his knowledge and ability and awareness in constitutional areas, I do not think at this juncture you want to be precommitting without the initiation being taken by the Executive.

President Bush, to his credit, came to this institution prior to the conflict in the Persian Gulf. He asked this body, and the other, to express its view on whether or not forces should be committed to hostilities in the Middle East. I point out that—I do not know the exact number; my colleague could probably tell me—there was a significant number of forces we sent over to the Middle East prior to the debate in this body. But President Bush deserves a great deal of credit for what he did then, the least of which was to come here and ask our view.

I generally say that this President should do the same, if he can, if he is confronted with that choice. There may be circumstances, as we have seen in other examples where that will not or cannot be the case. I do not want to tie the hands of a President when he feels as though he should take some action. He can inform and consult with the Congress, but not necessarily be able to come and seek that authority.

So I do not know what the proper motion is here, but whatever it is, I urge that this amendment be defeated. Again, we have had 5 amendments now, as I count them, in the last 2 weeks on Haiti. We have had a pretty good discussion around here about what the circumstances are and, I think, what we all hope happens. I think this is a premature debate. Hopefully, it is a debate that will never have to occur because we will not have to commit those United States Forces to Haiti. I join with my colleague from Arizona and the distinguished chairman of the Foreign Relations Committee in support of the proposition that this amendment be rejected.

I thank my colleague from Arizona, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Pennsylvania controls 3 minutes 20 seconds; the Senator from Arizona 1 minute 6 seconds.

Mr. SPECTER. Mr. President, the key point was made by the distinguished chairman of the Foreign Relations Committee when he said, in response to my question, that de jure the Congress has the authority to declare war and de facto the President has the power to declare war. I think that is correct.

I think that is the way it has worked out, and it is high time, under circumstances as clear as those present now, that the Congress reassert its de jure and de facto authority to declare war. "De jure" means out of law; "de facto" means out of fact.

The fact is that he who asserts the fact of the matter controls what practically happens, and where you have a situation where the Senate of the United States has said, "Do not invade Haiti," and the House has said, "Do not invade Haiti," and the President says, "I am not mandated to get the authority of the Congress," that is a flat violation of the constitutional requirement that only the Congress has the power to declare war. There may well be a constitutional crisis if the President moves ahead to declare war and make war in violation of the Constitution.

Mr. President, this amendment is carefully crafted to leave the President his authority as Commander in Chief to have temporary deployment of U.S. Forces to protect U.S. citizens or to have the deployment of U.S. forces to protect vital U.S. national security interests where there is not time to come to the Congress. So his power as Commander in Chief is respected and protected.

What this amendment does is seek to reassert the de facto authority of the Congress as the sole authority to declare war.

It is ironic, Mr. President, that we articulate a desire to promote democracy in Haiti while we are ignoring democracy and the United States Constitution at home.

Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Pennsylvania controls 40 seconds.

Mr. SPECTER. I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania yields the floor.

Who yields time?

Mr. McCAIN. Mr. President, I yield myself the remaining time.

The PRESIDING OFFICER. The Senator has 1 minute 1 second.

Mr. McCAIN. Mr. President, one of the great embarrassments to me as a Senator is the failure to abide by our own law, which is the War Powers Act.

I urge the participation of Senator SPECTER and others in this body to review this law and revise it in a fashion that we can obey. We should abide by the laws that we pass as we expect the people of the rest of the country to abide the laws we pass.

This amendment is not about whether we should invade Haiti. That issue has been ventilated and will be ventilated again many times on the floor. This amendment is not about whether the President should come to the Congress of the United States and consult and receive prior authorization before he invades Haiti, if he contemplates such action.

This amendment is about the Constitution of the United States and Senator SPECTER's view of it and mine.

I believe that history shows that the President of the United States should be clear to exercise his powers as Commander in Chief of the Armed Forces. I believe the Constitution of the United States does provides him with this authority. For us to prospectively prohibit that action, I think would set a very dangerous precedent for the future.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SPECTER. Mr. President, this amendment is about a de facto amendment to the Constitution of the United States. It was succinctly and accurately expressed by the chairman of the Foreign Relations Committee that the President takes on the de facto authority to declare war, and if, in the circumstances here where there has been ample time for the President to come to the Congress and he does not, the Congress says, "Do not make war in Haiti," and the President responds, "I am not mandated to come back to the Congress," if we allow that to stand and if we allow the President to assert and usurp the authority to make war, we are having a de facto amendment of the Constitution.

The PRESIDING OFFICER. The Senator's time has expired.

WRONG SIGNAL ON HAITI

Mr. BYRD. Mr. President, I oppose the amendment offered by the Senator from Pennsylvania on Haiti. The adoption of this amendment today would send the wrong message to the military leadership in Haiti. We should not take action today that gives the de facto Haitian Government any sense of security or complacency, and which might impede other diplomatic efforts to ensure their speedy departure.

I agree with the Senator from Pennsylvania in that I believe that the President should seek prior congressional approval for any military action in Haiti that does not stem from the urgent need to protect Americans living in Haiti or from some other immediate national security concern. Under the Constitution, the President has the freedom of action to respond to those emergency situations. Military actions to remove the military leadership of Haiti and return the legitimately elected civil authorities are actions for which he should want and should seek the approval and support of the Congress. I believe that the President understands that actions such as are contemplated for Haiti, involving risk for United States military personnel, are actions for which he would want and would seek congressional support and approval. That way, should any eventual military action result in casualties, that burden would not be borne by the President alone.

A prohibition on the use of military force in Haiti except in cases where the President already has the clear constitutional authority to act, is unwise at this time. It gives support for the military leadership in Haiti. The President needs flexibility to exercise his responsibilities as Commander in Chief and he should also have the good judgment to build a solid consensus in Congress and the American public for military action. The President, I believe, has that good judgment and I do not think we should be presuming that he does not. Therefore, I urge my colleagues to table this amendment.

Mr. LAUTENBERG. Mr. President, I do not support an invasion of Haiti at this time, but I will oppose the Specter amendment which appears to prohibit it.

As Senator MCCAIN, and others who oppose both an invasion and the amendment have argued, the Specter language would do nothing but undercut the ability of this or any future President to use the threat of force as a negotiating tool.

I want the President to seek congressional authorization prior to any action. I believe that President Bush's decision to seek such an authorization prior to the conflict with Iraq was extremely helpful. If President Clinton believes that an invasion of Haiti is necessary, he should explain that to the Congress and the country. He should explain the need for action and the strategy which will guide that action. While I am not now persuaded that an invasion is the best course to take, I intend to listen carefully to the President's arguments and explanations.

Mr. President, the Specter amendment involves issues of process and politics rather than policy. Defeat of this amendment does not mean that the Congress supports or wants an invasion of Haiti; adoption of this amendment would not prohibit an invasion since it spells out, as does existing law, situations in which the President may act unilaterally.

The Senate has cast a series of votes on Haiti over the past few weeks. My votes on those amendments make it clear that I want the President to consult with the Congress and that I am not persuaded that an invasion is justified or wise at this time. It was unfortunate, in my view, that this amendment was offered as the debate has made clear, Senators do not see this as a debate about policy. It is a debate about process and no one—in Haiti or in America—should read anything more than that into this vote. To interpret this as a vote for or against a given policy in Haiti would be a serious mistake and could lead to serious miscalculations.

Mr. WARNER. Mr. President, I rise today to join Senator MCCAIN in opposing the amendment of the senior Senator from Pennsylvania.

I have consistently voted against legislation, such as the amendment offered by Senator SPECTER, which would prohibit the president from exercising his constitutional authority as Commander in Chief. I last spoke to this issue on June 29, during consideration of a similar amendment offered by Senator GREGG.

I agree with the arguments of Senator MCCAIN that the Constitution grants the President, as Commander in Chief, the authority to deploy U.S. military forces abroad as he deems appropriate. I would hope that Presidents, absent situations where timing is so critical that consultations cannot precede execution of a military operation, would either consult with Congress or seek prior congressional authorization regarding the use of force. But I do not find constitutional authority to require such congressional involvement as a condition precedent.

Having said that, my vote against the specter amendment should not be broadly interpreted as an endorsement of a United States invasion of Haiti, given the facts existing today, August 5, 1994. I have serious misgivings about the policy being pursued by the administration regarding Haiti. I remain firm in my belief that the administration has not made a convincing case to justify the use of United States troops in Haiti.

We are all moved by the tragedies in Haiti—the human rights violations, the thousands of desperate refugees, the military leaders prospering while the poor are suffering. But our compassion alone is not sufficient reason for endangering the lives of the men and women of the U.S. Armed Forces, should they be ordered to invade. Compassion will not offset the injury to other nations in this hemisphere who constantly remind us of Yankee imperialism in years past.

The main question that I believe the administration has failed to answer is—what is the United States national interest in Haiti that would justify the use of United States military power? It appears at this point that there remains disagreement at the highest levels of the administration regarding this question. I refer my colleagues to Senator MCCAIN's floor statement of yesterday addressing the New York Times article of August 4 entitled, "Top U.S. Officials Divided in Debate on Invading Haiti."

During briefings to the Congress, administration officials have said that the United States has an interest in restoring democracy to Haiti. This is not, as some officials claim, a justification for the use of force. While we would like to see democracy restored in Haiti, we should not shed American blood to achieve that goal.

The administration has also stated that we have an interest in stability in the Caribbean. I agree. But I fail to see

how the situation in Haiti is contributing to uncontrolled instability in the region. Several months ago, on May 16, the nation which adjoins Haiti, the Dominican Republic, held a Presidential election. The unrest in Haiti—just miles away—did not de-stabilize that free election.

We should not forget the history of United States military involvement in Haiti as we contemplate a possible invasion. The last time the United States intervened in Haiti it restored order, in 1915, we remained for 19 years. History has a way of repeating itself.

Mr. President, it is unfortunately true that the world today is a more dangerous and violent place than it was just 10 years ago. There are currently 64 areas of conflict in the world. The United States cannot be expected to solve all of the problems in the world today. We are not the world's policeman. We must be selective in the use of U.S. military power. Unless vital U.S. national interests are at stake, U.S. troops should not be sent into harm's way. At this point, Haiti does not meet that standard. A U.S. military solution to the problems in that country should be avoided.

The PRESIDING OFFICER. Pursuant to the previous order, the Senator from Arizona is recognized upon the expiration of time.

Mr. McCAIN. Mr. President, I move to table the amendment and 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 of the Senator from Arizona to lay on the table the amendment of the Senator from Pennsylvania. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. WALLOP. Mr. President, on this vote I have a pair with the distinguished Senator from Vermont [Mr. JEFFORDS]. Senator JEFFORDS is unavoidably absent. If he were present and voting, he would vote "yea," for the McCain motion to table. If I were at liberty to vote, I would vote "nay." And, therefore, I withhold my vote.

Mr. FORD. I announce that the Senator from Louisiana [Mr. BREAUX], the Senator from Arizona [Mr. DECONCINI], the Senator from Alabama [Mr. HEFLIN], and the Senator from Tennessee [Mr. MATHEWS] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Vermont [Mr. JEFFORDS] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 63, nays 31, as follows:

[Rollcall Vote No. 263 Leg.]

YEAS—63

Akaka	Ford	Metzenbaum
Baucus	Glenn	Mikulski
Biden	Gorton	Mitchell
Bingaman	Graham	Moseley-Braun
Bond	Gramm	Moynihan
Boren	Harkin	Murkowski
Boxer	Hatfield	Murray
Bradley	Hollings	Nunn
Bryan	Inouye	Pell
Bumpers	Johnston	Pryor
Byrd	Kassebaum	Reid
Campbell	Kennedy	Riegle
Chafee	Kerrey	Robb
Coats	Kerry	Rockefeller
Cochran	Kohl	Sarbanes
Conrad	Lautenberg	Sasser
Daschle	Leahy	Shelby
Dodd	Levin	Simon
Dorgan	Lieberman	Stevens
Exon	Mack	Warner
Feinstein	McCain	Wofford

NAYS—31

Bennett	Faircloth	Nickles
Brown	Feingold	Packwood
Burns	Grassley	Pressler
Cohen	Gregg	Roth
Coverdell	Hatch	Simpson
Craig	Helms	Smith
D'Amato	Hutchison	Specter
Danforth	Kempthorne	Thurmond
Dole	Lott	Wellstone
Domenici	Lugar	
Durenberger	McConnell	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Wallop, against

NOT VOTING—5

Breaux	Heflin	Mathews
DeConcini	Jeffords	

So the motion to lay on the table the amendment (No. 2460) was agreed to.

Mr. DOLE. Mr. President, I just wanted the RECORD to reflect that Senator JEFFORDS is regrettably absent today due to a family medical emergency.

VOTE ON EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 25, LINE 8, THROUGH LINE 13

The PRESIDING OFFICER. The question now occurs on the underlying committee amendment on page 25, line 8.

If there be no further debate, the question is on agreeing to the amendment.

So the excepted committee amendment beginning on page 25, line 8, through line 13, was agreed to.

Mr. HARKIN. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HARKIN. I move to reconsider also the vote on the Specter amendment.

The PRESIDING OFFICER. There is a motion to reconsider the vote to table the Specter amendment. Is there a motion to lay that upon the table?

Mr. SPECTER. So moved.

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT AGREEMENT

Mr. HARKIN. Mr. President, I ask unanimous consent that pursuant to the previous agreement, the list of excepted amendments be modified to read as follows:

Page 25, lines 8 through 13;

Page 51, line 16, through page 52, line 17;

Page 78, line 16 through line 23;

Page 78, line 24, through page 79, line 15;

Page 80, line 1 through line 5;

Page 80, line 6, through page 81, line 8;

Page 63, line 5, through page 64, line 4.

Page 68, line 18, through page 69, line 5.

The PRESIDING OFFICER (Mr. DORGAN). Will the Senator modify his request to delete the committee amendment on page 25, lines 8 through 13?

Mr. HARKIN. That was the one just adopted. I delete the one excepted amendment on page 25, lines 8 through 13.

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

Mr. HARKIN. Mr. President, now we are ready to move to an amendment that will be offered by the Senator from Arizona regarding the Corporation for Public Broadcasting. As soon as he is recognized to offer that, then perhaps we can enter into some time agreement on it.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, before I send an amendment to the desk, I would like to tell the distinguished managers that the Republican leader has asked for 10 minutes to speak on this amendment. So I only need 5 or 10 minutes. I will need a maximum of 20 minutes on this side on the issue. I will be glad to enter into a unanimous-consent agreement for a time limit.

Mr. HARKIN. Mr. President, if the Senator will yield, I ask unanimous consent that on the McCain amendment dealing with the Corporation for Public Broadcasting there be 40 minutes equally divided, 20 minutes controlled by the Senator from Arizona, or his designee, and 20 minutes controlled by Senator INOUYE, or his designee.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. I want to be sure, reserving the right to object, that Senator STEVENS has 10 minutes in that time.

Mr. BROWN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Is the distinguished chairman willing to include my Taiwan amendment in that unanimous-consent request? I will be happy to limit that to 10 minutes.

Mr. HARKIN. We have not cleared that.

Mr. BROWN. It has not been cleared. I thought it would be appropriate to do it in terms of a time limitation.

Mr. HARKIN. We will seek to get that agreement as soon as we finish the

Corporation for Public Broadcasting. I think we will be OK on it.

Mr. BROWN. I have no objection.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request propounded by the Senator from Iowa? Without objection, it is so ordered.

The Senator from Arizona.

AMENDMENT NO. 2461 TO EXCEPTED COMMITTEE AMENDMENT ON PAGE 68, LINE 18, THROUGH PAGE 69, LINE 5

(Purpose: To increase funding for AIDS programs)

Mr. McCAIN. Mr. President, I ask unanimous consent that the pending committee amendment be laid aside and that the committee amendment beginning on page 68, line 18, through page 69, line 5, be the pending business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I send a second-degree amendment to the pending committee amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN] proposes an amendment numbered 2461.

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

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

The amendment is as follows:

At the end of the committee amendment on page 69, at the end of line 5, insert the following: *Provided further*, That $37,360,000 shall be transferred to Department of Health and Human Services to be used solely for AIDS research and prevention programs in Fiscal Year 1997."

The PRESIDING OFFICER. The Senator is recognized.

Mr. McCAIN. Mr. President, this amendment mandates that of the $330 million appropriated in the bill for the Corporation for Public Broadcasting, $37,360,000 should be transferred to the Department of Health and Human Services to be used for AIDS research and prevention programs.

The bill before the Senate appropriates $330 million to the CPB for fiscal year 1997. This amendment lowers that amount to $292,640,000000, the amount that was requested by the President and mandates the difference be used for AIDS research.

Mr. President, this is simply a matter of priorities. Each day Americans in every Member's State, in every congressional district will die from AIDS. According to the Centers for Disease Control, as of March 1994, 382,173 Americans were diagnosed as having AIDS and another 1 million were infected with the HIV virus.

Based on current information, those numbers will undoubtedly increase. The facts surrounding this killer are well known, and there is no need to repeat them all. But there exists no cure for AIDS, and we are in desperate need to do all we can to fund AIDS research and prevention programs.

At the same time, we are increasing the funding for the Corporation for Public Broadcasting. The President requested the Corporation for Public Broadcasting be funded at $292 million for 1997. I do not always agree with the President, but when I do—and when I recognize a concerted effort on his part to control spending—then we have an obligation, in my view, to support him.

Mr. President, I repeat, this is an issue of priorities. Do we increase funding for the CPB in excess of the President's request, or do we use the money for AIDS research?

Let me point out, this bill funds the CPB $37 million more than the President's request. It funds the Ryan White AIDS Program at $8 million below the President's request. The Ryan White AIDS Program, which funds AIDS early intervention programs, is funded at $14,400,000 below the President's request. And, Mr. President, title IV of the Ryan White program, which funds pediatric AIDS programs, is funded $1 million less than the administration's request.

Let me repeat, pediatrics AIDS programs in this bill are funded at a level $1 million less than requested, yet we are funding the Corporation for Public Broadcasting above requested levels.

The supporters of the CPB constantly state how important the CPB is for our Nation's young people. Let me emphasize, this is obviously very important to young people, but those young people have to be alive. The House has realized that we must make priorities, and the House Members and the Labor/HHS Appropriations Subcommittee cut the fiscal year 1995 budget by $20 million. The report that accompanies the House bill states:

The committee's action to rescind a portion of the advanced appropriation for 1995 is consistent with funding recommendations for many other programs in the bill which are slightly reduced below the 1994 funding level due to the committee's tight budget allocation and the need to shift resources to the President's investment priorities in education, job training, health prevention and biomedical research.

The CPB may have served a need when it was created in 1969. It served many individuals who were not able to receive quality programming and does still in some areas. But times have changed, needs have changed, and our priorities must change with them.

Cable is now available to 97 percent of American homes and 63 percent of all households subscribe to cable television and subscription rates are rising. Additionally, direct broadcast service television, known as DBS, has begun direct satellite-to-home broadcast television. The popularity of that service is expected to skyrocket.

What kind of programming can someone watch on these venues? Stations such as Arts and Entertain, BRAVO, CNN, Nickelodeon, C-SPAN and Discovery—many stations that air programs as good as, if not better, than those which exist on PBS. Yet we continue to raise the spending levels for the CPB.

I am keenly aware that the Senator from Alaska and the Senator from Hawaii will point out the far-reaching areas of their States where cable is not available and public broadcasting is necessary. I would state to my colleagues, first, DBS will soon solve that problem; second, if my amendment is adopted, we in Congress can mandate during consideration of the reauthorization bill, which is currently pending in the Commerce Committee, that CPB use its funding to ensure that rural Alaska and rural Hawaii is not abandoned; and, third, we will still be funding the CPB at substantial levels.

I acknowledge that there is a need for public broadcasting stations to remote sections of our Nation. However, in areas such as metro Washington, DC, where three public broadcasting stations are available over the airwaves, at the very least, continued increases in Federal funding must be called into question.

I repeat, it is a matter of priorities.

Cutting the money from the CPB budget will not cause public broadcasting to cease. Public broadcasting can and will continue to exist, but the fact remains, using this $37 million to fund AIDS research may save lives. It may bring us one day closer to a cure for this deadly disease. And that, Mr. President, I believe is worth a small reduction in the CPB budget.

I reserve the remainder of my time.

Mr. INOUYE addressed the Chair.

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

Mr. INOUYE. Mr. President, I rise in support of the funding level for the Corporation for Public Broadcasting which is included in this bill, $330 million for fiscal year 1997.

Mr. President, this amount is well below the proposed authorized level of $425 million provided for in S. 2120, the Public Broadcasting Act of 1994.

The funding contained in this appropriations bill would allow public broadcasting stations to simply maintain the present level of high quality programming. I think all of us have seen firsthand how public broadcasting has helped this country. Public broadcasting's effort in education, advanced technology, and program development continues to set the standard for commercial broadcasting.

For example, nationwide, public television is the largest contributor of video and televised instructional material for schools, for colleges, and home viewers in the country. Public TV

reaches over 29 million students in nearly 70,000 schools from kindergarten to grade 12. Close to 2 million teachers use public educational services provided by public TV and nearly 2 million adults have earned college credit because of public broadcasting.

Last month, public television launched a new school readiness service designed to help children to start school ready to learn. The ready to learn service is being tested in 11 sites across the country, and this service will offer quality children's programming, community outreach, and increased support services for children.

Yesterday, public broadcasting announced that it will launch another new education initiative called Ready to Earn. This service is designed to enhance career and economic opportunity for millions of Americans. "Going the Distance," the first of the ready to earn programs, will allow students to earn associate of arts degrees in over 60 community colleges in PBS telecourses. The program will enable students who need to work, parents who need to take care of their children, and citizens who do not live near a college campus to earn a college degree.

Many of us do not realize this, but public television provides closed captioning for the hearing impaired, a descriptive video service which has an optional audio narration track for the sight impaired, and Spanish language tracks for Spanish-speaking students.

Innovative services like these are important as our society becomes more diverse.

Public broadcasting also allocates a large percentage of its funds to enhance programming by and for minorities in traditionally unserved areas. And through the Independent Television Service and five minority consortia, public broadcasting has enabled Americans to explore important social issues and experience a wide variety of opinions and ideas.

CPB coordinates statewide planning and conducts research to help public broadcasting systems keep up with the new technologies and fluctuating financial conditions. For instance, many public radio and television stations are exploring new ways to manage the administrative and technical processes to achieve greater efficiency, and I applaud the efforts of these stations to become more efficient and eliminate duplicate program coverage.

When one considers, Mr. President, that public broadcasting receives only $1 a year per person from the Federal Government, one can only conclude that public broadcasting is one of the wisest investments that Congress can make. The Communications Subcommittee of the Commerce Committee is committed to passing reauthorization legislation this year so that we can ensure a healthy public broadcasting system in this country. The subcommittee held a hearing just 2 months ago on legislation to reauthorize the CPB, and I expect the bill to be marked up before the next recess.

The House is also expected to introduce a similar measure and to hold hearings rather soon. And I believe any issues with regard to CPB programs and policies should more properly be considered in the context of an authorization bill.

Finally, Mr. President, I support the funding level contained in this bill and must commend Senator HARKIN and the Appropriations Committee for demonstrating such fiscal responsibility. The funding provided in the appropriations bill is a good investment in our country's future.

Mr. President, it is time once again for Congress to reaffirm its commitment to the public broadcasting system and to provide the financial stability and means needed for CPB to realize its full potential.

How much time do we have?

The PRESIDING OFFICER. The Senator from Hawaii has 14 minutes and 10 seconds remaining. The Senator from Arizona has 14 minutes and 26 seconds remaining.

Mr. INOUYE. I suggest the absence of a quorum with no time taken off from either side.

The PRESIDING OFFICER. The absence of a quorum is noted, with no time taken off the time agreement. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. 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. HARKIN. How much time is remaining on both sides, Mr. President?

The PRESIDING OFFICER. There are 14 minutes remaining to the Senator from Iowa and 14 minutes and 26 seconds remaining to the Senator from Arizona.

Mr. McCAIN. Will the Senator yield?

Mr. HARKIN. Will the Senator from Hawaii yield to me a couple minutes on the subject?

Mr. INOUYE. I would be happy to. I promised 10 minutes to the Senator from Alaska.

Mr. HARKIN. How much time does the Senator from Hawaii have?

Mr. INOUYE. Fourteen minutes.

The PRESIDING OFFICER. Just under 14 minutes.

Mr. HARKIN. I ask the Senator to yield 2 minutes.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 2 minutes.

Mr. HARKIN. Mr. President, I urge Senators to vote against the McCain amendment. Few of the programs funded in this bill touch as many lives as public broadcasting does; 90 million people watch public television, more than half of American households in any given week. Many of them are children. For them, public television makes essential learning opportunities available regardless of their parents' education, income, or occupation. It exposes children to information about world politics, economic events, and career opportunities that will affect their lives.

Commercial broadcasting's primary goal is to deliver an audience to advertisers. Public broadcasting's primary goal is to produce quality programs that do not necessarily make money, and this difference makes public broadcasting unique. There is nothing like All Things Considered or Morning Edition anywhere on commercial radio. There is nothing like MacNeil/Lehrer or Sesame Street anywhere on commercial television.

Of the $330 million provided in the Senate bill for CPB, $218 million goes directly to the Nation's 700 radio stations and 350 public television stations in the form of community service grants. Stations use these grants to acquire or produce programming that serves the needs of their local communities. In spite of overall increases in CPB funding, many stations have had their grants cut in real and relative terms. Between 1989 and 1994, at least 15 new public television stations and 90 new public radio stations have become eligible for these grants. Grants to these new stations, although helping the system bring public broadcasting services to areas and audiences not previously served, have offset significantly the growth in Federal support for existing stations. Small rural stations are most reliant on these funds and would be most affected by cuts. For rural audiences, the money we appropriate is vital. Because television stations in rural areas do not have great fundraising capabilities, smaller rural stations will likely be forced to cut service to their communities. Public broadcasting works because it is a partnership between business, Government and the American people. If you weaken one leg, the whole enterprise is affected.

The PRESIDING OFFICER. The Senator has consumed 2 minutes.

Who yields time?

Mr. INOUYE. Mr. President, I suggest the absence of a quorum without taking time off either side.

The PRESIDING OFFICER. The absence of a quorum is noted without the time being taken from either side. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCAIN. 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. McCAIN. Mr. President, I want to use about 2 minutes of my time.

Then I would like to go ahead and move to lay the pending amendment aside so that Senator BROWN, the Senator from Colorado, can pose his amendment. I believe the Senator from Iowa is working on a time certain for this vote and also for the next vote.

Mr. ROBB. Mr. President, today as we consider the level of funding to be provided for the Corporation of Public Broadcasting, I believe it is important to reflect on the accomplishments and potential for public broadcasting.

During the last 27 years, public broadcasting has enabled Americans to take countless journeys, explore the heavens and Earth, participate in great events and arouse more dreams and address more issues of social importance.

Public broadcasting is no longer just "MacNeil/Lehrer," "All Things Considered," or Big Bird. Today it is public telecommunications encompassing all forms of technology from videodisc to interactive computers and high-definition television to other means of communication that will continue to allow us to dream, take journeys, experience great drama and music, and explore the heavens and beyond.

Today, communications technologies offer exciting opportunities to improve the quality and quantity of educational programming on television and radio. Education is the key to the future of our country. If we fail to provide quality education, we risk not only the minds of our children but also our Nation's place in an increasingly competitive world. But how do we, in times of budget deficits, make the most of our limited resources to ensure that Americans are able to function in the workplace? One way is to empower citizens and communities to work together to find solutions. And in order to do so, it is Congress' role to provide citizens and communities the means to work together.

One of the best means available to Congress to achieve this goal is public telecommunications. CPB is embarking on several new journeys which ensure its place in our changing world. It is exploring new ways to improve school readiness for very young children using the powerful medium of television as a positive influence rather than a harmful one. It is developing community-wide education and information services that will provide local capacity to utilize the national information infrastructure. And it is seeking ways to use its access into every community and every home to address such difficult problems as youth violence.

Preschool children have been exposed since the late 1960s to the early childhood educational values of "Sesame Street" and "Mr. Rogers' Neighborhood." Classroom television from kindergarten through high school reaches 29 million students across the country with science, math, and reading instruction. After school, public television programs like "Reading Rainbow", "Where in the World is Carmen SanDiego?", and the upcoming "Magic Schoolbus" series, encourage youngsters to pursue subjects such as reading, geography, and science.

College courses are available through the Annenberg/CPB Project, a 1981 initiative to promote adult education which has been a pioneer in interactive computer systems to improve teaching and learning. Nearly 1.5 million students used the audio and video material in their college classes in 1989. Approximately 150,000 students have completed Project courses for college credit, and an additional 7.5 million general interest viewers tune in to courses every week.

For these reasons, I fully support the Appropriations Committee recommendation to provide $330 million to the Corporation for Public Broadcasting for fiscal year 1997 and I oppose the McCain amendment to cut CPB funds.

Mr. President, I also ask your permission to submit for the record an article from yesterday's Washington Post which describes a new Public Broadcasting Service initiative, "Going the Distance." The program is a cooperative effort with 60 community colleges across the country, including Northern Virginia Community College, that will enable students for the first time to earn degrees entirely through PBS telecourses. I believe this is a sterling example of public TV's commitment to meet the lifelong educational needs of all Americans and to be a significant provider of quality programming for the so-called information superhighway.

Thank you, Mr. President. I yield the floor.

[From the Washington Post, Aug. 4, 1994]

PBS LAUNCHES COUCH COLLEGE—STUDENTS CAN EARN ASSOCIATE DEGREE

(By Ellen Edwards)

Public television has forged a partnership with 60 community colleges around the country that will enable students to earn degrees for the first time entirely through PBS "telecourses."

"It will bind PBS as never before to its original education mission," said PBS President Ervin Duggan. "Educational TV has come a long way since a single camera was trained on Mrs. Gundy holding a pointer at the blackboard.

"In a 500-channel universe we have to have a unique and differentiated mission. This is the first big strategic thing we are doing."

The program, called Going the Distance and scheduled to begin this fall, is to be announced at a news conference today. It will permit students who need to work, who take care of their children at home or who live too far from a campus to earn an associate of arts degree from any of the colleges paired with 20 PBS stations.

In the Washington area, only Maryland Public Television is participating in the program's initial phase, in conjunction with Prince Georges Community College in Largo, Catonsville Community College in Baltimore, Howard Community College in Columbia and Northern Virginia Community College in Annandale.

PBS has offered courses for credit since 1981—with nearly 350,000 enrolled last year—but students have never before been able to earn a degree with only those programs. The program comes under the umbrella of PBS's new "Ready to Earn" initiative, which is a parallel program with the network's elaborate preschool initiative called "Ready to Learn."

Reich said the increasing "structural unemployment" brought about by technology and downsizing is forcing more people to develop new job skills. "Our message loud and clear is that the future requires you to upgrade your skills and get ahead.".

In addition, it is a way for community colleges to increase their own enrollment.

PBS estimates that 90 percent of the students participating in "distance learning" are employed; 68 percent are women; and 70 percent are between the ages of 23 and 49.

Wanda Cromer, 29, is typical. She is married, lives in Prince George's County, works full time as an administrator for a computer company in College Park and is raising two children, ages 4 and 6. She now tapes her telecourses off the Prince George's cable channel, she said, and watches them when she can. She wants to get an associate degree in business management, which she estimates will take her about four years, and then transfer to the University of Maryland to complete requirements for a bachelor's degree. Right now she has had to go to the Prince George's campus to meet course requirements. The new program will give her increased flexibility in where and how she completes the courses.

PBS's Adult Learning Service has been self-supporting, according to Jinny Goldstein, who is in charge of educational project development, and Going the Distance should also pay for itself. PBS receives a $15 fee from the colleges for each student who takes the class as well as a license fee of between $400 and $500 from the college to air each course.

Some of the course materials come from programs that originally aired on PBS, such as "Eyes on the Prize," about the civil rights struggle in America, and "Art of the Western World." Other courses are created by outside educational producers specifically for the program. For the fall, about 60 courses will be offered.

Students must register and pay tuition at a participating community college, and then they receive the video portion of the course in a variety of ways—either through over-the-air broadcasts on the station, on videocassettes or on educational cable channels.

Each participating school sets its own requirements for successful completion of the course.

In each case the effort will be to reach students who could not otherwise attend college and work toward a degree.

"The information highway," said Reich, "is irrelevant if you don't know how to drive on it."

Because of its focus on job training and retraining, Labor Secretary Robert Reich is to join Duggan in announcing the program this morning. "This effort directly affects the work force of the future," Reich said yesterday. "Earnings are directly correlated to knowledge. Those who have some training beyond high school earn about 10 percent more than those with only a high school degree."

Mr. INOUYE. Mr. President, I rise in support of the funding level for the

Corporation For Public Broadcasting [CPB] included in the Labor, HHS and Education Appropriations bill. The Appropriations Committee approved $330 million for the CPB for fiscal year 1997. This amount is well below the proposed authorized level of $425 million provided for in S. 2120, the Public Broadcasting Act of 1994.

The funding contained in this appropriations bill would allow public broadcasting stations to simply maintain the level of high-quality programming they provide today while properly balancing the need of Congress to show fiscal responsibility.

We have all seen first hand how public broadcasting has helped our Nation. Public broadcasting's efforts in education, advanced technology, and program development continue to set the standard for commercial broadcasting. For instance, in the area of education, Public television has shown itself to be one of the most economical and efficient mechanisms for distributing educational information to our homes and schools. Public television stations are providing their local schools and State educational institutions with technical expertise and quality programs to supplement classroom instruction.

Nationwide, public television is the largest contributor of video and televised instructional materials for schools, colleges and home viewers in the country. Public TV reaches over 29 million students in nearly 70,000 schools, grades K through 12. Close to 2 million teachers use public educational services provided by Public TV and nearly 2 million adults have earned college credit because of public broadcasting.

Last month public television launched a new school readiness service designed to help children start school ready to learn. The ready-to-learn service is being tested in 11 sites across the country. The new service will offer quality children's programming, community outreach and increased support services for children, families, and child care providers.

Today, the Public Broadcasting Service announced that it will launch yet another new education initiation called "ready-to-earn." The ready-to-earn service is designed to enhance career and economic opportunities for millions of Americans. "Going the distance," the first of the ready-to-earn programs will allow students to obtain an associates arts degree from over 60 community colleges through PBS telecourses. The program will enable students who need to work, parents who need to take care of their children and citizens who do not live near a college campus to earn a college degree. Mr. President, continued Federal funding will enable public broadcasting to offer more programs like these—programs that will help millions of American citizens.

We should not forget how public broadcasting has helped broaden the reach of television to many of our Nation's citizens. Public television provides closed-captioning for the hearing-impaired, Descriptive Video Services [DVS]—an optional audio narration track for the sight-impaired, and Spanish language tracks for Spanish-speaking citizens. Innovative services like these are important as our society becomes more diverse.

The CPB also allocates a large percentage of its funds to enhance programming by and for minorities and traditionally unserved areas. Through the Independent Television Service [ITVS] and the five minority consortia, public broadcasting has enabled Americans to explore important social issues and experience a wide variety of opinions and ideas.

The CPB coordinates systemwide planning and conducts research to help the Public Broadcasting System keep up with new technologies and fluctuating financial conditions. For instance, many public radio and television stations are exploring new ways to manage their administrative and technical processes to achieve greater efficiencies. Some are discussing ways to consolidate their stations and share resources. I applaud the efforts of these stations to become more efficient and eliminate duplicate program coverage.

When one considers that public broadcasting receives only $1 a year per person from the Federal Government, one can only conclude that public broadcasting is one of the wisest investments that Congress can make.

Mr. President, the Communications Subcommittee of the Commerce Committee is committed to passing reauthorization legislation this year so that we can ensure a healthy public broadcasting system in this country. The subcommittee held a hearing just 2 months ago on legislation to reauthorize the CPB. I expect the bill to be marked up before the next recess. The House is also expected to introduce a similar measure and to hold a hearing relatively soon. I believe any issues with regard to CPB programs and policies should more properly be considered in the context of an authorization bill.

Finally, Mr. President, I support the funding level contained in this appropriations bill and must commend Senator HARKIN and the Appropriations Committee for demonstrating such fiscal responsibility. The funding provided in the appropriations bill is a good investment in our country's future.

It is time once again for Congress to reaffirm its commitment to the Public Broadcasting System and to provide the financial stability and means needed for the CPB to realize its full potential.

Mr. KENNEDY. Mr. President, I urge the Senate to support the Corporation for Public Broadcasting, and the funding levels provided by the committee for its important programs.

The Corporation for Public Broadcasting [CPB] has done an excellent job creating many worthwhile educational programs for young people, and a wide range of documentary and cultural programming for older viewers.

At a time when commercial programming is often saturated with violence, public broadcasting offers a realistic alternative for young viewers and families. Programs such as "Sesame Street" and "Shining Time Station" are widely watched, and they deserve our support.

The Federal investment in public broadcasting is approximately $1 per person. That investment must be matched by $2.50 in non-Federal support. More than twice that amount in matching funds is actually attained each year, demonstrating the enthusiasm and broad support that CPB has earned through its record of quality programming and community outreach.

In Massachusetts, WGBH and WGBY have been extraordinary leaders in their communities. I commend WGBH for its instrumental role in supporting the Ready to Learn Program. School readiness is the first of the Nation's education goals. Ready to Learn is using television and video broadcasting to develop important programming for preschool children to help them enter school ready to learn.

The Ready to Learn activities are under the jurisdiction of the Department of Education, to insure that educational priorities are included in the programming. Public broadcasting has been an early advocate and innovator in this effort, and I am pleased that the Department of Education will be working closely with CPB in this effort to improve readiness skills for the Nation's preschoolers.

Some critics claim that because so many alternatives now exist, public broadcasting is no longer needed. It is true that some cable signals provide similar educational programming. But nationally, only a little over half of all households subscribe to cable. By contrast, public broadcasting is available in any home with a television set, and we ought to take advantage of this access.

No other alternative can match the commitment of public broadcasting to educational, informative, and cultural programming. Our national system of community-based and viewer-supported public broadcasting is an extraordinary achievement.

Support for public broadcasting is good public policy and a sound Federal investment. I urge the Senate not to undermine it.

NATO AIR STRIKES IN BOSNIA

Mr. McCAIN. Mr. President, I have just been informed that NATO airplanes are getting ready to conduct strikes in Bosnia. I have long opposed this action. I am very concerned about the ultimate outcome of the use of air power without a full commitment of the U.S. forces because I do not believe it is a viable military option. I think we may be on the verge of a very dangerous move on the part of the United States of America without the American people being properly consulted as to what we are getting into.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT

The Senate continued with the consideration of the bill.

Mr. McCAIN. Mr. President, I ask unanimous consent, if it is agreeable to the Senator from Iowa, at this time to set aside the pending amendment in order that Senator BROWN may offer his amendment.

Mr. HARKIN. I have no objection. I hope we can get a time agreement.

Mr. McCAIN. Mr. President, I am prepared to yield back the remaining time. The Republican leader said he wanted to speak. He is unable to. I understand from the Senator from Hawaii that the same is true in his case.

Mr. HARKIN. Mr. President, I agree to the unanimous-consent request that we set the pending amendment aside; that we recognize the Senator from Colorado [Mr. BROWN] for his Taiwan amendment, and that the Senator from Colorado have 10 minutes; then at the end of his 10 minutes, we will return to the amendment offered by the Senator from Arizona.

The PRESIDING OFFICER. Is there objection?

The Chair inquires of the Senator from Iowa, is it his intention that his request be that the pending amendment and the underlying amendment be set aside?

Mr. HARKIN. Yes, exactly, that both be set aside.

Mr. McCAIN. Reserving the right to object, is it also the view of the Senator from Iowa that we have both votes, on both the Brown and the McCain amendments, at approximately 1:15?

Mr. HARKIN. I am hopeful that we can do that. That will have to be checked further. I hope we just go ahead and go to the Brown amendment. Let us take that up. We will try to get this time worked out.

Mr. McCAIN. I do not object.

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

The Chair recognizes the Senator from Colorado.

Mr. BROWN. Mr. President, I rise to offer an amendment to the committee amendment on behalf of myself, Senators SIMON, MURKOWSKI, and LIEBERMAN.

AMENDMENT NO. 2462 TO THE EXCEPTED COMMITTEE AMENDMENT ON PAGE 51

(Purpose: To ensure that the President of the Republic of China on Taiwan can enter the United States on certain occasions)

Mr. BROWN. 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 Colorado [Mr. BROWN], for himself, Mr. SIMON, Mr. MURKOWSKI, and Mr. LIEBERMAN, proposes an amendment numbered 2462.

The amendment is as follows:

At the appropriate place in the committee amendment, add the following new section—

"SEC. . VISAS FOR OFFICIALS OF TAIWAN.

Section 4(b)(6) of the Taiwan Relations Act (22 U.S.C. 3302(b)(6) is amended—

(1) by inserting "(A)" immediately after "(6)"; and

(2) by adding at the end the following:

"(B) Whenever the president of Taiwan or any other high-level official of Taiwan shall apply to visit the United States for the purposes of discussions with United States federal or state government officials concerning:

(i) Trade or business with Taiwan that will reduce the U.S.-Taiwan trade deficit;

(ii) Prevention of nuclear proliferation;

(iii) Threats to the national security of the United States;

(iv) The protection of the global environment;

(v) The protection of endangered species; or

(vi) Regional humanitarian disasters.

The official shall be admitted to the United States, unless the official is otherwise excludable under the immigration laws of the United States.".

Mr. BROWN. Mr. President, I asked that the amendment be read in full to the body because it is very brief and to the point. The point is simply this:

This country has had a policy of excluding or denying visas to officials from Taiwan to visit this country. Members may have varied and differing feelings on that subject. I, for my own part, believe it is a great mistake to refuse to talk with our friends in Taiwan, or to refuse to permit them to visit.

The purpose of this amendment is self-evident. It pinpoints some specific instances in which the Congress can go on record as favoring visits by Taiwanese officials.

Back on May 4, the President of Taiwan stopped overnight in Hawaii. He was on his way to Costa Rica. He had asked for an opportunity to spend the night in Hawaii during his trip. This democratically elected leader of a foreign country, who is our fifth largest trading partner, who has stood side-by-side with us in conflicts around the world, was denied even the opportunity to stay overnight in Hawaii. It is almost unbelievable. Taiwan is a country that wants to be our friend—one of our bigger trading partners—and this administration will not even permit the democratically elected leader of Taiwan to stay overnight. The administration's unbelievable treatment of our distinguished Taiwanese guest prompted this amendment.

It is in this Nation's interest to at least allow contacts with Taiwanese officials on specific matters. What is included in this amendment are matters that I suspect no Member of this body will find objectionable. It requires that in discussions with regard to United States-Taiwan trade matters, and the trade deficit, we will permit them to talk with us. It also requires that for discussions of efforts to prevent nuclear proliferation, Taiwanese officials should be admitted; for threats to the national security of the United States, Taiwanese officials should be admitted; for discussions involving protection of the global environment; protection of endangered species; and regional humanitarian disasters—for discussions in these narrow, specific areas, the Taiwanese leadership will be admitted. All of these are areas I believe every Member of this body feels are appropriate and necessary, and it would be unreasonable to exclude Taiwanese officials from the United States to discuss these matters.

I am going to ask for a recorded vote on this amendment, because it is important that we go on record to let the Nation and the world know that we believe this kind of discussion and debate is important and helpful.

Mr. President, it is incredible at a time when we are facing potential problems—conflicts around the world—that we would be unwilling to even allow officials of the Taiwanese Government, who are our friends, major trading partners, who believe in democracy, who have stood side-by-side with us in a variety of conflicts, that we would prohibit them from even visiting this country. Thus, Mr. President, this amendment is offered. It is one I think would be helpful to set forth the opinions and the views of the American people. I hope it will result in a change in our policy toward Taiwan.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BROWN. Mr. President, I ask unanimous consent at this time to have printed in the RECORD a letter from Senator PAUL SIMON to his colleagues on this subject, dated May 5, and also a letter from the chairman of the Senate Foreign Relations Committee and six of its members regarding this subject, as well.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, May 5, 1994.

DEAR COLLEAGUE: Yesterday, the United States slighted President Li of Taiwan when

he was in our country. The Taiwan government had asked for an overnight stop for President Li in Honolulu, en route from Taiwan to Costa Rica. The ambassador of the People's Republic made a strong protest; the administration considered not allowing any stop at all; the compromise was a 90-minute refueling stop.

President Li was not allowed to disembark in Honolulu. No ranking official of our government was on hand to welcome the freely-elected leader of a friendly and prosperous democracy which has, in contrast to the People's Republic, an exemplary human rights record. Yesterday I expressed my dismay to Secretary Christopher in the attached letter.

Increased focus this spring, both here and in the administration, on China's deplorable human rights record and the President's upcoming determination on its MFN status should not mean U.S. neglect of its important relationship with Taiwan (the Republic of China). That view was widely shared when we adopted Section 508 of the Foreign Relations Authorization Act, signed by the President on April 30, expressing the sense of the Congress that:

"in addition to Cabinet-level visits, the President should take steps to show clear United States support for Taiwan. . ."

Is President Li's treatment "clear U.S. support for Taiwan"?

Since last year, the administration has held off completing a review of U.S. policy toward Taiwan. It has sought to delay Senate hearings on policy toward Taiwan. Now, we are given to understand that the policy review will be completed after the President's decision on China's MFN status is announced.

Before June 3, I will seek passage of my Taiwan resolution, S. Res. 148, which encourages full participation by representatives of Taiwan in the U.N. as well as Cabinet-level exchanges between the U.S. and Taiwan. S. Res. 148, which is attached, now has 22 cosponsors.

I hope you will consider joining us in supporting S. Res. 148.

PAUL SIMON,
U.S. Senator.

U.S. SENATE,
Washington, DC, July 25, 1994.

Hon. RONALD V. DELLUMS,
Chairman, House Armed Services Committee, Washington, DC.

Hon. FLOYD SPENCE,
Ranking Member, House Armed Services Committee, Washington, DC.

DEAR CHAIRMAN DELLUMS AND MR. SPENCE: In May, the United States turned down a request by President Lee of Taiwan to overnight in Hawaii en route to Costa Rica. Instead, we only permitted him to land for 90 minutes to refuel.

Taiwan is the United States' fifth largest trading partner, one of our closest allies in the Pacific and a functioning democracy. In our view, the Administration's policy of refusing entry to Taiwan's president does not make sense.

Consequently, during consideration of the Defense Authorization Bill for FY1995, the Senate included a provision to ensure that the President of Taiwan and other high-level Taiwanese will be admitted to the United States for discussions of matters directly related to U.S. interests, including:

(a) Trade or business with Taiwan that will reduce the U.S.-Taiwan trade deficit;

(b) Prevention of nuclear proliferation;

(c) Threats to the national security of the United States;

(d) The protection of the global environment;

(e) The protection of endangered species; or

(f) Regional humanitarian disasters.

We strongly urge you to include the Brown-Simon amendment concerning "Visas for Officials of Taiwan" in the final version of the conference report.

Sincerely,

CLAIBORNE PELL,
CHARLES S. ROBB,
PAUL SIMON,
JESSE HELMS,
FRANK MURKOWSKI,
HANK BROWN,
U.S. Senators.

VISAS FOR HIGH-LEVEL TAIWANESE OFFICIALS

Mr. MURKOWSKI. Mr. President, I am pleased to join my good friend from Colorado, Senator BROWN, in offering this amendment to ensure that high-level officials from the Taiwanese Government will be issued visas to visit the United States to discuss issues of mutual interest to our two governments.

I find it shocking that this amendment is even necessary. The Taiwan Relations Act was passed "to promote the foreign policy of the United States by authorizing the continuation of commercial, cultural, and other relations between the people of the United States and the people on Taiwan," 22 U.S.C. 3301. This policy has been impeded because of the U.S. Government's restrictive policies on high-level visits.

I remind my colleagues that Taiwan is the world's 13th largest trading partner and the United States 5th largest trading partner. With $16.2 billion in United States exports to Taiwan in 1993, it was the United States' second largest export market in the Asia-Pacific region, after Japan. It holds the world's largest foreign reserves. Taiwan is friendly, democratic, stable and prosperous. Its human rights record has steadily improved.

And how do we treat this democratic country that plays such an important part in our economic and security interests in East Asia? I believe we wrongly treat them like an international pariah. In May of this year, I was embarrassed to learn that the Department of State refused the request of the Honorable Lee Teng-hui, the freely elected leader of the democratic Republic of China on Taiwan, to overnight in Hawaii en route to Costa Rica. I believe this decision was extremely ill-advised. Similar snubs have met other high-ranking Taiwanese officials. For instance, Taiwanese officials are forced to meet with U.S. Government officials in hotels, rather than Government buildings, even though they are discussing issues that are of mutual interest to the people of both countries.

The U.S. Government has the opportunity to make long overdue changes to its policy. For well over a year, the United States Government has been engaged in an interagency review of its policy toward Taiwan. President Clinton could take important steps to show clear United States support for Taiwan as part of this policy review. He could begin by welcoming President Lee Teng-hui on U.S. soil for a visit. There is ample precedent for such a visit by the leader of a country with which we don't maintain formal diplomatic ties. Senator BROWN and I also would like the State Department to allow President Lee to visit our home States of Alaska and Colorado as part of our efforts to expand and strengthen ties between the people of the United States and the people of Taiwan.

President Clinton could also incorporate high-level exchanges into its new policy. I encourage President Clinton to send one of his Cabinet officers to Taiwan this fall. Fifty three of my colleagues joined me in letter to the President inviting him to do just that. Such visits will promote American interests in Taiwan and ensure the continued success of American business projects.

Even small, but symbolic changes, such as allowing the Coordination Council on North American Affairs to change its name to the Taipei Representative Office will show that the United States is prepared to treat the people of Taiwan with the respect they deserve.

Mr. President, I know my colleagues have supported many amendments over the past year that have had the intent of sending a signal both to the United States Government and to the people of Taiwan that the United States Senate supports positive changes in United States policy toward Taiwan. I am confident that this amendment will be added to that list. I hope the administration is listening.

UNANIMOUS-CONSENT AGREEMENT

Mr. HARKIN. Mr. President, I ask unanimous consent that beginning at 1:15, the vote on or in relation to the amendment offered by the Senator from Arizona [Mr. MCCAIN], commence; that upon the disposition of that vote, without any intervening business, the Senate proceed to the vote on or in relation to the amendment offered by the Senator from Colorado [Mr. BROWN].

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HARKIN. Mr. President, for the benefit of Senators, there will be two back-to-back votes beginning at 1:15 then.

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. LEAHY. 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 PRESIDING OFFICER. Who yields time? The Chair advises the Senator from Iowa that he controls 9 minutes. The Senator from Colorado controls 5½ minutes.

Mr. LEAHY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LEAHY. Had a time specific been set for the vote on this amendment?

The PRESIDING OFFICER. The Senator from Vermont should be advised there are two votes that will occur starting at 1:15. On the Brown amendment, as the Chair indicated, there are 8½ minutes remaining for the Senator from Iowa, and 5 minutes remaining for the Senator from Colorado.

The Chair will further advise that on the McCain amendment, each side has approximately 12 minutes remaining.

The Senator from Hawaii.

Mr. INOUYE. Mr. President, pursuant to prior agreement, I am pleased to yield 10 minutes to the Senator from Alaska.

The PRESIDING OFFICER. Without objection, the Senator from Alaska [Mr. STEVENS] is recognized for 10 minutes.

Mr. STEVENS. I thank the President and I thank the Senator from Hawaii.

AMENDMENT NO. 2461

Mr. STEVENS. Mr. President. I am opposed to this amendment which attacks the forward funding concept that was developed in the Public Broadcasting Financing Act of 1975.

I worked on that measure, as did our former colleague, Senator Barry Goldwater.

The purpose of forward funding is to help public broadcasting raise non-Federal funds. Each year, Congress directs public broadcasting to raise $2.50 in non-Federal support for every Federal dollar received. In recent years, CPB has attracted more than $6 in matching funds for every Federal dollar invested.

Thus, public broadcasting is more than doubling its statutory match, making it one of the most successful public-private partnerships in the Federal budget.

Forward funding was also developed to protect public broadcasting from politically motivated interference in its programming.

I know public broadcasting is not perfect. Many of my constituents have complained about programs they felt were biased against reasonable development in the Arctic National Wildlife Refuge—I shared their concerns. Many, including me, felt a recent Frontline piece of the 1872 mining law was biased against miners.

But we should not destroy the system to address an issue. Senator INOYUE and I are members of the authorizing committee, as is the Senator from Arizona—that is the appropriate forum for complaints about objectivity or balance.

I for one am not going to set myself up as the censor of public broadcasting. The law establishing CPB calls for balance in programming. I frankly believe CPB should go farther to achieve that goal and I stand ready to work with public broadcasting toward that end.

Congress has mandated that public broadcasting expand its signal to reach rural and underserved areas. By 1997 we will have more stations on-line to achieve that goal. A return to 1995 levels will produce an across-the-board reduction in funding. That 5-percent cut does not account for inflation.

Mr. President, the small rural radio stations of my State cannot afford such a cut. Some of them have already reduced services because of tough economic times in many rural areas of Alaska.

In Alaska, we have what are called sole service stations. Stations in Galena, Unalaska, Chevak, St. Paul, Sand Point, Ft. Yukon, Unalakleet, and Talkeetna all provide the only local broadcast service. In most instances they are the only daily news service. Public broadcasting is the only source of news and official information in these communities.

Unlike large urban stations, where CPB is a small part of the overall economic picture, some of the sole service stations I am talking about, whether on St. Paul Island or Zuni, New Mexico, depend on CPB grants for up to 50 percent of their total support.

For rural Alaskans, public broadcasting is not a luxury, it is a necessity.

In the spring of 1991, when the Kuskokwim River overflowed its banks and threatened the lives of many people in the western interior of Alaska, it was KSKO public radio in McGrath that literally came to the rescue.

Over KSKO, State officials told residents which local roads were safe to travel and when emergency supplies would be available.

KSKO became the 911 service for that portion of my State. I urge the Senate not to cut funds to that life-line; a cut in those funds will threaten public safety in large portions of Alaska.

Again, not too long ago, several subsistence walrus hunters from the Arctic community of Gambell were lost in a violent storm in the Bering Sea. Alaska's Governor was conducting his monthly call-in program on the public radio network when the Gambell mayor called-in to alert the Governor to the situation of the walrus hunters. Within minutes, the Governor dispatched the National Guard to that area and those hunters were saved.

People do not understand the relationship between public broadcasting and public service in an area such as ours, one-fifth of the United States in areas where there is no other means of communication other than public broadcasting.

Public broadcasting in Alaska also helps preserve a way of life. In Bethel, AK, through KYUK the only television station, newsbreaks are provided in their Yupik Eskimo language. To do this the station maintains two news staff—one English-speaking, one Yupik-speaking. That costs money.

The effect of the proposed CPB reduction would be the almost certain loss of Native language news broadcasts in Bethel and elsewhere, in places where bilingual programs are absolutely necessary. Those cuts cannot be sustained.

The unintended consequences of cutting CPB further will reduce services to rural Americans who are already underserved and some that are unserved that the increased financing would provide. These people are already denied full access to news and information. The only solution is that that CBP provides to these underserved and unserved areas.

So I oppose the McCain amendment.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. I ask if the Senator from Iowa will yield me time.

Mr. HARKIN. Mr. President, again, what is the time situation so I can know what to yield to the Senator?

The PRESIDING OFFICER. Under the McCain amendment, the Senator from Hawaii controls 7 additional minutes.

Mr. HARKIN. On behalf of the Senator from Hawaii, I yield 7 minutes of that time to the Senator from Vermont. How much time is left on the Brown amendment?

The PRESIDING OFFICER. The Senator from Iowa has 8 minutes remaining on the Brown amendment.

Mr. HARKIN. I yield 5 of those 8 minutes at the beginning also to the Senator from Vermont, to give the Senator from Vermont at least 12 minutes. If he needs more, I will yield more.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 12 minutes.

Mr. LEAHY. Mr. President, I ask unanimous consent that my remarks appear at a different place in the RECORD.

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

LANDMINES

Mr. LEAHY. Mr. President, 2 years ago when the U.S. Senate passed the moratorium on exports of antipersonnel landmines, many people were skeptical. They said we were naive to think that other landmine exporting nations would follow our lead. In fact, over and over again, the naysayers would mention Italy. They mentioned Italy because Italy produces and exports more landmines than practically anybody else. They said the Italians would simply take over the markets for landmines that the American companies lost.

I heard the same thing when I introduced legislation last month to impose

a 1-year moratorium on the production of antipersonnel mines. Some in the Pentagon called it unilateral disarmament, as if somehow antipersonnel landmines is the key to American military superiority. Others said that Italy and other countries would simply expand their production.

Often around here, the pessimists win out. But interestingly enough, that has not happened with landmines. Time and again in the past 2 years, the naysayers have been proven wrong. Our export moratorium was like a shot heard around the world. What started as nothing more than a whisper, suddenly became a deafening cry for global action to ban landmines altogether. A lot of countries took heart in what the U.S. Senate did.

Since the United States stopped exporting antipersonnel landmines, at least eight countries have adopted their own moratoria. Six other countries have not enacted formal moratoria, but in practice they have done it because they have stopped issuing export licenses. A number of other countries are expected to soon. It is one of those instances where what we did on the floor of this body actually counted worldwide.

And for the naysayers who kept pointing to Italy, I want them to know what is happening there today.

Italian Senator Caro Ronchi introduced a resolution in the Upper House to ban landmines. It is cosponsored by almost half of that body. Parliamentarian Emma Bonino sponsored identical legislation in the Lower House. And the Italian Minister of Defense announced that he supports a moratorium on both exports and production of antipersonnel landmines.

We started something here in the U.S. Senate.

I think of the times when Tim Rieser, from my office, would talk with people not only in this country but in other parts of the world and felt like a voice in the wilderness. Now Tim gets calls and faxes from around the world from people who want to join with him. And I would note, Mr. President, my personal congratulations to Mr. Rieser for what he has done tirelessly.

In the debate on Mr. Ronchi's resolution earlier this week, the Italian Government pledged to observe a moratorium on the exports of antipersonnel landmines. It further pledged to end production of antipersonnel mines which pose grave dangers to civilians and to work collectively with other countries to support landmine clearing efforts.

I mention this because I want to commend both these legislators for their initiative, and the Italian Defense Minister for his support for this effort.

According to my information, Italy produces over 30 varieties of antipersonnel landmines. Fiat, the automobile manufacturer, is Italy's largest producer of mines. One of its deadlier models is the Valmara 69. If you trip it, it leaps up and then explodes at waist height, spewing shrapnel over a 60-foot kill zone. It can pulverize a child, and blind or blow the arms or legs off of anyone standing within 300 feet.

Thousands of Italian mines were discovered in Iraqi arsenals after the gulf war. Now we know these mines were used against the Kurds in northern Iraq.

Mr. President, we can talk in the abstract. This is what actually happened. This is a photograph of a Kurdish child in northern Iraq who lost a leg from a mine. Look at the face of this child. Can anybody think of this child as an enemy? Can you imagine the tragedy he feels?

Look at the face of his father. You can see the despair and grief he feels for his own child. It is obscene, what is happening. These mines have become a terrorist weapon against civilian populations all over the world.

Mr. President, if Italy lives up to its pledge, it deserves the strong support of the United States. It reflects the views of over half the Senate, Democrats and Republicans, liberals and conservatives, who are original cosponsors of my legislation for a 1-year moratorium on the production of antipersonnel landmines.

Mr. President, in March and May of this year, government experts met in Geneva to begin to prepare for a U.N. conference on landmines next September. The third experts meeting will take place next week. It is absolutely essential that the August meeting achieve significant progress.

How much is achieved in Geneva will depend completely on whether the participants, including the United States and our allies, want this to be an exercise in posturing or one that produces real results.

In 1981, the United States was one of over 50 countries that signed the Conventional Weapons Convention, including the landmine protocol. There was great fanfare and congratulations, and during the next decade somewhere between 50 and 100 million landmines were strewn around the world.

Vast areas of land in dozens of countries became virtual death traps for the people who live there. Landmines became the weapon of choice in the Third World, from Cambodia to Bosnia, and it is civilians who have suffered the most. Well over 100,000, and probably more than 200,000 people have been killed and maimed. Another 1,200 casualties are added each month.

So much for rhetoric. So much for an agreement that was so riddled with loopholes and exceptions that it was worth little more than the paper it was written on. I have to wonder if the diplomats who signed that flawed agreement ever really believed it could accomplish its lofty goals.

Today, 13 years since the landmine protocol was signed, we have the opportunity to show that we have learned something from all the misery that has been caused by landmines since then.

Several countries including the United States, France, and Germany have proposed modifications to the protocol. In France and Germany today, innocent people are still being blown up by mines left from World War II. These proposals contain some good ideas, but none goes nearly far enough. Even if every recommendation was adopted it would fall far short of what is needed to stop this senseless slaughter.

I am pleased that the United States is pushing hard for the extension of the protocol to internal, as well as international conflicts. The vast majority of mine casualties are a result of civil wars.

But far more must be achieved, and frankly I am very concerned that we may see something of a repeat of what happened in 1981. I am afraid that we may see an elaborate and wholly unenforceable control regime that permits the industrialized countries to continue to produce, use, and export to each other their high technology mines, but which does not stand a glimmer of a chance of changing the behavior of the Third World countries where the problem is most severe. That would be a traffic failure of governments to address an urgent humanitarian crisis that afflicts over 60 countries.

I will have a number of recommendations for our negotiators during the coming months. I will also be urging other governments, both those who produce landmines and those whose citizens have experienced the horrors mines cause, to support these recommendations.

Mr. President, we have all watched in horror as hundreds of thousands of innocent people were killed and mutilated in Rwanda. I cannot imagine there is a Member of the Senate who has not been sickened by the news accounts of children, thousands of children, mutilated or hacked to death by people wielding machetes in Rwanda. Our skin crawls at the idea. We are repulsed, as civilized people.

But, Mr. President, that is happening year-round to thousands of children, not being mutilated and killed by machetes, but mutilated and killed by landmines. Some of those mines have been there for years, placed by governments no longer in power or by combatants who are no longer even remembered, but they have left this deadly legacy; and sometimes it has been combatants who placed the landmines there before these children were even born.

And now those children see a metal object that might even resemble a toy, and they go eagerly to pick it up. And it is the last thing they will ever see,

because even if they live, they have probably lost their eyes and half their face.

Mr. President, so many people stood by for months during the genocide in Rwanda. We do not have to do that with landmines. We can stop the landmine scourge if we challenge other countries and give support to those who share our goals.

As part of that effort, 3 weeks ago, U.S. Army personnel went to Cambodia to train Cambodian troops to clear some of the 5 to 10 million landmines strewn there. This mission is a result of funding approved by the Congress last year to support humanitarian mine clearing overseas. Additional funds are going to be in the 1995 Defense appropriations bill, as well as funds for research and development of new technology for detecting and destroying mines. It is not too late. There are 100 million unexploded landmines strewn around the world.

Mr. President, one of the things I look forward to when we are not in session is to be back at my home in Vermont, to walk around the fields and woods on my tree farm there. It is one of the prettiest places I know. I have been walking those same trails and fields as I did when I was a child. I do it with a sense of safety and security and peace.

As many as 100 million landmines are in countries where you cannot walk in the fields or the woods, or let your cattle graze, or your children play, or reap your crops, because you know you may die from it by stepping on a mine.

Mr. President, I ask unanimous consent that the transcript of a television film on landmines, produced by the Center for Defense Information, entitled "Killing Fields: The Deadly Legacy of Landmines," be printed in the RECORD.

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

[From the Center for Defense Information]

KILLING FIELDS: THE DEADLY LEGACY OF LANDMINES

Steve Goose: The human costs of landmines are appalling. The Red Cross estimates that probably some 15,000 people a year are either killed or injured by landmines around the world. That means that while your viewers are watching this program, probably one or two people are going to be killed or maimed by landmines.

Senator Patrick Leahy (D-VT): Time after time, when I've talked with landmine victims in Africa, in Central America, in every part of the world where I've talked to them, and I've said, "What side were you on in the conflict?" Time and time again, they say, "I'm just trying to raise food for my family. I didn't have a side."

Narrator: They are known as "hidden killers" and "weapons of mass destruction in slow motion." They have killed or maimed more people than have been killed by nuclear, biological and chemical weapons combined. They have been called the perfect soldier, never sleeping and never missing. Unlike other weapons, many of them are designed to maim, but not kill. They are landmines.

["America's Defense Monitor" program introduction.]

Admiral Eugene Carroll, Jr. (USN, Ret.): One-hundred and thirty years ago, General Sherman said that "war is hell." Today, in some respects, war is even worse. For example, there are modern weapons which go on wrecking havoc, destroying lives, maiming innocent children, killing farmers in their fields long after the battles are over. This program will show you graphic evidence of this in images which are grim and disturbing, but you will see firsthand evidence of the deadly legacy of landmines.

Kenneth Rutherford: About ten minutes into our excursion, the Land Rover filled up with dust and lurched forward. I looked at my Somali colleague. His face was covered with dust, and then down to my legs. My right foot was gone. At first, I wondered if the bone that I saw was mine or Duali, my IRC colleague. It was mine.

Several times I tried to put my right foot back on. It was hanging by stretched skin towards my knee. I would attempt to do a partial sit-up so I could reach up and touch my foot, and the foot kept on falling off.

Narrator: The International Committee of the Red Cross says landmines kill or injure more than 1200 people per month world-wide, most of them unarmed civilians.

General Patrick Blagden: Every 15 minutes of the daylight hours of every day, of every week, of every month, of every year, I hit my desk and I say, "That's another one gone."

Jody Williams: A report by the US State Department released last year estimates 100 million uncleared landmines in the world today.

Narrator: Jody Williams is coordinator of the Landmines Campaign of the Vietnam Veterans of America Foundation, which is part of an international effort to ban the production, stockpiling, sale and use of landmines.

Ms. Williams: There are also estimated to be an additional 100 million in stockpiles around the world.

Narrator: Many landmines are designed specifically to main rather than kill, in order to make the victims an ongoing burden.

Mr. Goose: Landmine injuries are particularly gruesome.

Narrator: Steve Goose is the Washington Director of the Human Rights Watch Arms Project, which co-authored the authoritative report, Landmines: A Deadly Legacy.

Mr. Goose: Doctors who have to deal with these things in the field say that they are amongst the worst things to try and treat. The blast blows up bits of shoe, and plastic, and metal tear up into a leg. Almost always it results in either traumatic amputation by the mine itself or by surgical amputation later.

General Blagden: Many people won't even make it out of the minefield; they'll die in agony where they are. Over half will be women and children. And those that survive will be physically, mentally, socially, and economically crippled for life.

Narrator: The loss of a limb is just the beginning of a landmine victim's problems. A victim will typically have to undergo as many as six to eight operations. He or she might have to have a prosthesis fitted and then learn to walk again.

Prosthetic techniques struggle to keep up with the gruesome effects of landmine technology and the cost of rehabilitation is hundreds the times the cost of the mine itself.

And yet deaths and maimings are only part of the legacy of landmines.

Ms. Williams: Think of a national territory with 10 million landmines in it. What does that mean to returning refugee populations when they come back into areas where they used to live which are now mined? How do they know where to resettle? Where do they plant their crops? Where do they graze their animals? Where do they build their huts? It obviously has to have a long term impact on the rebuilding of a society in a post-conflict setting.

Mr. Goose: There are more than 60 countries that have reported landmine incidents. There are probably about two dozen countries that have very serious landmine problems, where it's affecting the way that the country can operate.

Narrator: The State Department estimates there are more than 10 million landmines in Afghanistan, nine million in Angola, three million in Iraqi Kurdistan, and two million each in Somalia, Mozambique and the former Yugoslavia, to name just a few countries.

Ms. Williams: The only parts of the world today that are not infested with landmines are North America, Antarctica, New Zealand and Austrialia. Practically every other region of the world has a serious landmine problem. It has to be addressed.

Narrator: Cambodia has four to seven million mines on its territory. Most were laid between 1979 and 1991. According to the Pentagon, 600,000 US-produced antipersonnel mines were shipped to Cambodia between 1971 and 1975.

Landmine explosions since then have resulted in more than 30,000 amputees. Between 300 to 700 Cambodians still lose limbs each month. It is thought that for every mine victim who makes it to a hospital, another dies in the field. The Cambodian conflict may be the first war in history in which mines claimed more victims, both combatant and civilian, than any other weapon.

Since the end of the Gulf War, landmines laid by Iraq have killed more than 1700 Kuwaiti civilians. Eighty-three mine cleaners have died while clearing the Kuwaiti desert of mines.

It is not only recently laid mines that are a problem.

Mr. Goose: There are certainly still plenty of landmines out there from World War II. Some people would say that there are explosive devices that work like landmines that are still left from World War I. But there are still people who are being injured from landmines in Libya, and Poland, and France every year from World War II vintage mines.

Narrator: The tragic cost in life and limb is matched by the cost of defusing the danger. The UN estimates that the average cost for removing a landmine can range up to $1000. The average yearly per capita income in Cambodia is about $280. To completely demine Cambodia would require every one of Cambodia's 10 million people devoting every single penny earned to demining for the next three-and-a-half years. While this is clearly impossible, it highlights the fact that landmines cripple economic development long after the fighting stops.

The huge number of mines scattered around the world is testimony to the wide variety of producers and exporters. The Arms Project has identified more than 340 types of antipersonnel mines alone.

Mr. Goose: We've identified at least 56 nations that have produced landmines. Some of those have stopped producing now; maybe about a half-a-dozen or so have stopped producing. There are probably other nations

that we've not yet identified that do make landmines. About 36 countries are exporters or have been exporters.

Narrator: In recent years, China, Italy and the former Soviet Union have been the world's biggest exporters of landmines.

It is estimated that five to ten million landmines are produced annually. It is difficult to track where a landmine is manufactured. Some are the product of multiple manufacturers, often in different countries. And the most destructive, such as the US Claymore mine, are regularly copied and produced by other nations.

Senator Leahy: A landmine can be very inexpensive or very sophisticated.

Narrator: Senator Patrick Leahy is the senior senator from Vermont and the originator, along with Representative Lane Evans of Illinois in the House, of a landmine moratorium, banning the export of US antipersonnel landmines. Originally enacted in 1992, the moratorium was recently extended for another three years.

Senator Leahy: Whether inexpensive or sophisticated, they can tear your limbs off or kill you. Even the simplest ones can maim a person for life. And I'm talking about landmines that only cost three or four dollars to make and to deploy.

Col. Richard Johnson (USA, Ret.): I am convinced though that a ban on antipersonnel mines is not a way to solve the problem.

Narrator: Before his recent retirement, Colonel Richard Johnson was project manager for Mines, CounterMine and Demolitions at Picatinny Arsenal in New Jersey, where landmines for the US military are developed.

Col. Johnson: If manufactured antipersonnel mines are banned, an insurgent who wants to still do that same job will find the assets to manufacture his own. He'll either do it from dud-fired ordinance or make his own. It's not that hard to do.

Narrator: Many other countries, however, now support Senator Leahy's view. Since the United States decided to stop exporting landmines in 1992, others have done the same.

Senator Leahy: The Netherlands banned it. France, Greece, South Africa. Cambodia said that they—announced that they will not use them. Others are going to follow suit.

Narrator: Landmine opponents point to the weapon's inability to discriminate between combatants and civilians.

Ms. Williams: What makes the landmine different from the rifle, for example, is the soldier. The soldier can point the rifle, he shoots the rifle; when the battle's over, he takes it home. That is not the case with the landmine. He puts it in the ground, he walks away; the landmine is there, it remains there for literally decades.

Col. Johnson: First of all, I don't think mines are indiscriminate if used responsibly and controlled responsibly.

Senator Leahy: Time and time again, I asked them of the two sides, or three sides that might have been fighting in your country, who put the landmine there that tore off your leg, or killed your children, or killed your spouse. And time and time again, the answer's the same: "I don't know. All I know is my life has changed forever as a result of it."

Mr. Goose: We believe that landmines have been used indiscriminately by most people who have, in fact, deployed landmines over the course of the past several decades. But we further believe that landmines are inherently indiscriminate because of their time-delay function. And we think that because of that, they should already be considered as illegal and inhumane weapons of war under customary international humanitarian law.

Col. Burrus Carnahan (USAF, Ret.): The same criticism can be made of virtually any weapon. Any weapon can be used in an indiscriminate manner.

Narrator: Burrus Carnahan is a retired Air Force lieutenant colonel. He was a United States delegate to an international working group which drafted a Landmine Protocol to regulate their use. The protocol prohibits direct use of mines against civilians. It also calls for recording and publishing minefield locations.

Col. Carnahan: Certainly the protocol on landmines that was drafted in '79 and '80 has not been as successful as we had hoped.

Narrator: Unfortunately, the United States is in the embarrassing position of having signed, but not yet ratified the 1980 UN Convention and accompanying protocols. To this day, both languish in "ratification limbo."

Another problem with the protocol is that it did not really take into account the changes in the way landmines are being used.

Col. Johnson: You can use mines to interdict or interrupt his resupply forces coming forward. But essentially what you're trying to do with mines is at a minimum expense to yourself, in terms of commitment of people—what can be referred to as "economy of force." You're trying to mould the battlefield, shape the terrain, make the enemy do something you want him to do, so you can fight on your terms at least cost to yourself.

Ms. Williams: When one thinks of landmines, one generally has heroic visions of World War II. When I talk to people today about landmines, that is what they think of. They think of barrier defense. They think of huge fields of antitank mines blocking the invasion forces of the evil enemy, correct? Unfortunately, since World War II, mines have not been used that way.

Mr. Goose: What we have seen increasingly over the past several decades is that landmines have changed from being primarily a defensive, limited theater weapon to a weapon that is used offensively in a strategic sense, where it's used to create refugee flows, or to empty vast stretches of territory, or to deny a population its food supply. These offensive uses that are directed primarily against civilians are, of course, outlawed under the laws of war.

Narrator: Landmine technology has also been changing. Landmines have come a long way from the relatively large plate-shaped devices that were buried by hand. Today, many mines are so-called plastic mines, making detection extraordinarily difficult.

Col. Carnahan: The minimum metal content mines are—I think most experts recognize now, are going to create even more humanitarian problems. These mines have such a small metal content that it is very, very difficult to detect them with any type of mine-clearing—mine-detecting technology.

Narrator: Mines are also becoming increasingly difficult to disarm.

Ms. Williams: They have now been fitted with anti-handling devices, which are little micro chips, and they can detect even a five degree tilt in the mine. And if you tilt it that much, it'll blow up in your face.

Narrator: Even more deadly is the way in which massive numbers of landmines can be delivered in extremely short periods of time.

Ms. Williams: You have airborne systems that can scatter thousands of mines within a minute. There's an Italian system that can scatter upwards to 2000 mines in a minute. How can you possibly map where those mines have gone, so that in the post-conflict situation, you can go and find those mines and remove them, so the civilian population can go back and use the soil.

Mr. Goose: You can't accurately mark and record a scatterable minefield. You may have some general notion of the perimeters of the minefield, but there's no way you can accurately indicate where mines are or even really what the borders of the minefield are.

Narrator: Some, however, think technology is the solution rather than the problem. In their view, smart mines are better than no mines.

Col. Johnson: The scatterable mines used by the United States I think can best be categorized as a responsible use of explosive ordinance. They are all—the ones produced today are all electronic refused. They all have a reserve cell or a battery inside them which is activated when the mine is dispensed. The mine has a time set to self-destroy or self-destruct anywhere from four hours to 15 days after the mine has been employed. If during that time, the power in the reserve cell reaches a lower limit, the mine will also self-destruct.

Narrator: There is, however, disagreement about the reliability of such mines. But even with the very low failure rate, humanitarian issues arise.

Senator Leahy: Let's say those were the only ones, and let's say they work perfectly, or as perfectly as most such things would work, and so you scatter 2000 of them and 90 percent work. Do you want to take a chance where those other 200 are that didn't work? Because they're going to kill you, or they're going to tear your legs off, or your arms off, or blind you.

Narrator: The advances in mine-making technology have far outstripped those of mine clearance. Contrary to the systems used by the military to clear a path through a minefield, the ability to disarm all the mines in a field is distinctly low-tech.

Ms. Williams: I spent several weeks in Cambodia in November with the demining teams of CMAC, Cambodian Mine Action Center. They're literally on their hands and knees with something that looks like a large, fat knitting needle, a prod, and they literally prod the ground centimeter by centimeter.

Now can you imagine—Even take a state the size of Massachusetts, which is relatively small. Can you imagine having to start at one end of Massachusetts and prodding the ground of Massachusetts centimeter by centimeter to find 10 million landmines? Figure it out. How long's it going to take?

Multiply that by Cambodia, Afghanistan, Yugoslavia, Mozambique, Somalia, Rwanda, Angola, Nicaragua, El Salvador, Peru, Colombia. You don't have to be a rocket scientist to figure out it's going to take a long time to clean up the mess.

Narrator: Because of the horrific consequences of a mistake, if deminers are not absolutely sure that an area is completely clear, they must treat it as a live area and demine it again. The United Nations standard for successful mine clearance is 99.9 percent.

Jody Williams believes that part of the problem is that military forces do not take the long term view.

Ms. Williams: When they talk about the landmine, they talk about it only in the context of the engagement, of the battle. They do not feel any responsibility toward cleanup after the battle. They think they have the right to go in and do whatever is necessary

to get the job done, and then walk away and leave it for the civilians to deal with.

Narrator: But landmines are not just a problem for civilians.

Senator Leahy: More and more, I've talked with those who've been in combat who tell me they wish there were no such things. General Gray, the former commandant of the US Marine Corps, a combat veteran, said he's seen more Americans killed by American landmines than the American landmines being used to destroy any enemy.

Narrator: The UN estimates that 105 million mines, or more, may be deployed in 62 nations. That's one mine in the ground for every 50 people on earth. Disarming them all would cost from $200 to $300 billion.

In some respects, the position of those supporting the use of landmines is analogous to the position of the National Rifle Association on guns. In other words, mines don't kill people, people kill people.

Col. Carahan: If landmines are used responsibly, if they are laid on an area of land that is itself a military objective, if there are military forces around that know where those mines are and can warn civilians away, if the location of that minefield is marked so that they can be cleared later after the conflict is over, then I don't think the use of landmines violates any existing rule of war.

Narrator: While even those who support banning landmines acknowledge they have a military benefit, they question the long term cost.

Mr. Goose: You have to balance off the military utility versus the humanitarian disaster that landmines are causing around the world. And it's our strong belief that, in fact, the humanitarian and economic and social consequences of the use of landmines far outweigh the military utility.

The only way to really come to grips with the landmines disaster on a global scale is to have a comprehensive ban: No production, no possession, no stockpiling, no use and no transfer.

Narrator: Following his call to ban mine exports, Senator Leahy recently announced a new piece of legislation calling for a one-year moratorium on the procurement and production of anti-personnel landmines by the United States. The legislation also urges the president to encourage other major producers of anti-personnel landmines to adopt similar moratoriums.

The landmine issue raises a compelling question: Should short term considerations of military expedience override long term humanitarian and economic costs?

One thing is certain: As long as landmines are seen as an acceptable weapon of war, the world will continue to pay the consequences—an arm, a leg, and a life at a time.

Red Cross Worker: These improvised buggies and trolleys the children behind me have are made out of mines, parts of a VS-2.2 Italian mine. We have also the integral parts of the V-69. The mines are collected from the minefield by the children. Are then taken apart, having done the dangerous bit retrieving the mines from the minefield. They're then dismantled and used as components for the go-carts or buggies.

[End of broadcast.]

Mr. LEAHY. Mr. President, I yield back the remainder of whatever time I have to the Senator from Iowa.

The PRESIDING OFFICER. The Senator yields back 30 seconds to the Sentor from Iowa.

Mr. REID. Mr. President, before my friend from Vermont leaves the floor, I would like to extend my appreciation for his statement and his advocacy to bring to the attention of the world, and the United States, the problem of landmines. Senators SIMON, FEINGOLD, and I were in Angola this past few months. It is a beautiful country, one of the most potentially viable countries in Africa, with 10 million people—20 million landmines.

We went to a prosthetic center and saw men, women, and children with their legs blown off. They have trouble farming anymore in Angola because of the landmines. And who gets hurt the most trying to farm in Angola? Women and children. The men are out in the civil war.

So I join with my colleague. I join in spirit in the statement he gave today and extend my appreciation for the great work done on this issue.

Mr. LEAHY. Mr. President, if my colleague will yield one moment, I thank the Senator from Nevada. I should note for the RECORD the Senator from Nevada and the manager of the bill, the Senator from Iowa [Mr. HARKIN] have been original cosponsors of our attempts to ban these landmines. They have both been in the forefront of that. I thank them very much.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Mr. President, I ask unanimous consent that all time remaining on the Brown amendment and on the McCain amendment be yielded back, at which time then the Senator from Nevada be recognized on his own time to speak until the time for the vote set at 1:15.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection. It is so ordered.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Chair now recognizes the Senator from Nevada [Mr. REID].

Mr. REID. Mr. President, if I could ask through the Chair to my friend from Iowa, would it be possible to extend the vote for 5 minutes? The reason for that is I have two amendments I have on the list, proposed list. I think we can get rid of both of those with that extra 5 minutes.

Mr. HARKIN. Mr. President, I ask unanimous consent the vote on the McCain amendment previously scheduled for 1:15 now occur at 1:20; the remainder of the unanimous-consent request remain.

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

Mr. REID. Mr. President, a few months ago in my office here in Washington I met with a young girl by the name of Hydeia. She is a beautiful, bright-eyed young girl, 6 years old. During the course of the time I met with her she sat next to me and she read to me and she recited some of the poems that she had written. She also sang a song for me that she had written for me and my staff. It was very touching, this nice little girl singing and reciting poetry to me.

But it was very sad because her poetry was based around her life experiences, and all of her life experiences centered around the disease that she had. She was HIV infected. Her songs and poetry spoke of the fear and discrimination that this little girl felt and experienced with AIDS, as well as her triumph over this fatal disease to this point in her life.

Hydeia was in Washington to give a speech to a local high school. She was talking to the high school about the problem of AIDS. This young girl spoke for over 30 minutes to these high school students about HIV and AIDS. When she spoke, a physician was sitting behind her on the stage and remarked in admiration he had never seen someone speak so intelligently and thoroughly about the subject of AIDS, and remember, Mr. President, we are talking about a 6-year-old girl.

I bring to the attention of the Senate my friend Hydeia because this young Nevada resident, like many people across the country who suffer from AIDS—it is people like her who have caused me to focus my attention in our investment as a Federal Government in providing treatment and intervention services to our States and communities impacted by AIDS.

You see the people who suffer from AIDS are married women, they are single women, they are children of all ages, they are married men, they are single men, they are heterosexual, they are homosexual, and drug abusers. But they are all human beings with a story to tell.

These people who suffer from AIDS have husbands and wives and mothers and fathers and sisters and brothers and children.

(Mr. LIEBERMAN assumed the chair.)

Mr. REID. What I have found is a very serious situation regarding AIDS funding. The State of Nevada has consistently ranked among the top 10 States in the country for AIDS incidence per 100,000 people and leads rural States in HIV morbidity.

The Presiding Officer—until just a second ago—was from a very rural State. And on public radio this week they had a series on AIDS in rural America.

You see most people contract AIDS in urban centers, but many times they go home after they have contracted the disease. But the statistics all originate in the cities. So if someone gets AIDS

in a city, that is where they are always counted as being, even though they may be out in rural America where they need help.

So, rural AIDS incidence, even though it may not appear as high as in urban America—and it is not—it still is something that needs our attention. My State, even though we lead, we are in the top 10 States in the country for incidence per 100,000 people and we lead rural States in HIV morbidity, yet we receive little Federal funding. The city of Las Vegas does not qualify for title I funding under the Ryan White Care Act as it is currently written and has obtained no funds under title III(b), even though it ranks fifth in Public Health Region No. 9 for AIDS incidence.

Unfortunately, title I and other Federal programs look at absolute numbers of AIDS cases rather than incidence per 100,000 people. Although Las Vegas is not as populous as other regions, it is the fastest growing city in the Nation and the burden AIDS places on the health care system is greater than that of Phoenix, the whole of Riverside-San Bernadino, or Orange County in its entirety. Yet, these communities received Federal support under Ryan White and Las Vegas does not.

Clearly the formula as it is currently written is not fair, it is not equitable. States receiving both title I and title II funds receive almost $4,000 per AIDS case, while States like Nevada receive only title II funds and receive only about $1,100 per case.

Although the State of Nevada ranks in the top 10 it receives less money in the CARE Act than States with a lower incidence of AIDS. Nevada is not the only state affected by the current formula. In fact, there are 33 States which do not receive funding under title I. This is not fair.

The CARE Act is not the only program, however, that distributes AIDS funding unfairly. It was recently brought to my attention that Nevada was receiving significantly fewer Federal dollars from programs administered by the Centers For Disease Control than States with lesser rates of AIDS incidence. As these charts clearly indicate, despite the impact of AIDS in the State of Nevada it is receiving less money from CDC than States with fewer cases of AIDS.

Let us look, for example, at this chart. We have here the cumulative cases, and it is very, very high in Nevada. It is higher than any other case incidence, but look at the funding per case. Nevada, you can hardly see it on the chart. Nevada's is about a third of what Rhode Island gets. Look at Alaska per AIDS case, it almost goes out of the chart. And on through the rest of the States. It simply is not fair and that can be shown graphically.

The chart I just showed, 20 States with an incidence rate lower than Nevada received more prevention dollars. There are 12 States with lower incidence, lower total cumulative cases, and fewer 1993 cases than Nevada. All 12 of these States received larger 1994 prevention awards. These larger awards are very hard to understand. In fact I defy anyone to give any logic to why that is.

With this next chart it is easy to see. I will take just a few States. Let us take New Mexico as an example. It is almost the same size as Nevada, a little bit smaller. Incidence, 18.2; cumulative cases, a total of 862; but look at the funding they receive compared to Nevada. They receive twice as much money and have less than half the cases. Alaska—we have 46.5 incidence rate; Alaska has 11.7. They have a total of only 200 cases, yet they receive almost a third more money than the State of Nevada.

New Hampshire, a State smaller than the State of Nevada, has an incidence rate of 11; ours is 46½. Yet they have 420 total cases and receive more money than the State of Nevada, even though we have almost 1,800 cases. It simply is not fair.

Although the agency is working with the State of Nevada in an attempt to rectify this situation, I think it is important that I display in the RECORD what the AIDS impact is having on the State of Nevada and other States.

My constituents are seeing their tax dollars going to other States to provide AIDS care and not to their own community. Because of this situation, Mr. President, they are essentially double taxed since the county must pick up the tab for providing needed HIV and AIDS care, which inequitable Federal funding formulas have put out of reach.

I urge the Department of Health and Human Services and the Members of this body to begin to pay careful attention to how we have been distributing funds to address the significant impact AIDS is having on our communities. AIDS is a tragic disease and we should not be shortchanging AIDS patients in one State as opposed to another. There should be equitable distribution of moneys.

All Americans suffering from AIDS deserve receiving equitable access to medical care—sometimes Medicare—and intervention services and should not be faced with the possibility of not receiving care just because they happen to live in one of the States that is being funded unfairly.

I was prepared at this time to offer an amendment to rectify this inequity and provide more Federal money to the Ryan White Care Act. I have chosen not to do that because, as a member of the Appropriations Committee, and as a member of the Labor-HHS Subcommittee in particular, I understand the difficult job laid before Chairman HARKIN and Ranking Member SPECTER. I do not want to disrupt the delicate balance they have achieved in this legislation.

I will, however, signal the warning that I will revisit this issue. I am drafting legislation to correct the inequity in the current title I formula. I look forward to working with my colleagues in passing this legislation, or in working with the formulas, with the agencies, with the subcommittees, with the committees during the reauthorization of the Ryan White Act to make funding allocations to the State and our Nation's communities more equitable.

We cannot allow this funding disparity to continue, and I will work aggressively for equitable and significant change.

I have an obligation to Hydeia, this beautiful little girl who recited poetry and sang to me in my office.

ILLEGAL IMMIGRATION

Mr. REID. Mr. President, on another issue, as some of the Members will recognize, on the bills that have been coming through here, I have been concerned about the impact of people who are not lawfully within the country. I have offered amendments which have been accepted by the Senate on three separate occasions.

Mr. President, I am not going to offer an amendment to this bill. Instead, I rise to commend the managers of this bill for their inclusion of a provision that will help ensure that Government authorities do more. I am satisfied that the committee has done everything within its power to ensure that the funds and benefits provided do not go to those who are not lawfully within this country.

I believe that we ought to be doing more in terms of verification of lawful immigration status. As I indicated, I have offered amendments to other appropriations bills that would do just that. By imposing a fair, tough burden on those who distribute the benefits and assistance, we will provide better integrity to the system by protecting against misappropriation of funds.

We are beginning to do more in this area, and, in so doing, we are rewarding those who play by the rules and punishing those who do not play by the rules. I believe that one of the reasons we have a continuing problem with illegal immigration is because we have an entitlement system that offers incentives to enter the country unlawfully. Whether it is undermanned border security or lax enforcement of laws prohibiting the distribution of funds to illegal immigrants, there just seems to be too many incentives.

There are some incredibly generous programs provided in this bill, programs that will improve and benefit the lives of many. I support our Nation's social programs because I believe that Government can play an important role in improving the lives of Americans. However, if we want to continue those programs, we have to ensure that those who are the legitimate

intended beneficiaries receive what they are entitled to. Without greater verification, we will not achieve this. Indeed, without greater verification, we will continue to provide incentives to come to this country unlawfully. Ultimately, that may jeopardize the continued existence of these programs and this, I think, would be tragic.

So, Mr. President, I will continue to review legislation with an eye toward ensuring that more is done to verify the lawful immigration status of those who apply for benefits and assistance. I think this is only common sense, and I believe that those who elected us expect nothing less. This is a difficult and complicated issue, but we all must be willing to do more if we are going to resolve it in a fair and equitable manner.

I say to the managers of this bill, I appreciate the work they have done in this regard. This is an area in which we have to be very careful, because we are dealing with women who are pregnant, children who need all the support and maintenance they can get—and I have no desire to punish children. Many of the programs within this bill deal with the infirm and children generally.

I also say to the managers of this bill, in relation to the AIDS situation which I pointed out, I hope it is not going to be necessary next year that we have to offer an amendment, either at the subcommittee or committee level or certainly on the floor. I hope that the issue relating to fair funding for people who suffer from the AIDS virus can be resolved.

The PRESIDING OFFICER. Who seeks recognition?

The Republican leader.

Mr. DOLE. Mr. President, I understand there is a vote at 11:20?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOLE. I request 2 minutes.

The PRESIDING OFFICER. The Senator is recognized.

AMENDMENT NO. 2461

Mr. DOLE. Mr. President, I have been the target of a lot of attacks from the White House lately, but here is an issue on which President Clinton and I agree. We both support providing a responsible level of funding for the Corporation for Public Broadcasting.

When candidate Clinton was asked in a C-SPAN interview if the American taxpayer should spend more money on public television, his answer was, "Oh I support public television. I do not know that we have to spend more money on it now, we have a pretty vital network of public television." Consistent with that view, President Clinton asked the Corporation for Public Broadcasting to tighten its belt a bit by requesting a funding level of $292.6 million for fiscal year 1997.

We talk a lot about deficit reduction in the Senate, and here is an opportunity to back up a modest reduction proposed by the President.

Nevertheless, the Senate Appropriations Committee has given public broadcasting a hefty $18 million raise over the fiscal year 1996 level, and a $37.3 million increase over the level requested by President Clinton. At the same time, the Senate committee has underfunded the President's investments in programs such as job training, Head Start, Education Goals 2000, and the list goes on.

No doubt about it, scarce Federal dollars are hard to come by. A recent study by the 20th Century Fund found that of every dollar spent on public broadcasting, 75 cents goes to overhead. This has been my complaint over the past several years—75 cents for every dollar goes for overhead.

Public broadcasting is a complex institution, and while there is new leadership at CPB, at the public broadcasting system and at national public radio, there are a lot of issues that need to be examined, especially as we approach the next reauthorization for the Corporation for Public Broadcasting. These issues include the considerable duplication of services, objectivity and balance requirements, the distribution of production dollars, and the merchandise licensing fees some public broadcasting figures rake in while performing on taxpayer-subsidized airwaves. I look forward to hearing more about CPB's efforts to address these concerns.

Make no mistake about it, I support public broadcasting, and I have been a longtime supporter of local stations. I wish that the amendment can be configured differently so we do not cut back on local stations. I understand that could not be done. We want to fight to bring a fair share of available Federal dollars to public stations, of course, in my State and every other State in the country.

We have a dynamic system of public broadcasting in this country, and there are many quality programs on its airwaves. But, we also have a responsibility to the American taxpayer. While so many worthwhile Government initiatives face the budget axe, does public broadcasting deserve a big raise? The President does not think so. The Senate should agree with him.

VOTE ON AMENDMENT NO. 2461

The PRESIDING OFFICER. The hour of 1:20 having arrived, the question occurs on agreeing to amendment No. 2461, offered by the Senator from Arizona [Mr. MCCAIN], to the committee amendment on page 68, line 18 of the bill.

The Senator from Hawaii.

Mr. INOUYE. Mr. President, I move to table the amendment and 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 clerk will call the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. BREAUX], the Senator from Arkansas [Mr. BUMPERS], the Senator from Alabama [Mr. HEFLIN], the Senator from Tennessee [Mr. MATHEWS], and the Senator from Arkansas [Mr. PRYOR], are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Vermont [Mr. JEFFORDS] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 68, nays 26, as follows:

[Rollcall Vote No. 264 Leg.]

YEAS—68

Akaka	Feinstein	Moseley-Braun
Baucus	Ford	Moynihan
Bennett	Glenn	Murkowski
Biden	Gorton	Murray
Bingaman	Graham	Nunn
Bond	Gregg	Packwood
Boren	Harkin	Pell
Boxer	Hatch	Reid
Bryan	Hatfield	Riegle
Burns	Hollings	Robb
Byrd	Inouye	Rockefeller
Campbell	Johnston	Sarbanes
Chafee	Kennedy	Sasser
Coats	Kerrey	Shelby
Cochran	Kerry	Simon
Cohen	Kohl	Simpson
Conrad	Leahy	Smith
Daschle	Levin	Stevens
Dodd	Lieberman	Thurmond
Domenici	Lugar	Warner
Dorgan	Metzenbaum	Wellstone
Durenberger	Mikulski	Wofford
Exon	Mitchell	

NAYS—26

Bradley	Feingold	Mack
Brown	Gramm	McCain
Coverdell	Grassley	McConnell
Craig	Helms	Nickles
D'Amato	Hutchison	Pressler
Danforth	Kassebaum	Roth
DeConcini	Kempthorne	Specter
Dole	Lautenberg	Wallop
Faircloth	Lott	

NOT VOTING—6

Breaux	Heflin	Mathews
Bumpers	Jeffords	Pryor

So the motion to table the amendment (No. 2461) was agreed to.

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

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

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 2462

The PRESIDING OFFICER. Under the previous order, the question now occurs on amendment No. 2462 offered by the Senator from Colorado [Mr. BROWN] to the committee amendment on page 51 line 16.

The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. BREAUX], the Senator from Arizona [Mr. BUMPERS], the Senator from Alabama [Mr. HEFLIN], the Senator from Tennessee [Mr. MATHEWS], and the Senator from Arizona [Mr. PRYOR] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Vermont [Mr. JEFFORDS] is necessarily absent.

The PRESIDING OFFICER (Mr. CAMPBELL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 265 Leg.]

YEAS—94

Akaka	Feingold	Metzenbaum
Baucus	Feinstein	Mikulski
Bennett	Ford	Mitchell
Biden	Glenn	Moseley-Braun
Bingaman	Gorton	Moynihan
Bond	Graham	Murkowski
Boren	Gramm	Murray
Boxer	Grassley	Nickles
Bradley	Gregg	Nunn
Brown	Harkin	Packwood
Bryan	Hatch	Pell
Burns	Hatfield	Pressler
Byrd	Helms	Reid
Campbell	Hollings	Riegle
Chafee	Hutchison	Robb
Coats	Inouye	Rockefeller
Cochran	Johnston	Roth
Cohen	Kassebaum	Sarbanes
Conrad	Kempthorne	Sasser
Coverdell	Kennedy	Shelby
Craig	Kerrey	Simon
D'Amato	Kerry	Simpson
Danforth	Kohl	Smith
Daschle	Lautenberg	Specter
DeConcini	Leahy	Stevens
Dodd	Levin	Thurmond
Dole	Lieberman	Wallop
Domenici	Lott	Warner
Dorgan	Lugar	Wellstone
Durenberger	Mack	Wofford
Exon	McCain	
Faircloth	McConnell	

NOT VOTING—6

Breaux	Heflin	Mathews
Bumpers	Jeffords	Pryor

So the amendment (No. 2462) was agreed to.

COMMITTEE AMENDMENT ON PAGE 51, LINE 16

The PRESIDING OFFICER. The question now occurs on the underlining committee amendment on page 51, line 16.

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

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

EXCEPTED COMMITTEE AMENDMENT ON PAGE 51, LINE 16, THROUGH PAGE 52, LINE 17

Mr. HARKIN. Mr. President, what is the pending matter before the Senate?

The PRESIDING OFFICER. The committee amendment on page 51, line 16.

Is there further debate on the committee amendment?

If not, the question is on agreeing to the committee amendment.

The committee amendment on page 51, line 16, through page 52, line 17, was agreed to.

Mr. HARKIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 68, LINE 18, THROUGH PAGE 69, LINE 5

Mr. HARKIN. Mr. President, I ask that the other excepted committee amendments remain excepted, except for the excepted committee amendment on page 68, line 18, through page 69, line 5.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Without objection, the committee amendment beginning on page 68 is agreed to.

So the committee amendment on page 68, line 18, through page 69, line 5, was agreed to.

Mr. HARKIN. Do I understand, Mr. President, that the amendment on page 68, line 18, through page 69, line 5, has been agreed to?

The PRESIDING OFFICER. That is correct.

Mr. HARKIN. And the excepted amendment on page 51, line 16, through page 52, line 17, has also been agreed to, Mr. President?

The PRESIDING OFFICER. The Senator is correct. That amendment has been agreed to.

Mr. HARKIN. Mr. President, basically, we are at a point here where I know of no other amendments that are to be offered. We are waiting here for amendments. I hope, if any Senators have any amendments to the bill, that they will come over so that Senators can get out of here at a reasonable hour.

We have no other amendments pending right now. We are open for business. Otherwise, we are just going to be here later this afternoon, probably with some procedural votes. So I hope we can get some amendments out here.

Mr. INOUYE. Mr. President, if I may be so bold as to suggest to the leadership, if this matter can be set aside temporarily, the Defense Subcommittee would like to at least lay down our bill, and you can resume whenever you want to.

Mr. HARKIN. If I might respond to the Senator, I would like to consult with the leader in that regard. But I hope that we would at least see some finite end to this bill before we do that. Perhaps we could discuss that.

Mr. INOUYE. I thank the Senator.

Mr. HARKIN. Mr. 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. HELMS. 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 Chair informs the Senator the Senate is now considering the amendment on page 63, line 5.

Mr. HELMS. I understand. I ask unanimous consent that it be in order for the amendment I am sending to the desk to be keyed to page 78, line 24.

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

The Senator is recognized.

AMENDMENT NO. 2463 TO EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 78, LINES 16 THROUGH 23

(Purpose: To protect the Nation's blood supply)

Mr. HELMS. 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 North Carolina [Mr. HELMS] proposes an amendment numbered 2463.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . PROTECTION AGAINST THE HUMAN IMMUNODEFICIENCY VIRUS.

Chapter 51 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1118. Protection against the Human Immunodeficiency Virus

"(a) IN GENERAL.—Whoever, after testing positive for the Human Immunodeficiency Virus (HIV) and receiving actual notice of that fact, knowingly donates or sells, or knowingly attempts to donate or sell, blood, semen, tissues, organs, or other bodily fluids, except as determined necessary for medical research, shall be fined or imprisoned in accordance with subsection (c).

"(b) TRANSMISSION NOT REQUIRED.—Transmission of the Human Immunodeficiency Virus does not have to occur for a person to be convicted of a violation of this section.

"(c) PENALTY.—Any person convicted of violating the provisions of subsection (a) shall be subject to a fine of not less than $10,000 nor more than $20,000 and imprisoned for not less than 1 year nor more than 10 years, or both.".

Mr. HELMS. 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.

Mr. HELMS. Mr. President, let me pose a question that is far more than just an idle thought. Should anybody who is HIV positive and who knows it, be able to escape criminal prosecution if he or she donates their tainted blood, tissue, or other bodily fluids? It does not matter whether that blood is actually used or not. The issue is, should someone who knows that he or she is HIV positive and he or she donates blood or body tissue, be able to escape prosecution?

I hope and believe the Senate is going to say, overwhelmingly: No, sir. They should not be in a position to escape prosecution.

Today, 12 States have enacted laws holding such individuals criminally responsible. And with this amendment, the American people will see how many Senators and which Senators are willing to do, on a Federal level, what a dozen States have already done.

Specifically, this amendment will make it a felony for any individual, knowing that he or she is HIV positive, to donate blood or semen or tissues or organs or other bodily fluids, and anybody violating this provision will be subject to a fine of up to $20,000 or imprisonment for up to 10 years, or both.

I believe this amendment is just plain common sense. The 12 States that already have similar statutes are as follows: California, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Missouri, Ohio, South Carolina, and Virginia.

I am not going to take up the Senate's time with a lengthy discussion of this amendment. I think, as the lawyers say, it is res ipsa loquitur: The thing speaks for itself. But I doubt that any Senator can express the need for this amendment as eloquently as a fine citizen of North Carolina, Mr. Burt Brummet, who lives in Pinehurst. Mr. Brummet, with whom I talked at length one evening, is responsible for my offering this amendment.

Let me tell you about Mr. Brummet. Let me tell you why I want to title this amendment, "The Brummet Blood Supply Protection Act of 1994."

Mr. Brummet contracted the AIDS virus from a blood transfusion he received in 1991 during surgery to replace a heart valve. And that sort of hit home with me because I had a heart valve replaced a year later. I suspect Mr. Brummet's story will hit close to home with a lot of Senators, either Senators who had similar surgery or had surgery in their families.

I do know this, that millions of Americans who have received tainted blood transfusions, or have run the risk of it, will understand the need for this amendment.

But back to Mr. Brummet. He is a fine gentleman. He is retired there from another State. I forget where he moved from, but Pinehurst is a retirement community and the fine folks there are gentle and decent, and most of them are getting up in years, like the Senator from North Carolina.

Anyway, Mr. Brummet contacted me in December—December 6, I think the date was. He talked to me on the telephone about a letter he had sent me explaining exactly what happened to him. He said:

Dear Senator HELMS, approximately 3 years ago during heart surgery I was transfused HIV infected blood at the Moore Regional Hospital, in Pinehurst, NC.

That is Moore County Regional Hospital. Continuing in his letter, he said:

As is frequently the case, the hospital and the doctors have kept this a secret, even though we have urged them to go public with this information.

For many reasons, I am convinced that there is much bad blood in the Red Cross blood bank system. The American public is not aware of this danger, and most doctors seem hesitant to discuss this prior to surgery.

He continues:

Because I believe there are measures that can be taken to improve the availability of clean blood, I feel it is my Christian duty to do what I can to prevent this from happening to others * * *

In May, 1991, I entered Moore Regional Hospital, Pinehurst, N.C., for heart surgery. The details of this are not important to the message I wish to convey other than to say that the aortic heart valve was replaced. The surgery appeared to be successful and the recovery was slow but perhaps normal for this type of surgery.

Slightly more than one year after this surgery, our family doctor, Dr. Donald Wallace, called us to say that the American Red Cross had advised the hospital that I had been transfused with HIV infected blood.

The letter continues:

Because my wife, Ellen, had been exposed by me during that past year, it was his opinion [meaning Dr. Wallace] that we should both be tested for the AIDs virus. Our blood tests showed that I was positive and Ellen was negative. We were advised by our doctor that we should keep this a secret from our friends and the community.

After digesting this tragic news for a couple weeks, we decided it was our Christian duty to go public with this in the hope that we might be able to do something to prevent this from happening to someone else.

Although we have gone public with my HIV condition for several months, the doctors and the hospital personnel continue to keep this a big secret event to the point of denial, still claiming that the blood is safe.

The American Red Cross obviously wants this to remain a secret because the blood bank business is the most profitable enterprise they have had for a long time. The hospital and the doctors want it to remain a secret for fear it might affect the availability of blood.

In my opinion, there is only one reason that so little is being done to assure that clean blood is available for transfusion. Only a relatively few people are infected as I have been. Our country's actions respond to public opinion. Not enough people are in my group to bring sufficient pressure to initiate action.

As I'm sure you understand, when a person is infected by whatever means, promiscuous sex, homosexual activities, dirty needles, etc., there is a period of a few months, or in some cases years, before sufficient anti-bodies are generated to result in a positive test for the virus. As a result, there is a period * * * during which an infected donor can infect others even though that person tests negative for the virus. Understanding this fact, it is obvious that there is blood in the blood blanks that will infect persons having transfusions. The American Red Cross has admitted that is what happened to me.

Mr. Brummet continues:

How many people are infected by AIDs virus from blood transfusions is unknown. I'm excluding the hemophiliacs. The American Red Cross says the number is very small. In fact they have gone so far as to say publicly that no one has been infected by transfusion from their blood bank in recent years.

Others have said that as many as one thousand people are infected each year by transfusion from infected blood. From the studies I have done, the number may be greater than one thousand, because there are many people infected who are not yet aware of it, and many cases are never reported. The effect is not obvious for some time. With the number of infected people being suppressed by doctors and by the blood banks, it is impossible to get an accurate reading on this * * *

And then he concludes:

This whole subject is generally swept under the rug and the majority go along with very little concern about the hazards of blood transfusions. I wish to do something about this and I believe you will help me. In some manner I wish to be a spokesman for the people infected by the AIDs virus because of transfused blood, if that is what it takes * * * Very truly yours, Bert Brummet.

The point, Mr. President, is this, and this is perfectly obvious: Mr. Brummet is a citizen who did nothing wrong. He did nothing to cause the HIV infection in his body. Just the same, he believes, and I think justifiably, that his life is now ruined because some irresponsible individual donated AIDS-tainted blood. I admire him for his efforts to ensure that others are not also unsuspectingly infected.

Of course, I do not suggest, nor imply, that the pending amendment will stop all donations of AIDS-tainted blood and tissue. Of course, this amendment can do no such thing, but it is a step in the right direction.

As I have stated, there are 12 States which already have taken the step of making it a crime to knowingly donate AIDS-tainted blood or tissue. Moreover, 27 States have made it a crime for someone to intentionally transmit HIV to another individual. I listed the 27 States earlier:

Alabama, Arkansas, California, Colorado, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nevada, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Utah, Virginia, and Washington.

Despite these commendable efforts by States to protect their citizens from those who intentionally transmit the AIDS virus, their ability to do so is limited inasmuch as donated blood travels in interstate commerce. The only way to protect innocent transfusion recipients in these—and other States—is by enacting a Federal statute applicable to every individual who knowingly donates AIDS-tainted blood in this country no matter where he or she donates blood.

The States need a Federal statute to support their efforts. Donated blood travels in interstate commerce. Tainted blood donated in New York City, as matters now stand, can easily find its way transfused into a patient in North Carolina. If carjacking is a Federal crime, and Congress has voted to make it so, Congress should do the same for those irresponsible, mean-spirited people who knowingly donate infected blood or other bodily fluids.

Mr. President, I reiterate that the proposal contained in this amendment is merely a good step in the right direction. It will not entirely eliminate the

donation of AIDS-tainted blood. But if this amendment prevents even one innocent American from living through the kind of torment which has been imposed on Mr. Brummet and his family, then Congress will have taken a giant step in the right direction—certainly for those who otherwise will run the risk of having AIDS-tainted blood pumped into their veins.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. HARKIN. 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. HELMS. 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. HELMS. Mr. President, I would be willing to delay this vote until next week, if the manager of the bill wishes to do so.

Mr. HARKIN. We are trying to get 1 minute.

Mr. HELMS. I am just thinking about the Senators who have schedules. 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. HARKIN. 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 PRESIDING OFFICER. Is there further debate on the amendment? If not, the question occurs on agreeing to amendment No. 2463. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from California [Mrs. BOXER], the Senator from Louisiana [Mr. BREAUX], the Senator from Arkansas [Mr. BUMPERS], the Senator from Alabama [Mr. HEFLIN], the Senator from Tennessee [Mr. MATHEWS], and the Senator from Arkansas [Mr. PRYOR] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from New Hampshire [Mr. GREGG], the Senator from Utah [Mr. HATCH], and the Senator from Vermont [Mr. JEFFORDS] are necessarily absent.

I further announce that, if present and voting, the Senator from Utah [Mr. HATCH] would vote "yea".

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 266 Leg.]

YEAS—91

Akaka	Feingold	Mikulski
Baucus	Feinstein	Mitchell
Bennett	Ford	Moseley-Braun
Biden	Glenn	Moynihan
Bingaman	Gorton	Murkowski
Bond	Graham	Murray
Boren	Gramm	Nickles
Bradley	Grassley	Nunn
Brown	Harkin	Packwood
Bryan	Hatfield	Pell
Burns	Helms	Pressler
Byrd	Hollings	Reid
Campbell	Hutchison	Riegle
Chafee	Inouye	Robb
Coats	Johnston	Rockefeller
Cochran	Kassebaum	Roth
Cohen	Kempthorne	Sarbanes
Conrad	Kennedy	Sasser
Coverdell	Kerrey	Shelby
Craig	Kerry	Simon
D'Amato	Kohl	Simpson
Danforth	Lautenberg	Smith
Daschle	Leahy	Specter
DeConcini	Levin	Stevens
Dodd	Lieberman	Thurmond
Dole	Lott	Wallop
Domenici	Lugar	Warner
Dorgan	Mack	Wellstone
Durenberger	McCain	Wofford
Exon	McConnell	
Faircloth	Metzenbaum	

NOT VOTING—9

Boxer	Gregg	Jeffords
Breaux	Hatch	Mathews
Bumpers	Heflin	Pryor

So the amendment (No. 2463) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, last night, Dee Dee Myers at the White House challenged the Republican leader and me to show the administration where the 17 taxes were in the Mitchell health care plan. So I immediately went home and got a copy of the plan that was available. What I wanted to do, very briefly, is to show the administration, in yet another gesture of bipartisanship, where these 17 taxes are. And what I have here, now, is the bill in the form it was available last night. So what I am going to do is to go through this very thick bill and give the people at the White House a way to find these 17 taxes.

The bill that was available for me to use in response to the White House had unnumbered pages. Normally, that means that you have thrown something together real quickly, or maybe you are trying to hide something, or maybe numbers do not go that high; I will let people judge what the case may be. But here is a simple way, I think, of finding the 17 taxes.

First of all you need to get a scale like this one. So you get the scale and you put the bill on the scale like this, and you will find that the bill weighs almost exactly 14 pounds.

To find the taxes, what you do is you take off the first 11.1 pounds. After you take off the first 11.1 pounds, if your scales are right, you should be on subtitle (a), entitled "financial provisions." The next 2.9 pounds of the bill contains 16 of the taxes. Then to find the 17th tax—I have tried to find a simple way to do that—put the entire bill back on the scale. Next, take off 2.1 pounds from the top, and that gets you to a section that is titled "distribution," which is where you will find the 17th tax.

I do not have the time now, and I do not want to disrupt debate on the pending bill to go through all of the taxes. But let me just go through three taxes, I submit, that nobody understands.

The first tax is a 1.75 percent tax that every American will pay on their health insurance premiums. The second tax is a 25-percent tax that you will pay on your health insurance premiums if your premiums go up by more than 2 percent above the general rate of inflation in a year.

So imagine this: You get your bill for your insurance next year, and your premiums have gone up by more than 2 percent above inflation, as premiums did for 75 percent of Americans who had health insurance last year. You are already unhappy because your premiums went up by more than 2 percent above the general price index. And so the Government sends a bill saying that because your insurance premiums went up, you now have to pay a 25-percent tax on the increase.

Finally, there is a provision in this bill that says that at an effective date in the future, if you have insurance that costs more than the Clinton administration says that insurance ought to cost—for their so-called standard benefit package—then you are going to be taxed on the amount of those insurance premiums above the amount that the President claims you should be paying. And you are going to be taxed at your effective tax rate.

My point in all this is twofold. No. 1, if you have a good scale like this one, you can take the bill that was available yesterday at the time the White House asked Senator DOLE and me to find the 17 taxes, and if you remember these prescriptions—with the bill on the scale, take off the first 11.1 pounds to find 16 of the 17 taxes; put the entire bill back together on the scale, take off 2.1 pounds, and you find the 17th tax. It is interesting—and I will conclude on this point—that there are three pounds of taxes in the Mitchell bill. There are 0.2 pounds of insurance reform and portability and permanence reform, and there are 10.8 pounds dead weight Government.

I submit that if we took out the 3 pounds of taxes, took out the 10.8 pounds of dead weight Government, that would leave us 0.2 pounds where we are reforming insurance, making it portable and permanent, and making it easier to get and keep. We could then

supplement that with about one-third of a pound to reform medical liability. Then, we could sit down and see what we could do to help people get health insurance, and we could adopt a good bill.

I yield the floor.

Mr. MITCHELL. I wonder if the Senator will permit me to borrow his scale?

Mr. GRAMM. I will.

Mr. GRAMM. Mr. President, would the majority leader like the bill as well?

Mr. MITCHELL. No thanks.

Mr. President, I thank the Senator for permitting me to borrow his scale. I now place it on my desk. I ask everyone to look at it. And there is the Republican bill.

Mr. GRAMM. That is not true.

Mr. COATS. That is not true.

Mr. MITCHELL. Of course, it registers zero on the weight scale because there is no bill. It registers zero in its provisions because there are no provisions.

I introduced a bill 1 day after I announced that I had one. Our Republican colleagues announced in June that they had a bill, and we still have not seen it.

I do not think anyone here should be surprised about that, but I say to my colleagues, and I invite any of my colleagues who wish to come over during this day while we are in session to inspect the Republican bill. You have to look hard. Perhaps from this angle you might see something. No. Not from here either.

It is the stealth bill. We spent a lot of money developing a stealth aircraft that no one could see, no one could feel, no one could weigh, no one could track on radar. I think our Republican colleagues have finally succeeded in getting it done. No one can see this bill. It has no weight. It cannot be observed. It cannot even be tracked on radar.

I thank my colleague.

Mr. President, early this morning I asked, on the Senate floor, if it would be possible for the Senate to engage in this serious debate in a serious manner. The Senator from Texas yesterday used the word "Gestapo" to refer to my bill.

Mr. GRAMM. If the Senator will yield, if he will go back and read that newspaper story, he will see that that was not my quote. What I said was printed in the second half of the paragraph.

Mr. MITCHELL. I see.

Mr. GRAMM. I do not doubt the person who used that quote had a reason for using it.

But what I said is that the majority leader's health care plan would, in all probability, bankrupt the country and destroy the greatest health care system in history, which was a strong statement. But the other statement was not my statement.

Mr. MITCHELL. Does the Senator disavow the statement by his colleague that my bill would create a Gestapo police in the United States?

Mr. GRAMM. I certainly would not use that word, but the bill would have health care police telling us that we had to buy the majority leader's benefits plan, not the one we chose.

So I can see where people with flowery imaginations and effective vocabularies might conjure up all kinds of images. But lacking both the vocabulary and imagination, I did not conjure up any such images.

Mr. MITCHELL. Mr. President, I might say that response is as substantive as the Republican bill that is on this scale here.

If I could just briefly—I do not think any of this kind of discussion, gimmicks with scales and pejorative words like "Gestapo" and attacks on others serves any useful purpose and surely does not enhance the stature of the Senate.

I asked for this scale only because I thought the Senator from Texas was trivializing a serious issue.

I renew the appeal I made this morning. This is a very serious matter. It affects every American family. There is ample room for principled disagreement. There is ample room for substantive, reasoned debate.

There is no need for gimmicks. There is no need for pejorative words like "Gestapo," and others, on either side.

We are elected to serve all of the people. I hope that in the next few weeks we can concentrate on the fact that we represent the American people, not on which party we belong to, not on which State we represent, and certainly not to continue to lower ourselves with this kind of gimmick. We can disagree on this bill without this kind of disagreeable action.

I thank my colleagues, and I yield the floor.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. GRAMM. Mr. President, will the distinguished Republican leader yield 1 minute?

Mr. DOLE. I am happy to yield.

Mr. GRAMM. Mr. President, I appreciate the good words of the majority leader.

The point I wanted to make was that last night the Republican leader and I were asked to show where these 17 taxes were. The problem is, with what was available last night, it was difficult for me to say where these 17 taxes were because the bill had no page numbers.

So, I asked my staff to try to dig out the taxes so that we could respond to what was a very serious and a very legitimate question that was posed by the White House.

In trying to identify where the taxes were, they came up with a scale, which at that point was the effective way to find the taxes.

What is the point of all of this? The point of all of this is that we need a serious debate. We need a lengthy debate. We need to go through the bill in detail to see that we all know what is there.

But when you get underneath it all, there are 17 taxes here. People need to know what they are so they can decide whether they are trivial, whether they are important, and whether they are burdensome, whether or not what they get from this bill is worth what is they will have to pay. That is a legitimate issue and an issue that must be debated so that we understand it.

I believe in the old biblical admonition: Ye shall know the truth and the truth will make you free.

I believe if we fully understand this bill, we will decide to reject it. And since that is what I believe is in the public interest, I look forward to debating health care legislation when we have the new bill with page numbers, which I understand is now available. At that point, I will not need my scale. I was delighted to lend my scale to the majority leader, but I have reminded him that I have written—and we have copies of—two bills. We have had four other Republicans write health care bills. The Republican leader has written a health care bill which is in line behind the majority leader's bill to be drafted in legislative language. It is not as if there is no alternative.

What is not offered as an alternative is a Government-run system, because we do not want it and the American people do not want it.

Mr. MITCHELL. Mr. President, if I could respond, I wish to point out 18 Republican Senators signed their names on a bill introduced last November, all of whom have repudiated the bill now. To say they have introduced the bill, I think, does not mean anything in that context.

So, we are going to have this debate next week. I have been trying to get the health care bill up. It is our colleagues who have asked to delay bringing up the bill. So I do not want any implication left by the Senator that somehow we have been causing this delay. We are going to get to it next Tuesday, if our colleagues do not object, and there will be ample time for everyone to debate it then, and I hope we will do so in a serious and responsible way.

The PRESIDING OFFICER. the Senator from Kansas has the floor.

Mr. DOLE. Mr. President, let me just set the record straight. I guess I can quote the Governor of New York this morning, who said no bill was better than the Mitchell bill. That is after weighing, I guess, Governor Cuomo trying to satisfy himself today on our side.

I think the facts are that at least at this time we are not in the majority and our bills are drafted last. I would not want to leave the impression that

is the only reason our bill is not drafted. We have been told that after they draft the majority leader's bill and after they draft modifications, then they will complete drafting our bill. That is the way it works. We understand that. We are the minority. The Democrats have the majority, and that is why our bill is not here.

And as the majority leader knows, all these things slip from time to time. We thought we would get his earlier. We got it later. That is no problem. But I think the facts are that we have had our material in the drafter's office, but there is only so much they can do.

So I want the RECORD to reflect the reason our bill is not here. And there may be a lot of flaws in our bill, too. I am not suggesting that. I said from the outset this is a very complicated issue, and there are big, big differences in all these bills. I know Members on the other side repudiated the Clinton bill after they cosponsored it. They jumped off the Clinton bill.

We all had changes of positions from certain facts without listening to the American people. The funny thing is when we listen to people who send us here sometime we change our mind. If we do not listen, we put on the narrow glasses right down the beltway and are going to stick with the ideas we had initially.

My view is we are going to have a lot of time for the American people to try to understand what may be in the majority leader's bill and what we call the American option plan and other plans, and I hope and I know that debate will start sometime next week and we are looking forward to it. I think it is going to be a good debate. It does not mean we are not going to have differences. And we are going to spell out those differences, and I hope that we can do that and reach the right conclusion.

But the American people should not be shut out of this process and the American people are not going to be shut out of this process. They have every right to know what is in the majority leader's bill, what may be in the bill I am sponsoring along with 39 of my colleagues, or any other bill that may be offered here as a substitute, or any amendment that may be offered.

This is affecting everybody in America. You cannot shut out the American public. I do not think that is anybody's intent. But when you get a 1,410-page bill—and when you get our bill, I suppose our bill is going to be several hundred pages—you have to wonder how do we have time, unless we are on the Finance Committee, to really understand what may be in that bill.

And I think that is all we are suggesting, let us give the American people a look. Let us let the American people look through our eyes and our reflection, at least, on what may be in a bill that may affect their lives or the lives of their families.

So I just say that we are prepared to do that. I hope we can do it in the spirit the majority leader suggested early this morning.

DEPARTMENT OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT

The Senate continued with the consideration of the bill.

PROPOSED AMENDMENT NO. 2464

Mr. DOLE. Mr. President, I really did not rise for that purpose.

I intend to offer an amendment on behalf of myself and Senator LIEBERMAN, and others. This amendment should come at no surprise. This amendment provides for the termination of the United States arms embargo on the Government of Bosnia and Herzegovina no later than November 15, 1994.

Mr. President, this amendment is intended to set a definitive ending date for the United States arms embargo on Bosnia and Herzegovina. The sponsors of this amendment understand that the United States and the so-called contact group have agreed to a phased approach which may lead to the multilateral lifting of the arms embargo. However, we have no guarantees when this will happen, or, more importantly, if it will happen. And we could be here next year, in the next Congress debating this issue once again—the only difference being it will be year No. 3 and tens of thousands of more Bosnians will have died.

The reality is that only by lifting this illegal and unjust arms embargo on the Bosnians can we hope to eventually have a just resolution of this conflict and avoid sending United States forces to implement a partition of Bosnia.

Today, we learned that the United Nations finally called for limited air strikes against Bosnian Serb military targets—in response to the Bosnian Serbs taking back heavy weapons from a U.N. protected facility in the Sarajevo exclusion zone—and that these strikes took place. While this action is welcome—especially from the perspective of slowing the downward slide of United States and NATO credibility—I am skeptical that this action alone will pressure the Bosnian Serbs into a settlement.

In my view the U.S. Congress can make a critical difference—in letting the Bosnian Serbs know that there is a real deadline—that there is something more definite than continuing meetings of the contact group.

I am aware that House and Senate conferees on the Defense authorize bill are negotiating on language regarding the lifting of the arms embargo. The administration sent its representatives up, including the United States Envoy Ambassador Charles Redman, to persuade the conferees against taking definite action to terminate this illegal and unjust embargo on Bosnia, arguing that a diplomatic process was underway.

With all due respect to the efforts of Ambassador Redman and the others who have participated in the seemingly endless rounds of diplomatic negotiation, I hope that the conferees will put more weight on the administration's track record in influencing the allies, and on the events in Bosnia right now—rather than, once again, placing their hopes in a diplomatic process that is not backed by anything more than promises of action some time in the undefined future.

We need to take real action—to take action beyond issuing statements and communiques. By adopting a provision to definitively end the United States arms embargo on Bosnia—even if it is several months away; I said November 15—we can truly change the dynamic of the process and put some real pressure on the Bosnian Serbs. We can also give the administration some real leverage in its attempt to get the allies to forsake their failed policies.

Mr. President, I know that my friend from Connecticut, Senator LIEBERMAN wanted to speak on this. What I would suggest is that I send the amendment to the desk and ask to have it printed. I may not offer it on this bill, I say to my friend from Iowa. If there is some chance that we may get to the DOD authorization bill on Monday, then I would wait and offer the amendment on that. I think it more properly belongs on that appropriations bill.

I ask unanimous consent that the amendment be printed in the RECORD. I am offering the amendment for myself, Senator LIBERMAN, Senator MCCAIN, Senator MOYNIHAN, and Senator DECONCINI.

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

AMENDMENT NO. 2464

At the appropriate place, add the following:

SEC. . TERMINATION OF ARMS EMBARGO.

(1) TERMINATION.—The President shall terminate the United States arms embargo on the Government of Bosnia and Herzegovina no later than November 15, 1994 so that Government may exercise its right of self-defense under Article 51 of the United Nations Charter.

(2) DEFINITION.—As used in this section, the term 'United States arms embargo of the Government of Bosnia and Herzegovina' means the application to the Government of Bosnia and Herzegovina of—

(A) the policy adopted July 10, 1991, and published in the Federal Register of July 19, 1991 (58 F.R. 33322) under the heading 'Suspension of Munitions Export Licenses to Yugoslavia'; and

(B) any similar policy being applied by the United States Government as of the date of receipt of the request described in paragraph (1) pursuant to request described in paragraph (1) pursuant to which approval is denied for transfers of defense articles and defense services to the former Yugoslavia.

(3) RULE OF CONSTRUCTION.—Nothing in this section shall be interpreted as authorization for deployment of United States forces in the territory of Bosnia and Herzegovina for any purpose, including training, support, or delivery of military equipment.

Mr. MITCHELL. Mr. President, we are trying to make progress on this bill. As I previously indicated to the distinguished Republican leader, if we can get a list that will give us a finite time for finishing, we will do so.

But I want to make clear to colleagues who are considering their schedules, if we cannot get such a list, then we will have to remain in session today and there will then be further votes today, including procedural votes, to move this measure forward.

We want to try to make progress on the bill. We are working on trying to get a list now, I understand.

I want to make clear, before any Senators leave, that we will proceed and have votes unless we can make some determination as to when the bill will be completed and what amendments will be remaining on it.

This is to answer several questions which Senators have asked me on the subject.

Mr. DOLE. Will the majority leader yield?

Mr. MITCHELL. Yes.

Mr. DOLE. As I understand it, we have just now cleared the list we have been talking about back and forth with the Senator from Iowa and the Senator from Pennsylvania. We think we now have a list that we can provide to both managers. I think it is in accordance with what we discussed this morning.

Mr. MITCHELL. I thank my colleague.

Why do we not review that and then, as soon as possible, I will make an announcement with respect to the rest of the schedule.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I would like to comment briefly on what the majority leader has said—if I might have the attention of the majority leader—on the health issue.

Mr. MITCHELL. I have to review the list that was given us so I can make an announcement with respect to our schedule. I ask the Senator if he would not mind withholding for a minute until I get that done.

Mr. SPECTER. I will gladly withhold until I can get the attention of the majority leader on the issue of health reform legislation.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Mr. President, I join the distinguished Republican leader and the Senator from Connecticut in the amendment that they have sent to the desk. Where it appears really does not make much difference to this Senator.

It is encouraging, I think, the early report that there have been limited air strikes by NATO against some Bosnia Serbian positions today. I think that is significant.

All of the details are not available yet of what provoked that, except reports that the Bosnian Serbian militia or military took some foreign military equipment—I believe a tank—and as retaliation, NATO responded.

I am pleased to see NATO and the allies demonstrate some courage, some determination, some leadership, some desire or some demonstration to stand behind what they have said they have been going to do for about 10 months now.

I think it is necessary for us to move unilaterally, if there is no other way, to let the Bosnian people protect themselves and arm and participate in a genocidal civil war that is going on and has been going on for almost 3 years now.

We have seen time and time again the failure of the Serbs and the Bosnian Serbs to respond to any kind of threat or potential threat from the allies.

I understand our President's problem; that he wants to deal in the international area with a multilateral effort toward the Serbs, both the Bosnian Serbs and the Serbs, perhaps, and he wants to maintain the multinational effort. But the reality here is that the multinational effort is a failure. It has not brought about peace. It has not stopped the genocide, the murder, and the rape. It has not curtailed the violence.

What it has done is it has captured and put into a box the Moslems, the Bosnian Moslem people. They cannot even defend themselves with the least bit of dignity of an attempt to demonstrate that they are fighting for their sovereign country.

This peace accord that has been offered is no great shape. After all, the Serbian efforts will end up with 50 percent of the country. And the reason they have not gone along with it is because they now have 71 percent of the country.

So this is no great victory for the Bosnians. It is a huge defeat for the Bosnians and a huge defeat for the world.

But it is the last effort that has been presented to the parties involved there. And now for the Serbian Bosnians to refuse to participate, it is time that we lift that embargo and do it unilaterally, if necessary.

I am glad to join the distinguished Republican leader.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, this is the fourth or fifth time that a bipartisan group of Members of the Chamber have joined together.

Mr. GRASSLEY addressed the Chair.

Mr. LIEBERMAN. Mr. President, I yield at this time for a brief statement from the Senator from Iowa, retaining my right to the floor.

The PRESIDING OFFICER. Without objection, the Senator from Iowa is recognized, with the Senator from Connecticut retaining his right to the floor.

GRASSLEY-HARKIN AMENDMENT REGARDING PERSONAL PROTECTION FOR CABINET AND SUBCABINET OFFICIALS

Mr. GRASSLEY. Mr. President, I just wanted to say a few brief words regarding an amendment that my good friend Senator HARKIN and I have drafted regarding personal protection for cabinet and subcabinet officials. It is my understanding that the amendment will be part of the committee's amendments.

The amendment does two things: First, it asks the General Accounting Office to review the need for personal protection for cabinet and subcabinet officials.

There are certainly cabinet officials who need personal protection. However, I am concerned that for some it may just be an expensive perk. These personal security details cost the American taxpayer up to $500,000 per year for each individual who receives protection. GAO will help Congress determine whether this is money well spent.

The second part of the amendment ensures that the Office of the Inspector General at HHS does not have to foot the bill for the personal protection of the Secretary at HHS. I am concerned that the limited resources of the Inspector General should not be further reduced due to the additional responsibility of providing security protection for the Secretary.

I am pleased that Senator HARKIN has joined me in offering this amendment, and thank him for his support.

I yield the floor.

Mr. LIEBERMAN. Mr. President, retaining my right to the floor, I yield to the Senator from Illinois.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Illinois.

Mr. SIMON. Mr. President, in the past, I voted against the Dole-Lieberman-DeConcini amendment. I voted against it because I believed we ought to be acting with other nations on this and should not be unilaterally pulling back on this arms embargo.

But, frankly, the last time I had a very difficult time making a decision. Warren Christopher called me and assured me that since the Russians were involved, we were very close to working out a peace agreement. I agreed I would, one more time, vote with the administration on this.

But, frankly, now with the rejection by the Bosnian Serbs of that peace

agreement and the shooting down of the U.N. helicopter, I think our choice is clear. I think we have to send a strong message to the Bosnian Serbs that they had better get their house in order and sit down and agree to the peace agreement.

I will be voting for the Dole-Lieberman amendment.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend and colleague from Illinois for that strong statement of principle. I am sure it will echo not only throughout our Government here in Washington, but I hope throughout the councils of governments in the Balkans.

This is the fourth or fifth time that a group of us, working on a bipartisan basis, has brought an amendment onto the floor in one form or another to direct our Government to unilaterally lift the arms embargo against the Bosnian Government—a duly constituted Government, a member of the United Nations—imposed in 1991 actually against the former Yugoslavia, as an attempt to keep the United States from being part of, and the world from being part of the pouring of weapons into that region with the hope we could diminish the conflict there.

Obviously, those hopes were never realized. Perhaps they were naive. I know they were well intended. In any case, they were not successful.

Nonetheless, we have continued to impose an embargo, which is to say a prohibition against supplying arms to the Bosnian Moslems, while it is very clear that the Bosnian Serbs, through supplies from Serbia and with their own capacity—a historic capacity to build arms—have had the weapons they have needed.

We have now had several votes on this issue. One was 50 to 49 against lifting the arms embargo unilaterally. The last one was a 50-50 tie—it failed on a tied vote—while another amendment, which was a sense-of-the-Senate resolution, passed 52 to 48.

So now we come again at a particularly pressing and important moment because, as has been said by the Senator from Illinois, the Senate Republican leader, and my colleague and friend from Arizona, Mr. DECONCINI, the peace plan agreed to by the contact group which we are part of and to which we were deferring was accepted by the Bosnian Moslems even though it yields a substantial part of their territory taken by force by the Bosnian Serbs. But they have accepted it.

The Bosnian Serbs have rejected it, essentially thumbing their noses once again at the world community, finding excuses—the latest being a referendum they would hold at the end of the month of August. But the message is clear, and particularly clear when combined with their reviving—poor choice of word, really, to use, revive—but beginning again the siege of Sarajevo, attacks, ethnic cleansing in villages, the whole series of acts of aggression by the Bosnian Serbs; showing again, as has been clear throughout, that the only way the Bosnian Serbs will respond and play by the rules of civilized international relations is at the point of a gun in response to the actual use of force or the threat of force.

That is why we are back with this amendment. That is why I so greatly appreciate the support of the Senator from Illinois. It gives me confidence this may pass on this occasion.

Mr. WARNER. Will the Senator yield for a question?

Mr. LIEBERMAN. I will, of course.

The PRESIDING OFFICER (Mr. SIMON). The Senator yields for a question.

Mr. WARNER. Mr. President, it appears to me the Senator, in fairness to our colleagues, should indicate that he and I, Senator GRAMM, Senator NUNN, Senator LEVIN, and Senator KEMPTHORNE, are representing the Senate conferees in a House-Senate conference on the DOD authorization bill. We made considerable progress here in the last several days in our efforts to reach a compromise between the two Chambers, and to have an expression, hopefully, to be accepted by the Congress as a whole and pass to a policy.

The distinguished Republican leader, in his remarks, indicated that Ambassador Redman had been down several times. Indeed, he has, together with representatives of the Department of Defense. And we are making progress.

It seems to me, in fairness, the Senator from Connecticut should make reference to that; and that the President is going to be forthcoming, I am hopeful today, in a letter to the leadership of the Congress, expressing his commitment to take certain steps with respect to approaching the United Nations on a multinational lifting of the embargo, if such steps as the diplomats are now taking with the contact group prove not to be fruitful.

So I think in fairness to the Senate, we should be informed that there is a good deal going on, on a parallel track to the amendment being offered now by the distinguished Republican leader and others.

I must say the sentiment in the Chamber is moving towards that espoused by the distinguished Republican leader. But the bottom line is we must be very careful in such legislative action as we may take not to indicate that the United States is moving in and taking over responsibility for this conflict.

Time and time again, I say to my good friend from Connecticut, we have received communications from Great Britain and France and other nations regarding their desire to continue to pursue the diplomatic process, and certainly to allow sufficient time to reach a plan, if necessary, for the extraction of the UNPROFOR forces, which are imperiled in terms of their own personal individual safety, along with organizations from many other nations there trying to help in this tragic situation.

So this is a very important step that the Congress must contemplate with regard to the Republican leader's amendment, as well as the recommendations I anticipate will be forthcoming from the group on which the Senator and I are working on the Armed Forces conference.

So I ask the Senator, is it not fair that we should mention that here?

Mr. LIEBERMAN. The Senator from Virginia is quite correct. That was the next point I was going to make in my remarks, to explain what is not only happening, but why the Senate Republican leader and others are offering this amendment.

On the defense authorization bill, the House of Representatives passed an amendment directing that the arms embargo against Bosnia be lifted. It passed by 66 votes. In this Chamber a similar amendment failed, and on a 52-48 vote, a sense-of-the-Senate amendment, cosponsored by the chairman of the Senate Armed Services Committee and the Senator from Virginia was adopted urging steps be taken multilaterally and, if not, perhaps consulting as to unilateral steps.

Mr. President, it appears clear to me, and I believe others who are involved in the House-Senate conference on the Department of Defense authorization bill that progress is being made. And yet, it is highly unlikely that the conferees will agree on a section of this amendment that would deal with the ultimate unilateral lifting of the arms embargo.

In fact, as the Senator from Virginia has said, and I am encouraged to join him in reporting, there are some forward steps that are part of this amendment, authored substantially by the Senator from Georgia, the chairman of the Senate Armed Services Committee, which would urge the administration to go to the United Nations to seek multilateral support which would offer some other interim steps, short of lifting the arms embargo, but which would move us toward providing some assistance to the Bosnian Moslems who have been the victims of this aggression and, as a result of the embargo, have had one arm tied behind their backs.

The last step which we had hoped for from the Armed Services conference appears to be out of reach of consensus, and that is, if all other steps fail, then in the final analysis, there ought to be a unilateral lifting of the arms embargo by the United States.

Why? In the first instance, the embargo is not just a policy or something that is written on a piece of paper. It

has real effect. There are at this moment military personnel of the United States in the waters off the former Yugoslavia that are enforcing the arms embargo. Our arms, our hands, our fingerprints are on the enforcement of that embargo. In that sense, we are not, unfortunately, neutral in this conflict. Though the embargo was originally adopted as an act of presumed neutrality, it is affecting only one side in this war, and that is the Bosnian Moslem side.

The second point is this, Mr. President. It appears from what we hear from the former Yugoslavia, beginning with a statement by Secretary General Boutros-Ghali, that the U.N. forces in Bosnia, the UNPROFOR forces may, indeed, be seriously considering leaving the ground. In fact, the Secretary General has raised the question about whether the U.N. forces can handle the next stage and should there not be a joint military force put together by the member nations of the contact group.

What troubles a lot of us here, and in part it has motivated the interim steps that are going to be part of, I hope, the Armed Services conference committee, is that we run the risk of the U.N. forces withdrawing and the arms embargo against Bosnian Moslems will still be in effect inviting the Bosnian Serbs to move aggressively and quickly against their opponents, who will still not have adequate arms to defend themselves. Essentially, the Bosnian Moslems will be left without arms in a very vulnerable situation.

Those are the two reasons, combined with the fact that the history of this conflict shows that the only time the Bosnian Serbs have acted with a hint of responsibility has been when they feared they would suffer genuine consequences at the point of a gun.

So this amendment is actually meant to complement and be the final step in the process that I believe and hope will be set in motion by the Armed Services Committee conference report.

Incidentally, responding to the concern of the Senator from Virginia about our allies and assuring that they have time to leave, this amendment intentionally states that the embargo should not be lifted until November 15, 1994, which leaves a good 90 days, which was the outer limit, as I have heard in testimony from representatives of our allies in Britain and France, of what they needed for them to leave and for others to leave.

For all these reasons, I am pleased to join with the Senate Republican leader and my other colleagues—I see my friend from Delaware who has been a leader, a tremendous leader, in this effort—to finally seize the moment, send a message. And in the war that I fear is coming to the Balkans, that we not inadvertently put ourselves on the side of the aggressors by continuing to tie the hands of the victims, the Bosnian Moslems, behind their backs because they do not have the arms with which to satisfy the fundamental, moral right they have to defend themselves, their country, and their families.

I thank the Chair, and I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, the Senator from Connecticut is right. This has been going on a long time. It will be 2 years ago next month that this Chamber passed an amendment, it became law—urging then President Bush to lift the ill-advised embargo that his administration had signed us on to, and to point out and give him the authority to transfer up to $50 million in arms to the Bosnian Government.

Since that day, I have heard repeatedly on this floor at various intervals everything from "air strikes do not work, they are all bad, it is a civil war, they are all doing it, the United States should not offend its allies, the allies are about to move, air strikes are about to take place"—and it went on, and on, ad nauseam.

Now 200,000 Bosnian civilian dead later, we are told, "let it go on and on and on" by the diplomats who have shown no courage whatsoever in terms of committing to principle that they will somehow find a way in the next weeks or months.

Mr. President, I hope nobody any longer argues who the aggressor is here. I hope we have stopped that malarkey. I hope the clear showing, undisputed showing, which I pointed out over 2 years ago on this floor, that the Serbs in Bosnia were running concentration camps, extermination camps, rape camps, and death camps, is no longer disputed. I challenge anyone in the U.S. Senate or the U.S. Congress to debate me on that subject. Give me one shred of evidence that genocide is not a policy, that it is merely a dream of the Bosnian Serbs. In fact, it is a reality.

I refer to yesterday—a presumptuous thing to do—to a speech I made in the RECORD outlining in great detail the proof of the existence of these extermination camps that are no different, other than in volume, than camps that existed in Central Europe in the early forties.

I hope nobody any longer is going to wonder whether or not the Bosnian Serbs want peace. The contact group, having entered into what I consider to be a 1994 version of Munich, carved up the Nation of Bosnia and Herzegovina and said, "Here, Serbia, Serbians, take 49 percent." In principle, that is outrageous, just to have done that, like we did to Czechoslovakia in the thirties.

But even with that, the Serbs in Bosnia said, "No dice," and voted unanimously. Now enters Milosevic, that great leader, patriotic leader, the butcher of Belgrade who now says he is angry with the Bosnian Serbs and he is going to, as evidence of his desire for peace, tell them since they did not accept the agreement, he is out.

Well, let me remind my colleagues. He said that a year ago. He agreed a year ago that he would allow U.N. observers to be at the head of the bridges crossing the Drina River from Serbia into Bosnia. So we all said, "Oh, no"—not all of us, LIEBERMAN, DECONCINI, BIDEN, the Republican leader, and others said we did not believe it. But everybody else said, "Oh, no. Reason is on the horizon."

As soon as everything settled down, he said, "No. Did I really say I would let observers be here? I didn't really mean that." And the whole world stood by and went, "Oh, well, I guess it is not a big deal. He doesn't have to do it."

And now we are told, I am told by administration officials and others, "Lay off. We're almost there. Look at what Milosevic has done." I have never on the floor of the Senate said anything like this about anyone at all. Milosevic is a liar. Milosevic's record is replete with lies. He has done nothing but lie. I will be delighted, and I pray for the body and soul of innocent people in Bosnia, that I can come back on the floor a month from now and say, "I apologize this time to Milosevic. He did not lie." It will be the happiest recantation I have ever engaged in, and like most mortals I have had to recant.

But he is a liar. There is nothing, nothing in his public actions of the last 2 years that would lead any reasonable man or woman anywhere in the world to conclude that he knows how to tell the truth. But we are now told, "Milosevic says this time he means it."

We just spent a year passing a bill that many on this floor helped me work on, the Violence Against Women Act. We heard repeated testimony from women who were beaten, but they would say, "This time it won't happen again." That is what Milosevic reminds me of this time. I have a friend who happens to be my administrative assistant, Ted Kaufman, a man of great wisdom, in my view. He says, "The ability of human beings to rationalize defies reason." We are defying reason because we are continuing to rationalize now that Milosevic has seen the Lord.

The second point that I would make—and I see others ready to speak so I will stop within the next 3 minutes—the second point I would make is to compliment my friends on the resolution, and to hope that subparagraph 3 means what I think it means. It reads:

> Rule of construction. Nothing in this section shall be interpreted as authorization for deployment of United States forces in the territory of Bosnia and Herzegovina for any purpose including training, support, or delivery of military equipment.

I am told by the authors—to be more precise, the staff of the authors—that

that does not preclude the participation of United States aircraft in NATO air strikes, because my friend from Connecticut is correct. We are going to go through an interim period here where the Bosnian Serbs are going to go for broke with the blessing of Serbia, and if it is done at a time before the arms embargo is lifted, but without United States-aided NATO air cover, we will see carnage beyond what we now have.

The last point, and I will cease and desist, this is not Vietnam. I came here at the end of the Vietnam war as a 30-year-old United States Senator. I had heard for 6 years as a young man in college and law school about the Vietnamization program. That was the program whereby my generation was told if we just stick in with 500,000 troops long enough the Vietnamese will begin to fight their own battles.

They never were able to do that. Make no mistake about it. I have been to Bosnia twice. I have met with all of the leaders that I am aware of, including the Bosnian Government's military forces as well. These folks are willing and able to fight. They outnumber the Serbs about 3 or 5 to 1 in terms of the army, depending on what number you pick. But they are the equivalent of fighting a smaller force with heavy artillery against a larger force with Remington rifles. They have no equipment. Give them the equipment and they will take care of themselves without a single solitary U.S. soldier needed. Let them retrieve their country. Let them defend themselves. Let us get on with it.

I compliment Senator DOLE and Senator LIEBERMAN and others. This, if anything, is an incredible compromise which I am prepared to support beyond what any of us want here. We are giving these folks until November 15. I love Secretary Christopher. There is no bigger ally of the President of the United States on this floor than me, save possibly the majority leader. But they have been wrong on this issue. It is time they move on this issue. We give them every possibility.

When I asked Mr. Izetbegovic, the President of Bosnia, and Mr. Silajdzic, the Prime Minister, a year ago and again asked them a couple months ago when Senator DOLE and I were in Sarajevo, "What do you want? If the embargo is lifted and that causes UNPROFOR to leave, what do you want?" They said, "Send UNPROFOR home." I have another way of saying it. If UNPROFOR cannot be part of the solution, they are part of the problem. Now they are part of the problem. They should go home. Our European friends would no longer be able to continue to hide behind them as a rationale for lifting the embargo. Lift the embargo. Engage in air strikes. Let the Bosnian Moslems fight for their survival.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, I thank the Chair.

I have a question I would like to pose for clarification purposes to some of the introducers of the resolution. Senator LIEBERMAN was on the floor a moment ago. And he is here now.

Will the Senator answer this question for me, a question or two. As the Senator from Connecticut knows, the Senator from Nebraska did not support, for reasons that I stated clearly on this floor, the previous motions that have been advanced principally by the Senator from Connecticut and the Senator from Kansas. As I understand the amendment that Senators are going to offer at this juncture, it is significantly different from the preceding amendments that were offered by Senator LIEBERMAN and Senator DOLE because I believe, and do I believe correctly, that previously the amendments or motions or sense of the Senate alluded to or directed or suggested an immediate unilateral lifting of the embargo?

As I read the motion, it is significantly different since it is not immediate; it says no later than November 15. Is that not a significant difference from what you offered previously?

Mr. LIEBERMAN. Mr. President, responding to my friend from Nebraska, the Senator from Nebraska is absolutely right. The previous amendments on this subject either called for or directed the immediate or almost immediate lifting of the embargo, say, 30 days forward.

This version, this amendment today, puts it off until November 15. It does so for two reasons. One is that the allies involved in the U.N. forces, who appear to be heading toward exiting from Bosnia, pursuant to statements that have been made by the Secretary General of the United Nations, have said that they and all others there as part of the UNPROFOR forces could be out within 90 days. So the sponsors of the amendment wanted not to impede that process. This is a result of conversations with European allies and also with the representatives of the administration who have stressed this point.

Second, the Senator from Nebraska is a leading member of the Senate Armed Services Committee and knows that the conference is going on with the DOD authorization bill. The conferees are working on a section on Bosnia. That section, in my opinion, will not end with the unilateral lifting of the embargo. It will have a series of steps toward assisting the Bosnian Moslems, but these steps will not end with the unilateral lifting of the embargo.

So the intent of this amendment is to be the final step if all other attempts to arrive at a multilateral agreement are unsuccessful. It is a way to say both to our allies and to those who are the aggressors there that the United States means business and this cannot go on in a twilight zone with a lot of uncertainty; that we want to, in the words of the Bible, sound a certain trumpet that on November 15, all else failing—and by that I mean the failure of the Bosnian Serbs to accept the peace plan as the Bosnian Moslems have, or the failure of the United Nations to multilaterally lift the embargo—then the United States would go ahead and do it.

Mr. EXON. I appreciate the explanation of what I thought was the basic thrust or change in position. Basically, this amendment is a recognition, I believe directly or indirectly, by intent or by happenstance, this amendment takes into consideration the concerns that this Senator and members of the Armed Services Committee—including this one who is working right now on the wording—have on the Bosnian problem that appeared in both the House authorization bill and the Senate authorization bill.

The concern that I and others have expressed on many occasions is that the Senator from Connecticut is saying—with the hope, I take it, that we will not lift this unilaterally, which has been the position of France and Great Britain. Many of our allies who are there with troops on the ground under the auspices of the United Nations have been steadfastly against unilateral action immediately because they felt that would put the troops that they have there in harm's way. And it was demonstrated that they are in harm's way with two more warlike actions by the Serbs that we all recognize cannot be tolerated.

Is it fair for me to assume that the concept of this new amendment is that the Senator from Connecticut and Senator DOLE and others sponsoring this hope and believe that the amendment offered in the new fashion will give us, the United Nations, our NATO allies, and others a chance to get the troops out, to get the forces out? Then we would have eliminated that problem that was reiterated to the members of the Armed Services Committee within the week by the Defense Minister from France: "Please don't take unilateral action."

What the Senator from Connecticut is really saying, if I understand this correctly, is that, all right, you are giving a significant amount of time for all of that to take place, but you are in essence saying, but if it does not take place—and we have been legitimately upset, as outlined by the Senator from Delaware, about all of the delays—that unless all of this works out notwithstanding anything else, we are giving sufficient notice and, on November 15, if all else fails, we take the unilateral action of lifting the embargo. Is that a fair summation of what this says?

Mr. LIEBERMAN. Mr. President, the Senator from Nebraska has stated it exactly as is the intention of the sponsors, that we want to see the embargo, the prohibition against selling arms, transferring arms to the Bosnian Moslems, lifted multilaterally if at all possible, but unilaterally if necessary. And the timing here is meant to respond to the concerns of our allies, who seem ever more inclined to withdraw from Bosnia, to have the time to do so.

I say to my friend from Nebraska that this amendment is also in response to concerns of the Armed Services Committee leadership that it would be impossible to include the unilateral lifting of the embargo in the conference report on the Department of Defense authorization bill and, in fact, that it could jeopardize the bill in some way. So, let us take the steps we are taking and go separately on the question of ultimately lifting the arms embargo.

I say, finally, that there was a very telling and significant statement today on the wires from the Foreign Secretary of the United Kingdom, who said, though he has opposed lifting the arms embargo, that he now feels it may be unavoidable to lift it.

So I think that, in response to the intransigence of the Bosnian Serbs, their refusal to accept the peace plan, the aggression by the Bosnian Serbs, our allies in Europe, our closest allies, are coming to the conclusion that lifting the arms embargo may, in fact, be unavoidable.

Mr. EXON. Mr. President, the Senator from Minnesota has asked if he could have 30 seconds to ask a question. Could I yield to him for that purpose without losing my right to the floor?

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Nebraska has that right.

Mr. WELLSTONE. I say to my colleague from Washington, I am not about to give a speech. I have to leave town. I just wanted to have one clarification.

I assumed that this course, if by some chance the Serbs were to accept the contact group proposal, then this resolution would no longer apply. Is that correct? It is probably an obvious question. I want to be clear about it.

Mr. LIEBERMAN. The Senator from Minnesota is correct. That is the intention of the sponsors. It builds on what we expect to be the report of the conference committee on the Department of Defense authorization bill.

Mr. WELLSTONE. I thank the Senator from Nebraska. I say to my good friend from Connecticut, as he well knows, this has been a very central issue to me. I have agonized over this for all sorts of different reasons.

I would very much like to be included as a cosponsor of this resolution.

I thank the Senator.

Mr. LIEBERMAN. I thank the Senator from Minnesota. He has approached this issue with thoughtfulness and real sincerity. I very much appreciate his support, and will be proud to add him as a cosponsor.

Mr. EXON. Mr. President, I simply would like to say to my colleague from the great State of Connecticut that, given the explanation that he has provided me with in this instance—and I think that has overcome reasons that I have previously stated on the floor in opposing the amendments by Senator LIEBERMAN and Senator DOLE and others—I think he has a good amendment that addresses my concerns and the reasons that I opposed it in the past.

Therefore, I ask at this time without objection that I be added as a cosponsor of the amendment. Is there objection?

Mr. DOLE. We are happy to have the Senator from Nebraska as a cosponsor.

Mr. EXON. Let me try and clarify one other thing here that I have questioned regarding No. 3:

> Rule of construction. Nothing in this section shall be interpreted as authorization for deployment of United States forces in the territory of Bosnia and Herzegovina for any purpose, including training, support, or delivery of military equipment.

Does that mean that if everything works between now and November 15, or if no later than November 15, on November 16, that the United States is sending a signal here, loud and clear, to the forces that are being devastated by Serbians, their aggression, their refusal to enter into a peace agreement that I thought was fair and reasonable under the circumstances—and the deadline was last Saturday and they failed—does that section (3) indicate that the United States of America is sending a signal to the forces that we are trying to be helpful to, namely, the Bosnian Moslems, that we are not going to assist them, that they will have to get arms and equipment from other sources if the embargo is lifted? What is the reason for that part (3), and does it not send a signal, intentionally or otherwise, to the Bosnian Moslems that we are not going to help?

Mr. PELL. Mr. President, for the third time in 4 months, we are being asked to vote to lift the arms embargo against Bosnia unilaterally. On two previous occasions—in May and in July—the Senate voted on messages which would have required the President to lift the embargo unilaterally. I ask my colleagues: how much time should we spend once again debating and voting on this same issue?

As my colleagues are aware, the last time we considered this issue, we defeated an amendment to the Defense Department authorization bill that would have instructed the President to go it alone in lifting the embargo. That bill is currently in conference, and it is my understanding that compromise language is being worked out to reconcile the different House and Senate language related to the arms embargo. Those who feel strongly about the arms embargo and who wish to press another vote on this issue have the opportunity, in considering the Department of Defense conference report, to cast their vote based on the arms embargo language.

Accordingly, I do not see why we should move ahead with this vote today, particularly on a day when the international community has demonstrated its resolve to enforce the U.N. ultimatum against the Bosnian Serbs. Earlier today, we learned that NATO planes struck Bosnian Serb targets near Sarajevo. Press reports indicate that the airstrikes occurred in response to blatant Bosnian Serb defiance of the U.N.-imposed exclusion zone around Sarajevo. On a day of demonstrated cohesion among our NATO allies, why on earth would we want to pass legislation instructing our President to go it alone in Bosnia?

Today's action follows last weekend's meeting of the foreign ministers of the contact group countries in which the ministers agreed on a series of steps to take in response to the continued Bosnian Serb rejection of their July 6 settlement plan. While I must say that I remain quite skeptical of his sincerity, I do nonetheless, welcome Serbian President Slobodan Milosevic's apparent attempts to distance himself from the Bosnian Serbs. If Milosevic does follow through on his promises to break off relations with his cohorts in Bosnia, it is in no small measure due to the unified efforts of the contact group. Milosevic's pressure on the Bosnian Serbs, if genuine, could in turn, help pressure the Bosnian Serbs to accept the contact group plan.

The points for and against lifting the arms embargo unilaterally have been made on previous occasions. I would simply say at this juncture, urging unilateral action would be a reckless step that would undermine the very actions that NATO took today and that the contact group continues to take. I would urge my colleagues to oppose the amendment.

Mr. BIDEN. Mr. President, I will oppose the amendment offered by the Senator from Pennsylvania.

At the outset, let me state that I completely agree with the general principle asserted by my friend from Pennsylvania—that in the absence of an affirmative congressional vote, the President does not now possess the power to authorize the use of force in Haiti.

On this point, the U.S. Constitution is as clear as it is plain. Article one, section eight, grants to Congress the power to "Declare war [and] grant letters of marque and reprisal." Article two, section two provides that the President shall be the "Commander-in-

Chief of the Army and Navy of the United States."

To be sure, the Commander in Chief power ensures that the President has the sole power to direct American military forces in combat. But that power has effect only after the proper authorization has been provided by Congress. Until that authority is granted, the President has no inherent power to send forces to war—except in certain situations, such as to repel sudden attacks or to protect the safety and security of Americans abroad.

On this point, the words of Alexander Hamilton, a strong defender of presidential power, are instructive. Writing in Federalist No. 69, Hamilton emphasized that the President's power as Commander in Chief would be "much inferior" to that of the British King, amounting to "nothing more than the supreme command and direction of the military and naval forces."

Moreover, the U.N. Security Council resolution authorizing the use of all necessary means to facilitate the return of the legitimate government in Haiti does not provide the President any legal authority under the Constitution—as the Senate stated in a unanimous vote on Wednesday.

The amendment proposed by the Senator from Pennsylvania is axiomatic—it states that the President does not have the authority to use force in Haiti unless it is authorized by Congress in advance. That goes without saying—because it is precisely what the war power clause of the Constitution states.

But there is a danger in stating that proposition by means of this amendment. The danger is this: By using a statute to prevent the President from using force in Haiti, the Senate would be implying that the President does have the authority to use force elsewhere in the world. Taken to its logical conclusion, the Specter amendment issues a blanket invitation to the President to use force anywhere, at anytime—unless Congress makes a statement to the contrary.

I believe the Constitution already makes such a statement. The President has no inherent authority to use force, except in certain limited circumstances, unless Congress provides it.

Mr. President, based on a similar vote that this body conducted on June 29, I expect that the Specter amendment will not be accepted. If that does occur, I urge the President and his advisers not to misinterpret the vote. It does not mean that Congress has given him a blank check to use force in Haiti. I believe strongly that the President has no such authority—and that he must come to Congress to seek it.

Mr. LIEBERMAN. Mr. President, I see the manager of the bill standing, and I will speak briefly. Responding to the Senator from Nebraska, the intention of the section (3) of this amendment is to make clear that what is being directed here is a lifting of the embargo. It would depend on later action as to whether the United States itself would transfer arms, but the intention of section (3) is to make clear that in no event are personnel of the United States military to become involved on the ground in Bosnia. This is not a war that the United States intends to, or should, fight.

The fact is that the Bosnian Moslems themselves, in appealing to us to lift the embargo and send them arms, have said we do not want your soldiers. They want the arms with which to defend themselves. Section (3) is meant to make this clear.

If, pursuant to other legislation or by act of the President as Commander in Chief, we decided to transfer arms to the Bosnians and train them, that would be done away from the battlefields—perhaps in Croatia, which is now aligned with Bosnia. We are talking about weapons, and we are specifically saying we are not talking about American soldiers fighting in the Balkans. It is not our fight in that sense. This section would prohibit the disposition and movement of American personnel to that battleground.

Mr. EXON. I Thank the Senator for that explanation. I will address that a little further, if I might.

It seems to me that we should be very careful. What I like about that part (3) is that it emphasizes, once again, what this Senator has always maintained—that under no circumstances should we be involved on the ground with troops in Bosnia, save some kind of a universal breakout of peace that we could be there for humanitarian assistance under United Nation's auspices. But I have always been against any kind of ground activity or involvement by the United States. So that is why I have been somewhat protective of the British, French, and others, who do have people in harm's way there.

I have often said to people who want to rush in there: Supposing we had troops under the auspices of the United Nations in Bosnia today and the Brits and French had none there, and the Brits and French were saying, "Lift the embargo" and we would be saying, "What are you talking about? Lifting the embargo would further expand the dangers to our people in harm's way." I guess, therefore, I have come to the realization that this is a reasonable proposal. That is why I am going on it.

In closing, let me say one other thing. I think this is a pretty historic time in history. The Senator from Delaware—and I do not know whether he was old enough to remember it or not—referenced Neville Chamberlain coming back after his historic meeting with Adolf Hitler, and he said that he had arranged peace in our time by the sellout of Czechoslovakia. I was a very young lad at that time, but I remember that very vividly. History has taught us that, if anything else, that was the forerunner to the certainty of World War II, which was a tragedy for mankind under any measurement.

I simply say that I think this is a time when the United Nations, the United States of America, our allies, including our new understandings with the former Soviet Union, and other peoples, had better recognize that unless some punishment is dealt, and dealt rather decisively, not with ground troops but with sustained bombings of Bosnian Serb positions, not just on the battlefield, but if we are going to pull out of there with lifting the embargo, then I suspect that we should be prepared to maybe try to teach the Bosnian Serbs a lesson with air power and air bombardment, not just on the front line, but on their military installations, their rail centers, their communication centers, their military depots, to try to do what we can, at some risk to our airmen, to destroy the war machine that I am very fearful will cut a bloody path—more bloody than in the past—against the Bosnian Moslems, unless we are prepared to take action.

If that happens and if, because of our action, or lack thereof, the world will see the United Nations, the NATO alliance, and everyone standing by while an evil nation like the Bosnian Serbs grab off and kill and destroy further, I think it might send a very unfortunate signal to the people of the world in other spots in the world today—for pointed reasons I will not mention—but I think are known to all, that the United Nations, the NATO allies, and the United States is not a paper tiger, and we can do anything we want and we can get by with it, as evidenced by their failure in Bosnia. I think we are doing historic things here, and I hope that everyone realizes and recognizes that just by unilaterally lifting the embargo, we have not washed our hands of the situation, and say look we won and go home.

With that, I am pleased to be a cosponsor of the amendment, and I thank the Senator from Connecticut and the Senator from Kansas, and others, for crafting this which I think, given the circumstances that we face now, is a good amendment.

The PRESIDING OFFICER. The manager of the bill is recognized.

Mr. HARKIN. Mr. President, I have a colloquy I am going to enter into with the very patient Senator from Idaho, who has been waiting a long time, after which I will propound a unanimous-consent request dealing with the amendments as remain on the Labor-HHS bill.

So, Mr. President, I will now at least enter the colloquy with my colleague from Idaho.

LABOR DEPARTMENT REGULATIONS

Mr. HARKIN. Mr. President, during committee consideration of this legislation an issue came to my attention regarding a Department of Labor safety regulation—Hazardous Occupation Order No. 12. It was adopted in 1954 and prohibits 16- and 17-year-olds from loading or operating balers—the machines used to compress and bundle waste paper or cardboard destined for recycling.

It has been suggested that the safety of certain balers has increased greatly because safety design standards have been developed since HO 12 was adopted 40 years ago. It has been suggested that HO 12 should be modified to allow teenagers to load balers that meet American National Standards Institute Safety standards. It has also been suggested that these new balers cannot be operated during the loading process. But there has never been a review of baler safety along with an analysis of accident data to see if the regulation can be updated to reflect the design improvements.

The safety of young workers is very important to all of us and their welfare should not be compromised. But ongoing enforcement of HO 12 has led to very heavy levels of fines in the grocery industry, to the point of where they say they are reluctant to hire teenagers. This concerns me. We all know how job opportunities for young Americans are badly needed. I want to get to the bottom of this issue to see whether modern balers still pose risks.

The Department does have underway an advance notice of proposed rulemaking covering all the hazardous occupation orders. The report accompanying our bill contains the committee's request that the Department let us know within 90 days whether or not it intends to move ahead with a formal review of HO 12. We look forward to that report. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I wish to commend Chairman HARKIN for the inclusion of the committee report language on Hazardous Occupation Order No. 12. This is an important issue for me because I have been hearing about this issue from grocery store owners from my State of Idaho for several years.

A thorough review and revision of this regulation is long overdue. However, I am concerned that we are likely to see more fines being assessed against employers who earnestly are doing everything possible to provide a safe working environment. This is going on right now in Georgia, Tennessee, and elsewhere, and I am concerned about the unfairness of questionable enforcement continuing during the entire regulatory review process.

If we are serious about trying to encourage job opportunities for young people in the supermarket and other industries, I suggest that DOL should not impose fines, with respect to minor employees who are loading paper and cardboard into balers or compactors which meet current safety standards.

Under the most current industry safety standards issued by the American National Standards Institute, modern balers and compactors work just like the microwave ovens or trash compactor in the kitchen of the typical American home. If the door is open, and items are being loaded or removed, a lockout-interlock system prevents the machine from operating. You can not turn it on unless the door is closed.

Obviously, workplace safety is of the utmost importance. But safety is not promoted by imposing fines in circumstances where there is no risk of injury.

It is true that DOL has solicited public input about possible changes to the entire, broad range of child labor regulations. This, however, is no guarantee that DOL will focus specifically on HO 12.

Back in 1992, I contacted both DOL and the White House and had received assurances from the previous administration that HO 12 would be reviewed and revised. Nothing happened. I do not want history to repeat itself.

I was prepared to come to the floor today and offer an amendment barring DOL from using appropriated funds to impose fines under the limited circumstances we have been discussing, until DOL has completed rulemaking to revise HO 12.

However, the language in the committee's report is a step in the right direction. Both the House and Senate committee reports on this bill include time-certain expectations for action by DOL in addressing this issue and appear to promise aggressive followup. This seems reasonable and fair, and I look forward to working with the chairman as this matter progresses.

HEALTH CARE

Mr. CRAIG. Mr. President, very briefly on another matter in a colloquy moment or two ago by the majority leader and the Republican leader about health care, there was a mention that the Senator from Texas had used the term "Gestapo tactics." He did not. And he spoke to that issue.

In a press interview yesterday afternoon, I questioned with great concern a terminology and a proposal inside the Clinton-Mitchell health care bill that spoke to fraud squads. I said if these were not properly regulated clearly Gestapo-like tactics that had been used by other Federal agencies over time to break into private property and to demand the opening of books for certain purposes that once appeared to be legitimate could occur.

I did use that term and I meant it out of real concerns as we discuss these tactics and these bills and these very critical pieces of legislation that we are extremely cautious we do not give Federal agencies priority and responsibility in enforcement well beyond what they should have. That is where that term may have appeared in certain press releases.

I thank the chairman for yielding.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The manager of the bill is recognized.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. HARKIN. I yield.

Mr. DOLE. I wonder if following the unanimous-consent request the Senator from Washington may be recognized on another matter for 5 minutes.

Mr. HARKIN. It is my intention after asking unanimous consent for this to ask that the Senate proceed in this morning business.

Mr. SPECTER. Mr. President, I had intended to make a brief comment about the health care issue. I understand my colleague from Washington has a plane to catch. I will defer to him. In fact, if he has a plane to catch let him speak now.

Mr. HARKIN. Let me complete this. It will not take 3 minutes.

Mr. GORTON. I am happy to wait.

Mr. DOLE. Could I say further I wanted to add Senator HATCH as a cosponsor of the Dole-Lieberman amendment? I say to colleagues we were prepared to vote today. We were informed there would be no more votes after 4 o'clock. We are prepared to take this up. If the DOD bill is coming up it may be offered on that bill rather than Labor-HHS.

The PRESIDING OFFICER. The manager of the bill.

UNANIMOUS-CONSENT AGREEMENT

Mr. HARKIN. Mr. President, I ask unanimous consent that the following amendments be the only floor amendments remaining in order to H.R. 4606, the Labor, HHS appropriations bill; that they may be offered in the first or second degree, if offered to an excepted committee amendment; that other second-degree amendments be in order provided they are relevant to the first degree to which offered; provided further that upon disposition of the amendments, any remaining excepted committee amendments be agreed to, the bill be read a third time and the Senate then vote on passage of the bill; that upon disposition of H.R. 4606, the Senate insist upon its amendments, request a conference with the House on the disagreeing votes of the two

Houses, and that the Chair be authorized to appoint conferees, with the above occurring without intervening action or debate; that all floor amendments must be offered by 12 noon on Monday, August 8; that 10 minutes prior to that time Senator SPECTER be recognized to offer amendments to Republican Senators who are on the list and have not had a chance to offer; and that 5 minutes prior to that time Senator HARKIN be recognized to offer amendments of Democratic Senators who have not had a chance to offer.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa?

Mr. SPECTER. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent that the list be amended by adding an amendment by Senator BOND.

Mr. HARKIN. No objection.

Mr. SPECTER. Mr. President, I had started to engage the majority leader in a discussion when he said he had to check the list and would be back. The unanimous-consent request is being propounded by the chairman. So I will not make my comments now in light of the fact that the Senator from Washington and the Senator from Texas are to catch planes, but I will seek recognition at the conclusion of their statements to make the comments that I had intended to make in the presence of the majority leader.

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

Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I send a list to the desk.

The list is as follows:

LABOR/HHS REPUBLICAN AMENDMENTS

Nickles—Relevant.
Hatch—Vitamins.
Bond—Relevent.
Coats—(1) relevant, (2) relevant, (3) relevant.
Gregg—Labor, Education, relevant.
Grassley—refugees, HHS IG.
Jeffords—(1) relevant, (2) relevant, (3) relevant.
Gorton—relevant.
Specter—(1) relevant, (2) relevant, (3) relevant.
Kassebaum—(1) relevant, (2) relevant, (3) relevant.
Domenici—character counts.
Stevens—(1) relevant.
Hatfield—relevant, waivers.
Kempthorne—(1) relevant, (2) relevant.
Cohen—relevant.
Gramm—(1) relevant, (2) relevant.
Wallop—relevant.
Packwood—waivers.
Helms—(1) relevant, (2) relevant.
Dole—Bosnia.
Dole or designee—(1) relevant, (2) relevant.
Warner—PBS.
Bond—relevant.

DEMOCRATIC AMENDMENTS TO H.R. 4606

Bumpers—relevant.
Byrd—(1) relevant, (2) relevant.
Dodd—relevant.
Glenn—HHS IG.
Harkin—(1) relevant, (2) relevant, (3) relevant, (4) relevant, (5) managers package.
Kennedy—refugee.
Kohl—relevant.
Metzenbaum—(1) relevant, (2) relevant, (3) pensions.
Mitchell—(1) relevant, (2) relevant, (3) Bosnia.
Graham—immigrant education.
Nunn—(1) floods, (2) floods.
Pell/Nunn—relevant.
Riegle—relevant.
Wellstone—(1) relevant, (2) relevant.

FISCAL YEAR 1994 LABOR/HHS/EDUCATION BILL

Mr. HATFIELD. Mr. President, I join the chairman and ranking member of the subcommittee in supporting H.R. 4606, the Labor, HHS, and Education appropriations bill for fiscal year 1995 that is before the Senate today. I want to take this opportunity to thank Senators HARKIN and SPECTER, as well as the other members of the subcommittee, for once again bringing before the Senate such a well-balanced bill under very tight budget constraints.

H.R. 4606 contains $252.8 billion, including $69.9 billion for discretionary programs, and encompasses a wide range of services which will benefit the people of this Nation through improving job opportunities, enhancing educational excellence, advancing medical research, and expanding health services. It is no easy task to reconcile the competing human service needs facing the chairman and ranking member, but they have done an admirable job. Let me take this opportunity to highlight some of the critical program recommendations of the bill.

DISLOCATED WORKERS

Dislocated workers in Oregon and the Pacific Northwest will benefit from a needed increase in Federal assistance for job retraining. The bill recommends $1.3 billion for title III of the Job Training Partnership Act to assist States and localities in providing retraining assistance to dislocated workers. This is an increase of nearly $178 million over last year. These funds are essential for the Pacific Northwest, which has so many communities facing an uncertain economic future due to changes in Federal environmental policies.

On May 31, 1994, I chaired a special hearing of the Appropriations Committee in Portland, OR. The hearing examined issues surrounding the dislocated worker retraining programs and the administration's proposed Reemployment Act. Every witness reiterated the message that greater flexibility in the Economic Dislocation and Worker Adjustment Act [EDWAA] is needed in order for States and communities to deliver efficient and effective readjustment services under the act. Greater flexibility in the provision of needs-based payments was particularly emphasized.

Clearly, issues of flexibility will be addressed during consideration of the proposed Reemployment Act later this year, or during the next session of Congress. However, as an interim step, the committee included language in the bill at my request which amends provisions in EDWAA to make it easier for States to provide needs-based payments to workers involved in long-term training programs. These changes are effective during fiscal year 1995 only. Coupled with the funding increase, the language in the bill will help promote the expansion of services for dislocated timber workers throughout the Northwest.

BIOMEDICAL RESEARCH

The bill before us today contains $11.3 billion to support the National Institutes of Health. The funds will support research into the causes, treatment, and cures of the vast array of diseases and illnesses, many of which are only beginning to be understood. These funds are the best medicine for fighting the fiscal and medical diseases which plague our health care system.

H.R. 4606 includes increases of at least 3 percent for all the NIH institutes and centers to enable medical research in all the disease areas to move forward. As the Congress moves toward enactment of comprehensive health care reform legislation, I believe it is essential that an aggressive medical research program be maintained as a central mechanism for controlling the costs of health care. A cure is the ultimate in cost control, and the NIH is the Federal entity which supports research.

ALZHEIMER'S DISEASE

For several years now, I have urged the Senate to embark on a national program to rid this country of the scourge of Alzheimer's disease, a disease that affects 4 million Americans and costs $90 billion annually. I have set an annual goal of $500 million, the amount scientists say is needed for a full scale attack on this dread disease. Funding for research on Alzheimer's disease has nearly doubled since 1990, rising from $146.1 million in 1990 to $302 million in 1994. I am pleased to report that this investment is beginning to pay off. Earlier this year, startling developments were announced regarding a potential genetic link to Alzheimer's disease. If confirmed in subsequent studies, this opens up enormous opportunities for advancing understanding and treatment of this disease.

RARE DISEASE RESEARCH

Mr. President, cancer, diabetes, AIDS, and heart disease are well known to most Americans as threats to a healthy society. But what about terms such as Marfan's syndrome, epidermolysis bullosa, Fanconi anemia, and ectrodactly-ectodermal dysplasia-clefting syndrome [EEC]. These are rare diseases, unknown to the vast majority of us, unless we suffer from them

or know someone who suffers from them. A rare, or orphan, disease affects fewer than 200,000 Americans. Rare diseases are equally as devastating as the more common disorders. But there is a greater lack of hope for those who suffer from the 5,000 different rare diseases because little or no research is being undertaken into their causes, treatments, and cures.

With the establishment of the Office of Rare Disease Research at the NIH, a small step has been taken to begin to develop a strategy and coordinated research effort to tackle the enormous task of rare disease research. H.R. 4606 builds upon this step by appropriating $1 million over the level requested in the budget for the NIH Office. These funds will enable the Office to move ahead with implementation of the clinical data base, to support scientific workshops and symposia to stimulate rare disease research, and to support the planning and operational activities of the Office. I believe much more needs to be done, and therefore I have introduced legislation, S. 1203, to establish a Center for Rare Disease Research at the National Institutes of Health. But, the additional funding in this bill will help further the goal of expanding and better coordinating research on rare disorders until my legislation can be enacted.

RURAL HEALTH

Rural health care systems face a number of unique barriers in their struggle to provide quality health care to their communities. Geographic isolation, a shortage of care providers, and an unusually large number of elderly and uninsured patients, are particular problems of rural communities.

On two occasions over the past 18 months I have examined the problems of rural health care when I chaired special hearings of the Appropriations Committee in Oregon on rural health care. The hearings examined the existing Federal public health programs serving rural residents and explored how our national investment in health care reform might most effectively meet the needs of rural America. Nearly all of the testimony received stressed the importance to rural communities of Community and Migrant Health Centers, Rural Health Outreach Grants, the National Health Service Corps, and Area Health Education Centers Program. The bill before the Senate today recognizes the importance of these programs and recommends $207 million for fiscal year 1995.

AIDS

Mr. President, few could argue with the fact that AIDS, a disease that was virtually unheard of a dozen years ago, continues to plague our society. The bill includes $2.58 billion to continue the strong commitment to research, prevention, and treatment programs to fight this dread disease. Included is an increase of $54.3 million for the AIDS services programs authorized by the Ryan White CARE Act, including a $31 million increase for title I. These funds are particularly important to Oregon, since it is expected that Portland will become eligible in fiscal year 1995 for funding under title I of the act.

WOMEN AND CHILDREN

One of the most important aspects of the bill before the Senate is the extent to which it enhances our investment in programs serving women, children, and families. Included in the bill is $3.5 billion, an increase of $220 million for Head Start. This is another step towards expanding the program in order to provide Head Start to all eligible children.

To build upon recent improvements in our Nation's immunization record, the bill includes $888.4 million for the National Immunization Program of the Centers for Disease Control and Prevention. These funds will be used, not only to purchase the necessary vaccines, but to improve local vaccine delivery infrastructures and to implement essential immunization outreach and tracking programs in communities throughout the country.

Also, the bill continues to build upon the committee's commitment to augment funding for domestic violence programs. Just 3 years ago, funding for the Family Violence Program totaled $10.7 million. H.R. 4606 includes $32.6 million for the Family Violence Program, an increase of $5 million over fiscal year 1994. In addition, additional funding is provided to the Centers for Disease Control and Prevention to continue the development of a national program to prevent violence against women and children.

These are just a few examples of the programs in the bill which serve women and children. Other programs, such as, the Maternal and Child Health Block Grant, the Child Care Block Grant, and Women's Health Study at the NIH, continue under the committee's recommendation.

HUMAN SERVICES

The bill also includes additional funds for services to some of the most vulnerable members of our society. A total of $393.5 million is recommended for the Community Services Block Grant Program, an increase of $8 million over last year. These funds will assist over 900 community action agencies in providing a wide array of services to foster low-income individuals in becoming self-sufficient, and to alleviate the very causes of their poverty in their communities.

Funding is also maintained for the domestic refugee resettlement programs of the Department. These programs provide critical resources to States, voluntary agencies, and mutual assistance associations to help refugees become self-supporting productive members of society. Refugees face substantial language and cultural barriers when they resettle in this country. The delivery of subsistence, medical, and employment services within the first 12 months of arrival is essential for effective resettlement.

EDUCATION

Mr. President, our hopes for maintaining a leadership role in the global market and our requirements for economic growth hinge upon our education system. It is not enough to simply provide tax incentives for investments in plants and equipment. We must also be willing to invest in human minds as well. We must continue to provide our children with the educational opportunities and technologies to help them meet world class standards. H.R. 4606 includes a total of $27.1 million to help States, local education agencies, colleges, universities, and other education entities in educating our Nation's students. This is $878 million above the amount provided in fiscal year 1994.

URBAN GRANTS

Mr. President, many of the urban universities across the Nation contribute to the needs of the cities in which they are located. To help these universities in this effort, this bill contains $13 million, an increase of $2.3 million over the fiscal year 1994 level, for the Department of Education's Urban Grants Program. This program supports grants to urban universities to encourage community involvement in solving education, health, crime and economic development problems of their particular urban area.

In closing, Mr. President, I again want to thank the distinguished chairman and ranking member of the subcommittee, Mr. HARKIN and Mr. SPECTER, for their cooperation and support.

THE FISCAL YEAR 1995 LABOR, HEALTH, AND EDUCATION APPROPRIATIONS BILL, H.R. 4606

Mr. SASSER. Mr. President, the Senate Budget Committee has examined H.R. 4606, the fiscal year 1994 Labor, Health and Human Services, Education, and Related Agencies appropriations bill and has found it to be under its 602(b) budget authority allocation by $2 million and that it meets its outlay allocation exactly.

Mr. President, I have a table prepared by the Budget Committee which shows the official scoring of H.R. 4606, the Labor, Health and Human Services, Education, and related agencies appropriations bill and I ask unanimous consent that it be inserted 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. 4606, FISCAL YEAR 1995 LABOR, HHS, AND EDUCATION APPROPRIATIONS—SENATE-REPORTED BILL

[In millions of dollars]

Bill summary	Budget authority	Outlays
Discretionary totals:		
New spending in bill	68,206	28,117

SENATE BUDGET COMMITTEE SCORING OF H.R. 4606, FISCAL YEAR 1995 LABOR, HHS, AND EDUCATION APPROPRIATIONS—SENATE-REPORTED BILL—Continued

[In millions of dollars]

Bill summary	Budget authority	Outlays
Outlays from prior years appropriations		39,953
Permanent/advance appropriations	1,771	1,769
Supplementals	0	−20
Subtotal, discretionary spending	69,976	69,819
Mandatory totals	196,154	195,904
Bill total	266,130	265,723
Senate 602(b) allocation	266,132	265,723
Difference	−2	0
Discretionary totals above (+) or below (−):		
President's request	−1682	−501
House-passed bill	312	1
Senate-reported bill		
Senate-passed bill		
Defense	0	0
International Affairs	12	11
Domestic Discretionary	69,965	69,808

Mr. COCHRAN. Mr. President, I would like to commend the distinguished Chairman of the subcommittee, Mr. HARKIN, and the distinguished ranking member of the subcommittee, Mr. SPECTER, for their leadership in producing the Labor-Health and Human Services-Education and related agencies appropriations bill for fiscal year 1995. It reflects a fair and balanced allocation of funds made through difficult decisions among many meritorious programs.

As a member of this subcommittee, I am well aware of the difficulties in choosing among the programs that fall under its jurisdiction. Programs administered by the Departments of Labor, Health and Human Services and Education do much to strengthen the economic competitiveness of our Nation and contribute to the enrichment of our society.

I am pleased to note that this bill increases funding for Department of Education programs to $27.4 billion, a 3.5 percent increase over last year. Significant increases are provided for those educational programs with the greatest impact on children and adults who need extra assistance in order to help them reach their full potential, teacher training programs designed to enhance teacher ability to offer the best instruction, and innovative technology programs to improve student learning opportunities.

In particular, the Committee has included $50 million for Educational Technology, the new technology program authorized as part A of title III of the Improving America's Schools Act of 1994, S. 1513.

This new program includes most of the provisions of the Technology for Education Act, S. 1040. I was pleased to join as an original sponsor of this legislation with Senators BINGAMAN and KENNEDY earlier this year. This educational technology program is intended to promote equal access for all elementary and secondary students to the educational opportunities made available through advances in technology.

At least 50 percent of the educational technology funds provided are to be used to assist State and local programs in purchasing technology resources for those schools showing the greatest need, obtaining technical assistance, and supporting professional development. The remaining funds will strengthen the Federal leadership role in promoting the integration of technology into the kindergarten through 12th grade classrooms and coordinating educational technology with the emerging national information infrastructure.

The committee has also provided $3.2 million for a program that has greatly enriched learning opportunities for our Nation's students. The national writing project provides teachers of every discipline, from kindergarten through college, with an opportunity to participate in summer and in-school writing clinics to help improve the teaching of writing in our Nation's schools and to emphasize the importance of writing in a student's ability to think and learn. In 45 States, Federal funds are used to support the national writing project's 160 sites which are affiliated with institutions of higher education.

For every Federal dollar invested in the writing project, five additional dollars are leveraged from State, university, school district, and other sources. Last year, 105,029 teachers participated in the program at a cost to the Federal government of $18.34 per teacher. Over 7 million students of all ethnic and linguistic backgrounds were challenged to write more effectively through their classroom teachers' expanded teaching and writing skills. In a single year, 18 percent of the Nation's K–12 public school students benefited from this Federal investment, which amounts to 34 cents per student.

Other educational priorities of this bill include:

The Chapter 1 Program funded at $7.2 billion, over $300 million more than last year.

The sum of $10 million for the Ready to Learn Television as Teacher Act to support the development of quality preschool education television programs and written materials for use by parents and day care providers.

The sum of $33 million for the Star Schools program to give more students in rural areas the opportunity to participate in courses that would be not be available without distance learning technology—a $7 million increase over last year's level. Through 6 years of increased funding for Star Schools, children in some of the most remote and disadvantaged schools in Mississippi, and all over the country, have had an opportunity to study such subjects as Japanese and advanced physics taught by some the Nation's best teachers.

The sum of $3 million for the telecommunications demonstration project, "Mathline," authorized in title II, part E of the Improving America's School Act to improve the teaching of mathematics by making available teacher training in the use of a new curriculum-based telecommunications infrastructure.

Other education programs that are particularly important to my State include Library Literacy programs; the Even Start, Family Literacy Program; Foreign Language Assistance; Tech Prep Education and College Campus-Based Student Financial Aid programs.

In the area of Health and Human Services, the Committee has provided additional funding for the State Offices of Health to continue its outreach efforts to health providers living in rural areas. The State Offices of Rural Health's activities include: examining rural health care delivery and recommending improvement in quality and cost effectiveness; assisting in the recruitment and retention of health professionals; providing technical assistance to attract more Federal, State, and foundation funding for rural health; and coordinating rural health interests across the State. These offices serve a vital role in recruiting health-care professionals and coordinating the delivery of health services in rural communities, and I am pleased that our committee provided $5 million for the State Offices of Rural Health program in fiscal year 1995.

I also appreciate the efforts of the committee in directing the National Center for Research Resources to increase its funding for the IDEA Program over the 1994 level.

I am encouraged by increases in funding for cardiovascular diseases, including stroke, and diabetes.

I am pleased the committee has been able to propose funding for the Corporation for Public Broadcasting of $330 million. This will enable Federal support to continue at current services levels to America's public television stations and radio stations. Federal contributions account for only 14 percent of the funding for public television and they continue to do a good job at raising private and corporate support. I am supportive of the increased educational focus the Corporation for Public Broadcasting has demonstrated recently in the programming it supports, particularly in the area of preschool education.

This bill represents a commitment to education and the future of our Nation's young people. It has been carefully and thoughtfully written to make the best use of Federal resources in a time of tight budgetary constraints. Many important and worthy education and health programs are expanded by this legislation and others that have outlived their usefulness have been eliminated.

I urge other Senators to join me in support of this legislation.

FISCAL YEAR LABOR/HHS/EDUCATION APPROPRIATIONS BILL

Mr. SPECTER. Mr. President, I join the distinguished Senator from Iowa, the chairman of the subcommittee, in supporting the Labor-HHS and Education bill that is before the Senate today. Due to the budget constraints that the subcommittee faced, it was not possible to provide all of the increases that we would have liked, but the recommendations will go a long way in addressing the health, education, and employment needs of this country. I want to take this opportunity to thank the distinguished Senator from Iowa and commend him for his hard work and his willingness to accommodate the many requests received from Democratic and Republican Senators.

The funding in this bill addresses a wide array of programs—from the educational needs of children from preschool through college to training and retraining this Nation's work force, immunizing our children, confronting the problem of teen pregnancy, AIDS, and the causes and cures of disease. Collectively, the programs in this bill will address many of the present needs of this Nation's people and an investment in our future.

The bill before us today is the largest appropriation bill to come before the Senate with a total of more than $252.9 billion, including $69.9 billion in discretionary spending.

I would like to highlight some of the areas that are of particular importance to me.

LIHEAP

The Low Income Home Energy Assistance Program is of vital importance to the people of the Commonwealth of Pennsylvania. Funding for this program supports grants to States to deliver critical assistance to low-income households to help meet the high cost of heating and cooling their homes. This bill maintains $1.385 billion for the 1994–95 winter. In addition, the bill contains $1.475 billion in advance funding for the 1995–96 winter program. Finally, $600 million is provided for the emergency contingency fund to be released in the event the President submits a budget request declaring all, or a portion of these funds as an emergency.

The recommendations in the bill maintain the Committee's commitment to the LIHEAP program. Under the level proposed in the President's budget, as many as 250,000 households would have lost assistance. Most of the residents of these households are elderly, disabled and/or poor. For example, 82 percent of LIHEAP households in Pennsylvania have incomes less than $10,000 annually and 34 percent have elderly residents. In Philadelphia alone, 71,000 families have incomes of $5,000 a year or less and spend 40 percent of their incomes on energy costs.

FAMILY VIOLENCE

I recently visited shelters for battered women in Harrisburg and Pittsburgh. One woman told me that she had just 9 days to find affordable housing for her and her 2-year-old son, or she would have had to return to her abusive spouse. The O.J. Simpson case has brought the incidence of domestic violence into the public eye. But unfortunately, family violence is not a rare occurrence. Last year alone, an estimated 4 million women were beaten by their husbands or partners. Battering is the single largest cause of injury to women in the United States, and medical costs associated with those injuries are estimated to be $3.5 billion annually. To prevent the incidence of family violence and provide immediate shelter to victims and their families, the bill includes $32.6 million, an increase of $5.2 million over the fiscal year 1994 amount. To complement the recently launched public education campaign, $1 million has been included to expand community education and outreach activities by providing education and training sessions for community leaders and law enforcement personnel. The bill also provides $750,000 for a national conference on violence, including domestic violence, to explore promising and proven effective prevention interventions.

TEENAGE PREGNANCY

When one talks of the social ills in America today, the high number of births to teens is always at the top of the list. Each year in this country, over one million teenagers become pregnant, and more than 80 percent of these pregnancies are unintended. The costs associated with teen births is staggering. Estimates of the cost of AFDC, Medicaid, and Food Stamps to support families begun by teens, totals over $25 billion annually. Because teen moms are less likely to eat nutritiously or to get prenatal care, and are more likely to smoke and drink than other mothers, they are also more likely to give birth to low-birthweight children. It is a human tragedy for a child to be born weighing 16 ounces with attendant problems which last a lifetime. I first saw a 1-pound baby in 1984, and I was astounded to learn that Pittsburgh, PA, at that time, had the highest infant mortality rate of African-American babies of any city in the United States. It was an amazing thing for me to see a 1-pound baby—about as big as my hand.

Beyond the human tragedy of low-birthweight there are financial consequences. In 1990, the hospital-related costs for caring for low-birthweight newborns totaled more than $2 billion, or an average of $21,000 per infant. And in infants of extremely low-birth weight, hospital costs often exceed $150,000.

To begin to address the issues of teen pregnancy prevention and the consequences of low-birthweight children, the bill includes $221.5 million for programs involved in pregnancy prevention, an increase of $23 million over the 1994 appropriation. These funds will support teen pregnancy prevention education, counseling, and services for young men and women. Included is $13.4 million for comprehensive school health education programs to arm students with the knowledge and skills to make informed decisions about health habits and behaviors. Also included is $6 million for the Centers for Disease Control and Prevention for a new teen pregnancy prevention demonstration program. The program will provide grants to localities for the development of community partnership coalitions for the prevention of teen pregnancies.

BIOMEDICAL RESEARCH

The bill before us contains $11.3 billion for the National Institutes of Health, an increase of $395.7 million above the fiscal year 1994 appropriation. The funds recommended will continue the tremendous progress made in the development of treatments and cures for diseases that afflict so many Americans. The increase provided will enable scientists to pursue the most promising avenues of research into diseases such as diabetes, heart and circulatory disorders, Alzheimer's, cancer, Parkinson's, and other neurological illnesses. Funds will also continue the great advances made toward the completion of a detailed map of the human genome. In addition, funds will support promising work in the field of gene therapy.

On May 9, 1994, I visited with researchers involved in gene therapy at the University of Pennsylvania. They reported to me on the substantial advances in the development of gene therapies for reducing cholesterol levels in persons with hypercholesterolemia, and for providing relief to persons suffering with cystic fibrosis. Bringing these breakthroughs to clinical application will yield wondrous results which will alleviate human suffering, prolong life, and produce savings in the medical costs required by these chronic diseases.

BREAST CANCER

Breast Cancer—words that every woman hopes that she will never hear from her physician. It is estimated that during the decade of the 1990's, more than 2 million women will have been diagnosed with the disease and that 460,000 women will have died of it. Although women diagnosed in the early stages of the disease have a 5-year survival rate of 93 percent, women who have been treated for breast cancer can never be assured that it will not recur. Scientific advances have raised hopes of prevention, but to date no proven methods have been found. Since 1989, when I became the ranking member of this subcommittee, breast

cancer research has risen from $80.4 million to an estimated $350 million included in this bill for fiscal year 1995.

The number of women who have ever had a mammogram increased to 74 percent in 1992, from 64 percent in 1990. However, the increase is not spread evenly across all groups of women. The major increase occurred among white women with incomes of over $25,000 per year. Efforts of the American Cancer Society, women's health groups, and even equipment manufacturers, to educate consumers, and of professional groups to educate physicians, are probably responsible for much of the screening increase. The bill also provides $100 million, an increase of $21.9 million over the previous year's funding, for breast and cervical cancer screening. The increase provided will expand the number of States with comprehensive programs to educate and screen women at risk for developing breast and cervical cancer. A combination of annual clinical breast examinations and mammography can reduce breast cancer mortality by more than 30 percent for women ages 50 to 74.

ALZHEIMER'S DISEASE

This bill also addresses one of the most devasting health problems confronting this country—Alzheimer's disease. We have invested approximately $311 million to support the most promising avenues of research on a disease that has already stricken over 4 million Americans, and threatens millions more in the years ahead.

AIDS

This bill contains $2.589 billion for research, education, prevention, and services to battle AIDS. This amount represents an increase of $107.7 million over the amount appropriated last year. Included in this amount is $356.5 million to provide grants to metropolitan areas hardest hit by this disease. A total of 34 cities were served with last year's funds and with the additional funds provided in fiscal year 1995, 3 to 7 new cities will be served.

For pediatric AIDS demonstration grants to support collaboration between institutions and community based providers of underserved children, youth, pregnant women, and their families, the bill provides $26 million, an increase of $4 million over the level provided in fiscal year 1994. Because of their unique vulnerability, infants suffering from AIDS require specially tailored approaches for treatment, prevention, and care. The funds provided will continue the existing pediatric and adolescent AIDS demonstration projects.

MENTAL HEALTH

Each year, more than 40 million adults in the United States, experience one or more mental disorders. In addition 8 million children are tormented with serious emotional disturbances. The direct and indirect costs of these illnesses have been estimated to cost over $148 billion each year. The bill contains $412.6 million to prevent and treat mental illness and minimize the disabilities associated with these illnesses. In addition, the bill provides $633.8 million for the National Institute of Mental Health to support research on the prevention and treatment of mental illness.

SUBSTANCE ABUSE PREVENTION AND TREATMENT

Substance abuse continues to be a national public health problem contributing to the incidence of violence, auto collisions and accidents on the job. Drug abuse also greatly increases the number of low-birth weight infants, the incidence of HIV-AIDS, and mortality rates. The societal costs associated with substance abuse is substantial, contributing to increased crime, health care costs, interdiction, and lost productivity of the Nation's work force. For prevention and treatment programs the bill includes $1.7 billion, an increase of $44 million over the fiscal year 1994 appropriation.

EDUCATION

To strengthen our educational system and expand higher education opportunities for young adults, the bill provides $27.4 billion.

Funding for programs to improve education for disadvantaged children is increased $321.7 million over the previous year's level, to a total of $7.2 billion. Included in this amount is $102.1 million for even start, a program which combines early childhood education, adult literacy, and parenting skills. Also included is $41 million for disadvantaged children attending private schools.

The bill provides $6 million in first-time funding for the charter school program. These public schools, formed by teachers, parents, and other members of the community, are exempt from many of the Federal, State, and local regulatory requirements. In exchange for enhanced flexibility charter schools will be required to develop specific plans to enable students to meet challenging State performance standards. Private management companies are operating in some States where charter school legislation has been enacted, giving these companies and local education agencies the opportunity to try new and innovative approaches to education reform.

To increase the education opportunities for college bound youth, the bill recommends $7.6 billion for student financial aid, including $6.2 billion for the Pell Grant Program. The maximum Pell grant is also increased $40 over the fiscal year 1994 amount to $2,340. The bill also restores the $210 million in cuts proposed by the President for campus-based aid programs.

There are approximately one million men and women incarcerated in prisons, jails, and juvenile facilities in this Nation. Seventy-five percent of those incarcerated do not have a high school diploma and most have few marketable skills or work history. It is my belief that criminal offenders, especially juvenile and first and second offenders, should be given the chance at rehabilitation and gainful employment. That chance can only come through education. To address the educational needs of prisoners, the bill includes $118.6 million. Within that amount $40 million is included for the neglected and delinquent program which provides educational opportunities for youth in juvenile and adult corrections facilities, $5.1 million to improve the literacy skills of prisoners, $38.7 million for substance abuse prevention and treatment for criminal justice populations, and $34.8 million from funds set aside within the adult and vocational education programs.

The bill also restores $44.5 million in funding for library programs that the administration proposed to decrease or eliminate. This brings the total amount available for library programs to $147.5 million, an increase of $1.2 million above the amount appropriated in fiscal year 1994.

In closing, Mr. President, I again want to thank Senator HARKIN and his staff and the other members of the subcommittee for their cooperation in a very tough budget year.

Mr. ROCKEFELLER. Mr. President, I want to commend the Senate Appropriations Committee for its efforts in this legislation to increase flexibility in existing worker retraining programs.

Changes in our economy result in dislocation and employment shifts, so workers often must retrain to keep pace. I am a cosponsor of the pending Reemployment Act, which is a comprehensive initiative to restructure our Federal retraining programs. But in the interim, I strongly support efforts to make the existing programs more flexible and responsive to the real needs of dislocated workers and their families.

This bill includes a small, but crucial provision to ensure that workers have at least 6 weeks after receiving a discretionary grant for training. This is a vital change because dislocated workers often cannot afford to enroll in retraining programs until they are confident that they will have Federal assistance and needs-related payments to help them pay rent and buy groceries while in retraining courses.

Current law for most retraining programs requires workers to enroll in training by their 13th week of unemployment benefits, regardless of when the dislocated workers secure federal retraining help or the timing of academic courses. Because of delays in approving grants, workers are sometimes notified of Federal assistance just days before the enrollment cutoff of the 13

weeks takes effect. In such cases, people may be shutout of the courses they want or not have time to find the right course to start them on a new career path. It is tragic when paperwork and regulations obstruct the true goals of our programs.

Modest changes proposed in the appropriations bill will ensure that workers have 6 weeks to enroll in courses once they know they qualify for Federal retraining assistance and can afford to go back to school. I offered a similar 6-week extension to the Federal training program established for workers dislocated by NAFTA, which was adopted by voice vote in the Senate Finance Committee and incorporated in the final legislation.

I am interested and involved in the technical details of worker retraining because of concerns raised by West Virginians who in these programs and struggling to cut through the paperwork and get the retraining they need to go back to work. People in my State want help getting a job, so I believe my job is to cut through Federal paperwork and regulatory rules that hinder effective use of Federal retraining programs. Provisions in this legislation are important clarifications to make our discretionary worker retraining grants more flexible and user friendly. This will really make a difference to dislocated workers and their families in West Virginia and across the country.

Mr. DOMENICI. Mr. President, I would first like to thank the subcommittee members for their work in identifying the priority funding needs under exceptionally tight budgetary conditions. It was impossible to accommodate all of the investment items sought by the President while still retaining many high priority items but the subcommittee has done extremely well in balancing competing priorities.

I would specifically like to thank the subcommittee chairman, Senator HARKIN, and ranking member, Senator SPECTER for their continued strong leadership on this important bill.

The Senate-reported Labor–HHS–Education bill provides $213.4 billion in budget authority and $176.5 billion in new outlays for the Departments of Labor, Health and Human Services, and Education and related agencies for fiscal year 1994. Of this amount, $68.2 billion in budget authority and $28.1 billion in new outlays is for discretionary spending. When adjustments are made for advance appropriations, prior year outlays, mandatories, and emergency contingency appropriations, the Senate-reported bill provides $266.1 billion in budget authority and $265.7 billion in outlays for fiscal year 1995.

The Senate-reported bill is below the subcommittee's section 602(b) allocation in budget authority by $1.6 million and at the subcommittee's section 602(b) allocation in outlays.

This bill has strong bipartisan support. It was reported from committee without dissent. I appreciate the subcommittee's responsiveness to Members' concerns and suggestions for funding priorities.

In particular, I appreciate the subcommittee's support of my request for funding Hispanic serving institutions. This program which provides special assistance to higher education institutions attempting to meet the needs of the Hispanic community. This is the first year this program has received funding and I thank the chairman for his support.

New Mexico has 13 schools that are classified as Hispanic serving institutions. Funds under this program could help these schools strengthen their educational programs, assist them in improving facilities and purchase educational materials.

I'd also like to thank the chairman for providing an almost $18 million increase for the work of NIMH. Included in the report is language that will direct additional funds above the House level to priority research under the "Decade of the Brain" initiative.

As a result of the efforts of this subcommittee, medical researchers, during this "Decade of the Brain" will make significant progress in understanding the brain, identifying the causes of serious mental illness, and developing effective treatments for these devastating illnesses.

This research is bearing fruit in our discussion of health care reform. There is a now a recognition that health care coverage for severe mental illness must be provided on an equitable basis with other physical illnesses.

Continuation of initiatives to assist the homeless are also critical, many of whom are victims of mental illness. I am pleased that the bill before us appropriates $29.5 million for PATH grants [Program to Aid the Transition from Homelessness], and $65.4 million for Health Care for the Homeless, an increase of $2.4 million above the 1994 level.

I would again like to thank the subcommittee chairman and ranking member, as well as the other members of this subcommittee, for addressing these important issues. I urge the adoption of the bill.

VACCINES FOR CHILDREN (VFC) PROGRAM

Mr. DASCHLE. Mr. President, as the Senate acts on the Labor–HHS–Education appropriations measure today, I want to call attention to a provision relating to the new Vaccines For Children [VFC] Program. As we all know, this program was enacted last year to make childhood immunizations available to Medicaid and uninsured children in private physicians' offices. The vaccines would be purchased by the Federal Government at the discounted price made available to the Centers for Disease Control [CDC]. By law, this program is to begin this October 1—only 2 months from now.

The administration has determined that it will use a new distribution system to get the free childhood vaccines to physicians' offices. This system will rely on the General Services Administration [GSA], its distribution facility and its contract with Federal Express. CDC has been working with GSA to get this new distribution system operational in time for the program to begin October 1, a highly ambitious undertaking. Real concerns have been raised that despite the administration's hard work and good intentions, the distribution system may not be ready on time. A recent report by the General Accounting Office confirms that significant obstacles may yet to be overcome in order for the VFC Program to be successful and timely.

Citing this GAO report, our colleagues on the Appropriations Committee have included language insisting that the administration certify the new distribution system is in good working order before any vaccines are shipped through it. I commend this well placed concern and the oversight of the committee. However, I am concerned that some aspects of the committee amendment may create new, additional obstacles to implementing the VFC program on time.

Specifically, the amendment requires the Secretary to certify not only that the new distribution is safe and effective, but that it is the absolute lowest cost option for distributing vaccines to children. The amendment further requires that this lowest-cost certification include evidence of bids solicited through a private sector competition. Unfortunately, the Federal Government's process of soliciting competitive bids, itself, takes months. This requirement, posed in this fashion, effectively guarantees that the VFC Program cannot open its doors to Medicaid and uninsured children on October 1. This raises grave concerns about how children will receive the immunizations to which they are entitled. We must not lose sight of this important priority.

Mr. President, once again, I appreciate the committee's efforts to safeguard a high quality, effective and efficient vaccine distribution system for the VFC Program. I strongly urge that we all take a much closer look at the most reasonable way to achieve this goal while doing everything possible to also ensure that the VFC Program is able to serve the Nation's children at the earliest possible date.

VACCINES FOR CHILDREN

Mrs. MURRAY. Mr. President, timely implementation of the Vaccines for Children [VFC] Program is essential. The program is a vital component of the President's childhood immunization initiative to eliminate all barriers to the appropriate immunization of children.

When Congress passed this program last year, we recognized that cost is a major barrier to the timely and appropriate immunization of our Nation's preschool children. I am delighted to see recent data show an improvement in the national immunization rate to 72 percent. However, we are still far from reaching our goal of immunizing 90 percent of our preschoolers on time. And, cost remains one of the major barriers to this goal.

In my home State of Washington, the universal system has been integral to the State's successful immunization strategy. Not only has this system made vaccines freely available to all children in their doctors' offices, but it also has enhanced the State's ability to develop a comprehensive immunization delivery system. Among other things, we will be able to develop more easily a statewide immunization registry to obtain up-to-date information about how well our children are protected from vaccine-preventable diseases.

States without universal purchase systems miss an opportunity to immunize children. In these States, families are referred to free public immunization clinics when they cannot afford the vaccines. This does not happen in Washington State. Consequently, the burden of public clinics in my home State is eased. They are able to serve more efficiently those children for whom the clinic is the usual source of health care. By providing physicians with federally purchased vaccines, the Vaccines for Children Program will allow States that do not have universal systems to similarly reduce the number of missed immunization opportunities and referrals of children to public clinics.

The interim report of the Government Accounting Office [GAO] regarding the VFC Program raised a number of valid concerns about the proposed Federal vaccine distribution center. However, it is my understanding that the U.S. Department of Health and Human Services [HHS] and the General Services Administration [GSA] are working with the Food and Drug Administration [FDA] to address these concerns and comply with relevant regulations to ensure vaccine safety. I also understand this can be done without delaying the start of this very important program. It is extremely important that obstacles not be placed in the way of the timely implementation of the Vaccines for Children Program.

VACCINES FOR CHILDREN

Mr. RIEGLE. Mr. President, I would like to briefly summarize the history of an important program designed to increase the immunization rates of our Nation's most vulnerable children.

Last year, after vigorous debate, the Congress enacted the Vaccines for Children [VFC] Program as part of President Clinton's childhood immunization initiative. Congress created the new program to remove existing barriers which prevent our most vulnerable populations, children up to 2 years of age, from receiving age-appropriate immunizations.

Barriers, while not always obvious, build on each other. Although 70 percent of uninsured children have private pediatricians, many of them are referred to public clinics due to costs. Public clinics, however, are overburdened, plagued by long lines and demands for acute care. National rates of immunization reflect these problems.

While our national goal is to reach a 90-percent immunization rate for the basic series of vaccines, 1993 national rates show coverage of only 72 percent by age 3. Although the rate increased dramatically from 55 percent in 1992, it was largely due to increased awareness from the measles resurgence between 1989 and 1991.

In an effort to increase immunization rates to 90 percent and provide children with affordable vaccines, the childhood immunization initiative created a new program—Vaccines for Children [VFC]. Under the Federal program, States can elect to receive pediatric vaccines purchased by the Centers for Disease Control [CDC] for federally eligible children. Currently eligible children include: Medicaid enrollees, the uninsured, American Indian or Alaska Natives, and the underinsured who receive immunizations at public health clinics. Program-registered public and private providers will receive pediatric vaccines from States at no charge.

CDC and the States will administer the VFC program, which will purchase and distribute vaccines to enrolled providers. The administration is currently planning to use the General Services Administration [GSA] to store and distribute vaccines while the CDC will negotiate prices with the manufacturers.

Unfortunately, the VFC program and its implementation is greatly misunderstood. Its opponents suggest that immunization rates have reached 90 percent, despite data which shows national immunization rates almost 20 percent lower. Relatively high immunization rates for specific antigens does not mean that children have received the appropriate combination of recommended vaccines. Also, immunization coverage in the United States is not spread evenly, resulting in large pockets of undervaccinated children and leaving over 25 percent of our children with inadequate protection.

Mr. President, a recent General Accounting Office [GAO] report regarding VFC implementation has added to program misconceptions. Although GAO identified certain areas which merit additional attention, including better preparation of the GSA warehouse for vaccine storage, they concluded that the Department of Health and Human Services [DHHS] will be able to safely and effectively implement the VFC program by the October deadline. At that time, participating providers will receive appropriate levels of vaccines, the distribution system will be functional, and many public and private providers will be enrolled. I would also like to note that the GAO evaluated the program's implementation despite the fact that the program has not yet been implemented.

Following the publication of the GAO report, the Senate Appropriations Committee accepted by voice vote an amendment regarding program implementation. The amendment would prohibit distribution of publicly purchased vaccine by the GSA until the Appropriations Committee certifies that the distribution system is adequately tested and licensed and the system is lower than the cost of private bids. Additional report language directs the DHHS to solicit private sector bids for storage and vaccine distribution.

Although I agree with several of the amendment's components, especially perfecting the distribution system, I have serious concerns with the overall restrictive nature of the amendment and specifically with its requirements regarding costs. In addition, I understand the amendment could raise constitutional problems and jurisdictional points of order. At this time, however, I will not subject the bill to a point of order. Instead, I have laid out my concerns and sincerely hope they are resolved throughout the remainder of the legislative process.

I thank the distinguished Chair and appreciate the opportunity to discuss this important program before the Senate.

AMENDMENT NO. 2460

Mr. CHAFEE. Mr. President, I plan to oppose the amendment offered by the senior Senator from Pennsylvania [Mr. SPECTOR], to restrict the President's authority to commit American troops abroad.

Under the proposed amendment, the President could send United States Armed Forces to Haiti only under the following limited circumstances: First, with prior congressional approval; second, if necessary to protect the lives of American citizens; or third, if it is in our national security interests and there is no time to seek congressional authorization.

Now, I personally disapprove of the President's handling of the situation in Haiti. In my view, we have no national security interest at stake there. The embargo has been a disaster. And it would be a grave mistake for the United States military to invade that nation.

But the question posed by the Specter amendment goes beyond the narrow issue of just sending troops to Haiti. Instead, the amendment seeks to limit the President's authority as Commander in Chief and would severely restrict the President's power to conduct

the Nation's foreign affairs. I think this is a dangerous amendment that would set a terrible precedent—in fact, I question whether it is based on sound constitutional footing.

Again, Mr. President, I think the Clinton administration has badly mishandled the situation in Haiti. Moreover, I would oppose any effort by the administration to send to troops to Haiti. But, I will oppose the Specter amendment because I believe it to be an unacceptable intrusion by the Congress upon the President's powers.

MORNING BUSINESS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate proceed to morning business, with Senators permitted to speak therein for up to 10 minutes each, and that the Senate return to the consideration of H.R. 4606 at 10 a.m. on Monday, August 8.

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

Mr. HARKIN. Mr. President, I am authorized by the majority leader to announce there will be no more votes today.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

TRUE CRIME PREVENTION

Mr. GORTON. Mr. President, to most Americans, including this Senator, crime prevention is a fairly simple concept. It means taking steps to avoid becoming a victim of a criminal act or to provide protection for citizens from potential criminals. That could include everything from leaving a porch light on, stopping the newspaper delivery when you are gone for extended periods of time, walking your block with your neighbors to deter drug dealers, teaching your children to avoid talking to strangers, or taking down license plate numbers of suspicious vehicles, just to name a few. These crime prevention measures are commonsense methods to deter criminal behavior.

I have pursued a balanced approach to fighting crime that includes a proper mixture of law enforcement and true crime prevention. For instance, the DARE Program involves law enforcement officers working with students on how to avoid drug dealers. The Triad Program is a grassroots-oriented program that coordinates crime prevention activities between seniors groups and law enforcement. Operation Weed and Seed is perhaps the best example of a coordinated and targeted crime prevention program that has had enormous success in one of Seattle's roughest neighborhoods. Safe Streets in Tacoma receives some minor Federal assistance, and is a model of community mobilization that has cleared streets of drug dealers and gang members by means of phone trees, yard signs, and block watches. Washington State leads the Nation in its community policing programs that has lowered crime rates in some areas simply by getting officers out of their squad cars and getting them closer to the community.

The basic element of success in each one of these crime prevention activities is the simple fact that they are intended to deter a specific criminal act against a law-abiding citizen. They have a proven track record of success and each has this Senator's full support. They work, not surprisingly, because law enforcement is either directly or indirectly related to each crime prevention program. That makes sense because no one wants to prevent crime more than those who have to enforce the law.

What does not make sense, Mr. President, is what this Congress and administration have done to the term "crime prevention." Rather than relating crime prevention activities to law enforcement or criminal behavior, they have included everything from swimming pools to bicycle paths as methods to stop a crime from occurring. They equate a candlelight walk through a rough neighborhood by concerned citizens to scare off drug dealers with grants to encourage arts and crafts classes.

The conference report on the crime bill dropped the single best example of true crime prevention: my amendment to notify communities of violent sexual predators. Law-abiding citizens have a right to know of the dangers around them so they can take the simple precautions such as getting an escort to walk them home or picking kids up after school. Instead, conferees were more concerned about the rights of convicted repeat sexual offenders. They just don't get it. This crime bill would not have helped Polly Klaas or Megan Kanka.

Perhaps the best distinction between the Democrats approach to spending on crime prevention and my own is Operation Weed and Seed. I would have taken a large chunk of the money earmarked for pork barrel social welfare programs that have never worked and would have greatly expanded this crime prevention program that has proven itself. Weed and seed combines tough law enforcement with coordinated and targeted social services, some of which are the very same programs funded under many of the so-called crime prevention programs. The important distinction, however, is that weed and seed has the law enforcement component that follows the seed money for a balanced mixture of law enforcement and prevention. The conference report, on the other hand, does not guarantee the law enforcement element. That is right, cities and high-crime areas have a much greater chance of receiving social spending money than the match-based law enforcement money. The result: seeding without weeding. That is not crime prevention.

Under the title of crime prevention, $7.4 billion in tax payer money includes such deterrence as $900 million for the youth employment and skills crime prevention which would provide grants for job training, apprenticeships, occupational skills, and job experience targeted at youth in high crime, high unemployment areas; $1.8 billion for the Local Partnership Act providing revenue sharing grants to localities for education, drug abuse treatment, and job training programs; $895 million for the model intensive grant program providing grants to fund up to 15 model programs in high crime areas for any reason justified as crime related including deterioration or lack of public facilities and public transportation.

Now, this Senator has no doubt that some activities undertaken by these programs may have some positive impact. I am fully aware of the need in many communities for additional assistance. But what this Senator will not accept is the myth, the scam, that this is crime prevention and therefore should be included in a crime bill.

In addition, of course, these programs are nothing new.

The Government Accounting Office recently found that there are presently 154 separate, overlapping Federal employment and training programs run by 14 separate executive departments and independent agencies. A total of 50 different offices are responsible for these programs, for which $25 billion was budgeted in fiscal year 1994. The conference report throws another $900 million at these programs.

GAO also found that 266 current prevention programs sponsored by seven Federal departments are serving delinquent and at-risk youth. According to the report, the Government has undertaken "a massive Federal effort on behalf of troubled youth" to the tune of $3.0 billion a year. It continues to state that, "Taken together, the scope and number of multiagency programs show that the Government is responsive to the needs of these young people."

Many of those who support this kind of crime legislation are believers in the what I call the bankshot theory of crime prevention. In their heart of hearts, they honestly believe that if you invest this money in communities for social welfare purposes, you will end up with drug addicts strung out on heroin who would otherwise be inclined to mug an 80-year-old grandmother of her Social Security check, instead, choosing to take a cool dip in the new community pool built by Federal funds. They believe that if you build that bike path, maybe, just maybe, that sex offender will spend the day getting fresh air and exercise rather than stalking his next victim at the school yard. They believe that if only

we could build a nicer park for that gang member to enjoy, he will not commit that drive-by shooting tonight that will take the life of an innocent bystander.

They argue that these things take time, perhaps as long as a generation, but that we must start now to change behavior later. Ultimately, they say, the shot will find the corner pocket.

The fundamental problem with this bankshot theory of crime prevention is that we need to stop violent crime today. America is in a crisis of enormous cultural and social consequences due to our inability to deal directly with the threat of criminal violence we face everyday. Crime is the most important issue to Americans and we think about how to avoid it every day. It is on everyone's mind.

Our purpose in 1994 should be to do everything we can to put violent criminals behind bars. Instead, the bankshot theorists of crime prevention have given us swimming pools and bike trails.

This is a crime bill fit for the carefree and easy-spending days of 1964, perhaps, but not the violent and deficit spending days of 1994.

It is a missed opportunity for which I hope, but doubt, the American people will forgive us. Before it is too late, Mr. President, let us reopen the so-called crime bill and make it work for America.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas, [Mrs. HUTCHISON].

Mrs. HUTCHISON. Thank you, Mr. President. I thank the Senator from Pennsylvania for allowing me to make my statement before we go into the rest of the debate.

LIFTING THE ARMS EMBARGO ON BOSNIA

Mrs. HUTCHISON. Mr. President, I want to talk about Senator DOLE's amendment that he will offer in the very near future, once again asking this Senate to lift the arms embargo on Bosnia.

Mr. President, what has happened today in that part of the world shows once again the necessity for this Senate and this Congress to act, to say firmly and swiftly the Bosnians should be able to defend themselves with both arms, not with one arm tied behind their back.

The Serbs have shown time after time after time that they are not serious about peace; they are not going to accept the proposal that is on the table. And yet, the Bosnians sit there half armed and unable to really fight for their country the way they ought to be able to and the way they can.

Mr. President, we have talked for months while the people of Bosnia have died. We have talked and we have talked and we have talked. This is an untenable situation.

Many people have said, "Are you prepared to send American troops into Bosnia?" And the answer is no. It is a very firm no. This is not a United States mission.

In fact, it is very important, I believe, that the United States clarify our policy as it regards Bosnia. It is time for us to speak and be heard and be sincere and be firm, and that is that there is not an American interest in Bosnia that would require our troops to get into this conflict.

There is, of course, an American interest in fairness. There is an American interest in the elections and democracy that they are trying to get started in that country. There is an American interest in friendship, trade, help for Bosnia. But we should not send American troops there.

So, what should we do? We should try to help them have peace, at the table, but we should not let them fight without being armed.

I will never forget meeting with Vice President Ganic, the duly elected Vice President of Bosnia when he said, "Please, lift this embargo." He pleaded with the Senate Armed Services Committee. He said, "We are dying anyway. Let us die fighting for our country."

Mr. President, the time has come for us to do that. So, when Senator DOLE does in fact put his amendment on the floor, and we will be able to vote on it once again, I hope this Senate will see from the actions of today by the Serbs that this is not ever going to change with one party to the conflict unarmed. I hope we will have swift action. I hope we will go to the United Nations. I hope we will get world support to let the Bosnians fight—armed—and let them fight for their country.

I appreciate the Senator from Pennsylvania, [Mr. SPECTER], I appreciate the Senator from Kansas, [Mr. DOLE], who has taken a leadership position in this effort.

I hope the President will listen to the Senate this time and work with us to take a firm position on our role in the world, our role in Bosnia. And I hope we will help these people be able to pick up arms. And I hope we will let them be able to say at least that the 250,000 people who have already died, did not die in vain.

I yield the floor.

ENSURING RUSSIAN TROOP WITHDRAWAL IN THE BALTICS

Mr. PRESSLER. Mr. President, I salute President Clinton's recent efforts concerning Russian troop withdrawal from the Baltic States of Latvia and Estonia. As my colleagues know, President Yeltsin is tying Russian troop withdrawal to the citizenship status of the Russian-speaking minorities of both republics. Questions of citizenship are quite legitimate. However, they should not be linked directly to the scheduled withdrawal of the Russian military. Instead, they should be treated as a separate issue, independent of the issue of Baltic sovereignty.

It is imperative that we hold the Russian Government to the withdrawal date of August 31, 1994. Any weakness on the part of the United States would send the message that the Russians can postpone their scheduled withdrawal.

I commend President Yeltsin and Estonian President Lennart Meri for their recent agreement to remove Russian troops from Estonia by the original date of August 31, 1994. This change in policy, after the surprising "nyet" before the G–7 summit, clearly demonstrates President Yeltsin's desire to maintain healthy ties with the West. I trust the Russian Government will follow through on this promise.

Recently, my colleague from Kentucky, Senator MCCONNELL, offered an amendment to H.R. 4426, the Foreign Operations Appropriations bill for fiscal year 1995. I commend Senator MCCONNELL for his leadership on this issue. The amendment easily passed with an overwhelming majority. It stated that if Russian troops do not return home by the proposed deadline, then the United States would withhold aid to Russia until sufficient progress is made. The amendment advanced the deadline for Russian troop withdrawal to August 31, 1994, from the previous date of December 31, 1994. If the Russian Government were to fail to remove the remaining 4,500 troops from Estonia and 2,500 troops from Latvia, then any further United States financial assistance to the Government of Russia would be prohibited. Russian troops must pull out of the Baltic nations by August 31, or face the consequences.

The sovereignty of two nations is at stake, as is our future as a world power. Failure to stand firm on our own resolutions would add to the concern throughout the world regarding U.S. integrity and resolve in foreign policy. We have let the Russian government clearly know the consequences of its behavior in keeping 7,000 Russian troops in Latvia and Estonia. The Russians understand they would lose millions of dollars in economic assistance from the United States.

I have visited the Baltics to examine their reform efforts and the effects of United States aid. While in Latvia 2 years ago, the Russians' reluctance to withdraw their troops disturbed me. Their excuses of 2 years ago finally eroded into the compromise of last week. It is very easy for us to look at this agreement and consider this problem solved, but this would be a grave mistake. To withdraw our pressure prematurely only encourages the Russians to renege on their agreement and postpone their withdrawal. We must hold

the Yeltsin Government to its promise of complete independence for the Baltic States.

Being firm with the Yeltsin Government is essential. We can aid the process by encouraging the implementation of citizenship laws in the Baltic nations that fairly treat the Russian minorities. Longtime residents should have the opportunity to become citizens of Latvia or Estonia if they declare their loyalty. We should remain firm in our resolve to end de facto Russian imperialism, while promoting the ideals of democracy for all who live in the Baltic nations.

CHICAGO HOUSING AUTHORITY

Mr. DOLE. Mr. President, I want to commend to my colleagues an article that recently appeared in the Heritage Foundation publication, Policy Review.

In the article, Vincent Lane, the chairman of the Chicago Housing Authority, explains how "capping crime" is the most important public-housing reform. He writes: "How can you build a community if people are afraid to go out and talk to their neighbors? People have to board up their windows because they're afraid of random gunfire. It's no good offering programs in the evenings if people are afraid to go out and take advantage of them. Safety is our first priority.

Mr. Lane is, apparently, a man of action. In an effort to tackle the crime problem head on, he instituted a policy of requiring visitors to CHA buildings to present photo ID's at the door. He has also implemented midnight curfews and a policy allowing emergency inspections of apartments for illegal weapons. As Mr. Lane explains: "We've held sweeps whenever conditions got so bad in a building that I determined there was a health and safety hazard."

These policies have had a positive impact. While still unacceptably high, the murder rate has declined by almost 50 percent.

Unfortunately, the American Civil Liberties Union has been lurking in the wings, challenging the identification policy and challenging the curfews. Although 18 of the 19 building presidents in the CHA and the overwhelming majority of CHA residents support the sweeps, the ACLU has been active on this front too. Apparently, when it comes to ensuring the safety of CHA residents, the ACLU knows better than the residents themselves.

Mr. President, I want to commend Mr. Lane for his efforts, and I urge my colleagues to take a few moments to read the Policy Review article.

Mr. President, I ask unanimous consent that the article be inserted in the RECORD immediately after my remarks.

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

PUBLIC HOUSING SWEEP STAKES—MY BATTLE WITH THE ACLU

(By Vincent Lane)

In the late 1980s, the Chicago Housing Authority (CHA) was the worst public housing authority in the country. Its crime rate was three times that of the city as a whole. It seemed as if public housing had a monopoly on nearly every example of inner-city rot: shootings, open-air drug deals, assault, poverty and fear. The first thing I did when I took over CHA was to hold town meetings with the residents, and define what the problems were. The major problem that I heard then—and still hear—was safety.

In the five-and-a-half years since I became CHA chairman, we have made real headway in a number of areas. Since 1991 serious crime of nearly all types has declined between 30 and 60 percent. Sexual assaults, homicides, and battery are all down by 44 percent. At our notoriously violent Cabrini-Green development, for example, there have been only two murders—over a love triangle—and no gang-related killings in the last 18 months. No longer do criminals set curfews; they don't control and keep people from coming and going; they don't sell drugs in the open, or shoot craps in the lobby.

Have we solved all the problems? No. Random shootings, assaults and thefts continue. Have we eliminated gangs? No, because many of the gang members are the children of our residents, and they live in the buildings. We've lowered the CHA's crime rate to only twice that of the city, but it costs $70 million a year. Not exactly a resounding success.

The most important thing we've accomplished, however, is to bring a sense to the residents that it doesn't have to be this way. we've brought a sense of possibility, of innovation to public housing—by not just reacting to problems, but finding long-term strategies that get at their root causes. That's something I've been trying to convey to Congress and to legislative groups, public housing residents, foundations, and the business community.

CAPPING CRIME

Reforming public housing requires simultaneous attacks on several fronts—on welfare, job training, and education. But all these efforts are doomed to failure unless you tackle head-on the crime issue.

When I joined the CHA, the gangs were in control. It was not just a management problems, it was a sociological problem. Gang members were firebombing apartments, setting curfews for the tenants, and refusing to allow janitors to clean buildings.

If you're not in control of property, it's impossible to institute management improvements. I went to the police and told them, "We've got to take these buildings back. We've got to control the access; we've got to issue photo ID cards; and we have to inspect the units and try to clean them up." We've now accomplished these tasks in over 200 buildings.

In 1991 there were 90 homicides throughout the CHA. In 1992, there were 66. In 1993, the number fell to 50. So we're making progress. Sometimes that's overlooked because homicide still is a major problem. But as I've always said, you have to take the first step if you ever hope to complete the journey.

Because of our anti-crime tactics we've tangled in court with the American Civil Liberties Union (ACLU) nearly from day one. And unfortunately for the residents of the developments, they've prevented us from doing several things. First, in an out-of-court settlement, the ACLU forced us to end our policy of positive verification. The policy has allowed us to require visitors to the buildings to show photo IDs. ACLU lawyers objected on the grounds that in non-public housing guests aren't required to prove their identities. The problem with that argument is that someone can come in and claim to be Yogi Bear, and as long as the tenant backs him up, we have no choice but to let him in. His identity is never on record, and very often he's a drug dealer.

We also set curfews when we first secured buildings, rather than allow the gangs to set them. At midnight, all visitors had to leave; any apartments with visitors who hadn't signed out were checked on. We found that many of the "visitors" had been living there for years, fathering children, without being on the lease. Again, in an out-of-court agreement, the ACLU prevented us from maintaining the curfews.

There has been an interesting byproduct of our policy, however. Although people say, "You can't have a traditional family in public housing," many of the men who were being flushed out of the building came to me and complained that they didn't have any place to go; they wanted to stay with their children and their common-law wives. I suggested that they get on the leases of the apartments, which would make them legitimate tenants. Many of them decided they wanted to get married, but couldn't afford blood tests or rings. So we had a fundraiser, and put together a mass wedding for 18 couples. All but three of the couples are still together.

The curfew, as viewed by the ACLU, was onerous. But that curfew, as a practical matter, forced a lot of men to come forward and make a choice. And it helped stabilize families.

HOUSECLEANING: THE SWEEPS

Another policy we think is essential to restoring order to the developments—and which has been partially blocked by the ACLU—are so-called "building sweeps." We call them emergency inspections, in which Chicago police and CHA security can raid and search apartments without warrants. We've held sweeps whenever conditions got so bad in a building that I determined there was a health and safety hazard.

Because we did not want people saying we were doing an illegal search, when we went into the apartments we did not look under mattresses and in drawers. This was our modus operandi: We sent in a team of people to identify physical deficiencies in each unit. They looked under beds or see if the tiles were loose; they looked in the closets to make sure there were no leaks; they looked on the windowsills to make sure the windows were closing property. Very often, during that process, they ran across drugs, contraband, weapons, and other illegal items.

We were especially concerned about the windows. In the summer of 1993, a number of children fell out of the windows. It was like an epidemic. Yes, it is the mothers' responsibility to keep their children safe; there is no city code here, or in most other cities, that requires child guards on windows. But kids were being injured and killed by these falls, so we reallocated, on an emergency basis, about $7 million to install child guards throughout the system.

One day I inquired how the installations were going at one of our developments, the Robert Taylor Homes. I was told the installers had to "pull out." One of the gang members told the superintendent on the job to "get his white ass out of there." They said

they didn't want the window guards in Robert Taylor. Then they sprayed the superintendent's car with automatic weapons fire.

When I asked the staff what they'd done about it, they said they'd wait a week or two, and then see if the workers could sneak back in. That was totally unacceptable to me. There's no way we could go back to the period when the gangs determined when legitimate workmen could come and go from these buildings.

I organized a search for weapons, on the premise that when gunmen are firing randomly at cars and out of windows—things that go on all the time in public housing—it's really no different from a bomb threat in an airport or in an office building. When there's a threat of a bomb and you don't know where it is, you look everywhere you can; you don't run and get a search warrant before you look for the bomb.

We carried out a weapons search and found a number of weapons, ranging from .45s to MAC-10s to high-powered rifles with scopes. The weapons we took out of the building could do a lot of damage on the street in the wrong hands.

This April, a federal judge sided with the ACLU in banning the search for weapons except in emergencies, calling them a violation of Fourth Amendment rights prohibiting unlawful search and seizure. The Clinton administration, however, through the Department of Housing and Urban Development (HUD) and the Department of Justice seems willing to allow the searches. Despite the fact that 18 of the 19 building presidents in the CHA support the sweeps—along with the overwhelming majority of residents—I know we haven't heard the last from the ACLU.

THE WELFARE LIE

To understand what's really going on in public housing, you must look at the broader public policy issues. We have set up two standards in America: One for poor minorities, and one for everybody else.

The welfare system and the government assistance system have said, "Assume that poor people can do nothing to help themselves." And so the standard that we set for them was either very low or no standard at all. After three or four generations, we have people who are totally dependent on the government for everything. We should have maintained high standards, and put programs and support systems in place that would help them achieve those high standards.

Anyone who wants to talk about welfare and why poor black women have babies and no fathers around should look at the early record of public assistance. Thirty years ago, public aid wouldn't support families when there was a father in the house. What father, if he cared anything about his children and their mother, would have them penalized because he was out of work?

An underground culture, a system of lying in order to survive, developed in poor communities. Even though the rules have changed, so that now you can be on welfare and have an unemployed male in the house, a culture has built up. It's hard to break the fear that somehow the system will punish the woman and the children if the father is there and unemployed.

Developing this culture was a mistake. Children grow up in an environment where they watch men sneak in after dark, and hide if someone knocks on the door. Soon, children think that's the way it's supposed to be. On a public television program a couple of years ago, they interviewed a young man whose girlfriend was having his baby. He had three or four other babies by three or four other women. He said, "Well, you know, I'm just supposed to bring the babies here, and the state's supposed to take care of them." And it's public policy that triggered that kind of behavior.

NO REASON TO WORK

Another problem is government-created rules that discourage work. Why would we want to prevent a mother on welfare from saving money if she wants to make a better life for her children? But when she saves $1,000, welfare slaps her on the wrist and says, "You shouldn't be sacrificing and saving for something positive. And we're going to cut your grant, or cut you off, or put you in jail." It's insanity.

Public housing's rent agreements reinforce this craziness. The Brooke Amendment, the first federal law controlling public housing rents, was passed some 25 years ago. Because federal resources for providing housing assistance were limited, Congress decided that only the very needy would be assisted. They set up a rent formula: now 30 percent of an individual's income would be charged for rent in public housing.

That may not sound like a bad idea, but it meant that if a family member got a job and started doing well, the family could be paying as much as $800 a month for an apartment that on the private market would be worth no more than $200 a month. It doesn't take long for people to decide that they might as well move someplace where the houses are worth that.

That's exactly what the families who could afford to have done. Unfortunately, the families that replaced them had single, young, female heads of households with children—all on welfare. And that change has ruined public housing. This is not racial issue. In the 1940s, 75 percent or more of the families in public housing worked, and only the balance were on assistance. Now, 90 percent of our families are single mothers on welfare. It's a disaster.

NO MORE ISOLATION

No one should be surprised by the conditions in public housing and inner-city communities, because our public policy did it to us. I believe that people largely are creatures of their environment, and when children only see adults waiting for their welfare checks, gangs, the drug culture, and children having children, they think it's normal. For a young girl in these communities, it's a rite of passage: Have a baby as soon as possible, get your green card, get your public housing unit, get your food stamps—and you're home free.

We have destroyed millions of people in this country with this kind of bad public policy. To undo the damage, we're going to have to break up these concentrations of welfare recipients who simply reinforce themselves with each generation. We know the problems that occur in these communities cannot be isolated and contained—as I think they once were.

The schools are terrible in the cities, and the work force is not being educated. It may take 50 to 100 years, but America is going to be substantially a brown and black country. We're not turning out people in our communities who can help us compete on a global basis. We've got serious problems. America is finally realizing that it's everybody's problem, not just a problem of our core cities and our most depressed neighborhoods—gangs are now moving into suburban communities and shopping malls.

LURING THE WORKING CLASS

We must bring working families back into the cities to create some economic diversity and vitality. One way to do this is to provide multiple housing options for poor people. Public housing gives its residents no choice in terms of location or type of housing. Not everyone wants to live in a high-rise; we should be able to provide options like single-family homes and two-flats. Why? Because when you've got something of value, you will hold onto it. Improve the housing, increase the standards, let people know they have to adopt sociable behavior and can't trash the places they're living in or they'll be evicted. I believe people will change their behavior.

As I noted before, this concentration of poor people, 90 percent of them on welfare, does not work. We need to distribute them throughout the Chicago metropolitan area. Of course, many people are opposed to creating socio-economically mixed communities. One obstacle is our elected officials. Many of them, whether black or white, want to retain the demographic profile of their constituency—a constituency that either won't vote or will vote the way they're told to vote. Elected officials, black and white, have told me, "Vince, it's OK for you to repair these places, but I don't want you moving people around, and moving them out of my district, and bringing in people of a higher income and educational level who may not think I'm doing the kind of job I ought to be doing."

MIXING THINGS UP

It makes more sense to encourage every new private development to include some very low-income families. Don't tell me it won't work, because we've tried it at Lake Parc Place, at 39th and Lake Park. We had 50 percent working people and 50 percent families on welfare. We fixed up the buildings so that any working family would want to live there. The units aren't lavish, but they're safe, clean, and decent. Lake Parc Place has become a rental bargain for working families.

The results at the complex are almost exactly what we'd hoped: after two-and-a-half years, we don't have any vandalism; we don't have any graffiti; crime is practically zero; and 20 percent of the families who started out on welfare now have members working at full-time jobs. Clearly, the mixed-family approach is worth pursuing.

Until we break down the perception that poor is synonymous with bad, we've got to have an incentive for working families to live shoulder to shoulder with poor families. It's a myth that families with children can't live in high-rises successfully. When you drive along North Lake Shore Drive in Chicago, all you see are high-rises. We all know that families are raised successfully in high-rises. The problem in public housing is the concentration of poor people living there, not the buildings themselves.

True, the mixed-family strategy requires both vision and tough-minded negotiating. We took the rehabilitation money that was available and fought with HUD to put in normal amenities: ceiling fans, mini-blinds, ceramic tile in the bath, hardwood cabinets, and frost-free refrigerators. Normally, HUD officials wouldn't allow that, because of their "modest design" standards for poor people. But you can't get working people to rent from you without those amenities.

HUD's standards are often self-defeating. HUD would not approve a $250 air conditioner for poor tenants. But crime goes up dramatically in the summer because it's so hot up in those little units. No one could stand to stay up there in the heat. When people come out, they're hot, they're irritated, and that's when they get into trouble. Summer is when our crime rate goes through the

ceiling. If we had air conditioning in the low-income units, where would people be? I suggest they would be in their apartments, in that air conditioning, and not outside, hot and angry, driving up the crime rate.

HOLISTIC SOLUTIONS

We need a holistic approach to our housing problems. It's not enough to build these units and integrate them into neighborhoods that are socio-economically mixed. You can't just take a family out of an old apartment, put them into a new apartment, and expect them to make it on their own. Some will, but there has to be a support system in place that will deal with a range of problems. Many residents are substance abusers; many have children who drop out of school; many are not able to go to work because they haven't learned a skill.

To pull together such a support system we are developing a structured program at local schools, wherever these units are, so that parents will participate with children in education. This will include a mentoring program, creating "residential academies" in CHA buildings.

We also do referrals for substance-abuse problems and mental health counseling, with built-in incentives. We train the participants to be successful in a specific job, help them to get that job, and then set up an escrow program over five to seven years, so that they can accumulate a down payment on a home.

Then what happens? They move where they want to move, and where they can afford to move, just like anybody else. Then their housing unit is freed up for another public housing-eligible family to take advantage of that opportunity.

Public housing units are a valuable commodity. I'm against selling units to their tenants, because as a practical matter, young people and older people are always going to need help with low-cost housing. We ought to get back to what public housing was originally intended to be: A short-term helping hand. During this transition, we should put supports and incentives in place to help people get to the point that most Americans achieve in their lifetimes: To be able to move wherever they want. If housing authorities decide to sell units to the tenants, there must be an immediate hard unit replacement available to maintain the public housing stock.

To teach this sort of self sufficiency, we have training programs for entrepreneurs. Two years ago we created the Resident Self-Employment program. Almost two dozen people have gone through the program and are now trying to capitalize their own businesses.

Rather than letting a contractor repair apartments, we started a "Step-Up" program in 1992. We hired 300 residents, at $14 an hour, to repair apartments. They have repaired 1,500 apartments so far, and many of those people now are moving into apprentice programs with construction trades. Some are going into the environmental area—asbestos abatement and removal, and lead-based paint abatement and removal. We've trained people in pest removal, landscaping, and other skills that we can use to perform meaningful work at the Authority.

We're also helping people who already have skills and who were, in some instances, already running little businesses out of their apartments—hairdressers and seamstresses, for example.They are receiving training in running those businesses. Both of these approaches let people work close to home.

We have set up interagency committees that meet regularly to target resources and prevent the duplication of services. We have used this concept with various departments in the city: with the Park District; with the Police Department on the sweeps; and with the city's lighting department. We have even obtained funding for an alternative school. Government money can be a wasteful trap unless you're working together in partnership.

BRING BACK THE HELPING HAND

When I look at the conditions in most of what passes for public housing today, it seems to me that well-intentioned people have really caused great pain and suffering over the years. Their entire approach to the poor and to public housing has helped destroy self-esteem and undermine families.

We need to get our society back to where we were 40 or 50 years ago. When people came to the cities then, they didn't have welfare systems to provide for them. What they had was a network of extended family. They could stay with relatives until they got jobs and could afford their own apartments—but the pressure was there: get a job, get on your own feet.

Today, the poor know the government will take care of them, so there's no incentive to put forth any effort. We've got to give people a helping hand, and not a handout. We've got to understand that everybody, no matter how poor, can do something to contribute to their independence—and to the well-being of this country.

Most of the public-housing residents out here—the decent ones, and 90 percent of them are decent—support these views. I don't know whether anybody would classify families who have been on welfare for three generations as "conservative," but they certainly recognize that the approaches of the past have not worked for them. We have to find approaches for the future that will enable them to join the American mainstream. It's not enough for government bureaucrats or ACLU lawyers to reject the sort of steps we've taken in Chicago's public housing developments.

How can you build a community if people are afraid to go out and talk to their neighbors? People have to board up their windows because they're afraid of random gunfire. It's no good offering programs in the evenings if people are afraid to go out and take advantage of them. Safety is our first priority. Because rebuilding neighborhoods requires people getting together to find solutions to their common problems, and that's not possible if you have to bolt the doors and windows and not let your neighbor come in to talk.

FIRST ANNIVERSARY OF THE 1993 ECONOMIC PLAN'S PASSAGE

Mr. LEAHY. Mr. President, I rise today to mark the first anniversary of the Omnibus Budget Reconciliation Act of 1993. A year ago, the Senate and House of Representatives passed President Clinton's economic plan by the slimmest of margins and without a single Republican vote. I am proud to say that I voted for last year's budget bill.

After a year, I think it is appropriate to see where our economy is today under this plan.

Today, economic growth is up. The economy is growing at a steady pace of 3.7 percent. Since President Clinton took office, the private sector has created 3.8 million jobs—1.5 million more jobs than were created in all 4 years of the previous administration. As a result, unemployment is at 6 percent—a 3½ year low. And today's growth rate equals 77,000 new jobs per day.

Today, the deficit is down. The budget deficit for 1994 is now projected to be $220 billion, $85 billion less than projected before passage of the 1993 economic plan. The Congressional Budget Office estimates that the 1995 deficit will decline to $167 billion, $135 billion less than projected before the President's plan was adopted. As a percentage of the Gross Domestic Product, the deficit will be cut in half—from 4.9 percent in 1992 to 2.4 percent in 1995. By 1998, the strict spending measures in 1993 budget law are estimated to trim the deficit by $691 billion.

And today business is booming. Last year, more new businesses were incorporated than any other year since World War II. Besides new business, old business are also doing well—business failures have declined to their lowest level since 1988. And investment in new plant and equipment has soared to 13 percent in the last year, the highest percentage in a decade.

What do all these numbers mean? They mean the 1993 economic plan is working and working well. I applaud the President's vision in proposing it, and Congress' courage in adopting it.

Mr. President, I ask for unanimous consent that the attached article from yesterday's Wall Street Journal by Albert R. Hunt entitled "Last Year's Budget Deal Was a Success" be printed in the RECORD after my remarks.

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

[From the Wall Street Journal, Aug. 4, 1994]

LAST YEAR'S BUDGET DEAL WAS A SUCCESS

(By Albert R. Hunt)

"Clearly, this is a job-killer in the shortrun. The impact on job creation is going to be devastating."

—Rep. Dick Armey (R., Texas), August. 2, 1993

"The tax increase will lead to a recession and will actually increase the deficit."

—Rep. Newt Gingrich (R., Ga.), Aug. 5, 1993

"I will make you this bet. I am willing to risk the mortgage on it * * * the deficit will be up; unemployment will be up; in my judgment, inflation will be up."

—Sen. Robert Packwood (R., Ore.), Aug. 6, 1993

It was exactly a year ago this week that the 1993 deficit reduction measure, with tax increases on wealthier Americans, cleared both houses of Congress by the narrowest of margins.

Fortunately, Bob Packwood has a reasonably small mortgage on his Washington condominium. All those dire Republican predictions have not materialized; unemployment is down, not up, the deficit is lower and inflation hasn't risen.

"I was wrong," Sen. Packwood acknowledges with rare candor. "It reminds me of a fraternity brother who used to write down all of our New Year's resolutions and then a year later had the audacity to read them."

Even the take-no-prisoners conservative Dick Armey displays a tinge of self-effacement when asked about his Chicken Little predictions of a year ago. "Clinton has got to be the luckiest president ever," says the Texas Republican, who then adds: "The one thing we didn't appreciate was the extent to which the economy would live off the relaxed policies of the Federal Reserve."

OK, let's take that latest Republican rationalization. This past Jan. 31, Fed Chairman Alan Greenspan said: "The actions taken last year to reduce the federal budget deficit have been instrumental in creating the basis for declining inflation expectations and easing pressures on longterm interest rates." In short, Mr. Armey, those "relaxed policies" were facilitated by the 1993 deficit reduction act that you said would be so disastrous.

Since the 1993 budget act was passed, the economy has grown at almost a 4% annual rate, not spectacular but not bad. This growth has been centered on the private sector. In June the economy added an impressive 379,000 jobs, causing some economists to modify their forecast of a second-half slowdown.

A year ago today, Sen. Phil Gramm (R., Texas), a self-proclaimed economic expert, confidently predicted not only that the deficit measure would be a near-term calamity, but that "the deficit four years from today will be higher than it is today, not lower." Here are the inconvenient facts, Sen. Gramm: The Congressional Budget Office now estimates the fiscal 1997 deficit at $192 billion, or more than $100 billion less than the so-called baseline projection of a year earlier.

If the Republicans were simply wrong on their economic predictions, they were disingenuous on taxes. The claim that this was a huge tax increase on most Americans is a fraud. Income taxes were boosted for only the most affluent taxpayers, about 1.4 million or little more than 1% of the tax-paying population. The top Federal rate was raised to 39.6%, still well below the 50% rate that existed in 1986, six years into the Reagan administration and below the top rate in almost every other major industrial nation.

The legislation also icluded a 4.3 cent a gallon hike in the gasoline tax. The CBO calculates that, even including indirect costs, that amounts to higher taxes of a grand annual total of $36 per driver. Gasoline prices remain about half of what they are in most other countries.

Moreover, the critics often conveniently forget that taxes were reduced for more than 15 million working poor families, who benefited from the expanding of the earned income tax credit. This was the most important antipoverty measure enacted in years, one supported by many Republicans as well as Democrats.

Overall, the gains in the economy and the brighter deficit outlook are due in part to a few extraordinary factors. The savings-and-loan mess has gone from net drain to net gain. And there are some unrealistic savings in the Clinton administration defense budget, according to the General Accounting Office.

Responsible economic experts on the right, like the Heritage Foundation's Dan Mitchell, argue that, while the Clinton performance outstrips his predecessor, the gains would have been far better with a more conservative pro-growth policy. Mr. Mitchell notes the current recovery lags behind most other recent recoveries.

Nevertheless, the CBO estimates that more than two-thirds of the deficit savings in the next several years can be directly attributed to the 1993 deficit measure. Whatever small drag there is from higher taxes on a few Americans has been more than offset by the gains in a lower deficit and consumer confidence, which is up 54% since last August, according to the Conference Board.

BEFORE AND AFTER THE 1993 DEFICIT REDUCTION BILL

Unemployment (June rate) (percent)	7.6	6.0
Consumer prices (12 mo. avg. ending in June) (percent)	3.0	2.5
Stock market (Aug. 1 DJ industrials)	3,539.47	3,798.17
Projected 1995 deficit (billions of dollars)	$284	$180

Source: Congressional Budget Office; government figures.

The Republicans, undercut by all the data, have a final refrain: just wait until the November elections. There's little doubt that the GOP will score major victories this November, probably exceeding the average gains of the opposition party in off-year elections. But polls, focus groups and conversations with politicians of both parties demonstrate that the Democratic weakness has nothing to do with the deficit and tax legislation of 1993. Last month's Wall Street Journal/NBC News poll showed that only 15% of the public thinks that legislation was bad for the country, although 62% think it didn't make any real difference.

In the not-too-distant future—probably after the next presidential election—the deficit issue will have to be joined again. The deficit starts ballooning again by the early part of the next century. Not unexpectedly, the two major elements of any plan will have to be entitlements and taxes.

The politics will look bad. It's never easy to raise anyone's taxes. And while there's a lot of clamor now for curbing entitlements, the reality will be a lot more difficult than the rhetoric. Americans strongly favor reducing entitlements but oppose cutting specific programs.

But when the politicians then are grappling with those difficult decisions, they would do well to remember the 1993 prophets of doom and how wrong they were.

MARKETING SEASON

Mr. FORD. Mr. President, ask any farmer what their happiest day is during the tobacco season and chances are they will quickly say it is the time when they take their crop to the market for sale.

It is a day that represents Christmas presents, tuition payments, mortgage payments, farm operating loan payments—and hopefully some profit—all tied into one. A farmer once told me there is nothing quite like the feeling of having all your tobacco bales on the truck and headed to the market, knowing that a year's worth of sweat and toil will soon pay off.

Like most facets of the tobacco life, the marketing season continues the traditions of family, work, and community. The tobacco warehouses become a hub of activity surrounded by festivals and parades marking this special time of the year.

I do not know how many of my colleagues have been to a tobacco warehouse to watch the sales, but they are unlike any other auction you have ever seen.

The burley tobacco warehouses will start accepting tobacco in October and the sales traditionally begin on the first Monday before Thanksgiving. After a short break at Christmas, the sales resume and usually conclude sometime in March.

The sale is a rather raucous occasion, with an auctioneer walking down row after row of USDA-graded tobacco bundles, singing out the auction call as buyers closely follow, purchasing for the manufacturers. And you can be sure that farmers are nearby taking special note of the bids their crop is receiving.

Whatever tobacco is not sold goes into what is known as the pool. These stocks become part of the Federal no-net-cost program, run through the tobacco-purchasing cooperatives, and are sold in following years.

Each of the buyers, whether through hand signals, head nods, or a wink can purchase a basket of tobacco if they have the highest bid. However, the farmer always retains the right to either accept the bids for his tobacco or try to sell it again at a later time during the market season.

These sales are conducted in 98 warehouses all over my State of Kentucky from Maysville to Bloomfield to Paducah to London.

Anyone will tell you that the tobacco leaf being sold at these markets is the best in the world. And I can guarantee you that a farmer in Springfield, KY feels as much pride when his produce is sold as an autoworker does when that new car comes rolling off the assembly line in Detroit, MI, or Louisville, KY.

But along with that pride runs a deep feeling that all has not been right with the tobacco market for the last few years—and more hard times may lay just around the corner.

My farmers have watched as a product that means over $1 billion in annual farm income to my State comes under daily attack from all sides.

They have watched as imported tobacco flooded into this country, driving down the amount of tobacco they were able to sell. In 1991, farmers in Kentucky were able to grow and sell 486 million pounds of tobacco. In 1993, that number was down to 405 million pounds. At the same time in 1991, approximately 136 million pounds of imported tobacco came into this country. It rose to over 198 million for the year of 1993.

And what does that mean to my farmers? Last year, it cost them as much as $140 million in sales. I know around here that does not always sound like a lot of money, but what industry in your State could take that kind of hit and still survive?

As part of a Louisville Courier Journal series about the effect of imports on our State's economy, a tobacco farmer from Harrison county told how he was forced to put off buying a new tractor and making repairs to barns and fences on his farm.

"I'm going to have to make due with what I've got * * *" he said. Another farmer interviewed said, "Usually about this time of year I'm getting excited about starting next year's crop, but that feeling isn't there this year."

Mr. President, those are real Americans with real concerns.

We tried to help them out by passing legislation to limit the amount of imported tobacco used in domestic cigarettes. If our law was not in place, some estimate Kentucky farmers would have lost $342 million in 1994 sales.

As many of my colleagues know, we are keeping up our efforts in this regard with the upcoming GATT treaty. Some have tried to undercut our work, but all we are trying to do is level the playing field and ensure our farmers have a fighting chance in the world trade market.

We are trying to address inequities in the world market. Is it fair when certain countries completely prohibit the importation of our tobacco while at the same time send tens of thousands of pounds into this country?

That is the choice we are facing.

Mr. President, over the past week I have taken to the Senate floor to speak from the heart about a product that is interwoven into my State's history, its people, and their livelihoods.

I hope that in some way I have helped educate some of my colleagues about tobacco and the situation we currently face. I also hope some of my colleagues now realize the repercussions my State will face if the many antitobacco efforts—both legislative and nonlegislative—are successful.

President Eisenhower once said, "Farming looks mighty easy when your plow is a pencil and you're a thousand miles from the corn field."

I believe this same sentiment also applies to the tobacco patch.

The tobacco farmers and their families are just like people you know—people who are trying to make a living the best way they can. I hope they receive the utmost consideration from my colleagues during this health care debate.

FACES OF THE HEALTH CARE CRISIS

Mr. RIEGLE. Mr. President, I rise once again in my effort to put a face on the health care crisis in our country. Today, I would like to share the story of the Steve and Kathy Krahner and their 7 year old daughter, Kari, of Highland, MI.

Kari was born prematurely in 1986 after a difficult pregnancy. Kathy had to spend the last 2 months of her pregnancy in the hospital with pre-eclampsia or high blood pressure, and accumulated a $20,000 medical bill. Fortunately, her hospital stay was paid for by the health insurance policy Steve received through his job at a local auto parts supplier.

Little Kari experienced repeated infections and medical problems as a toddler. Then one morning in October 1991, Kathy discovered Kari lying on blood soaked sheets with blood seeping from her left ear. Kari was rushed to the hospital, where she was diagnosed with Primary Immune Deficiency Disorder, a condition in which the body is unable to fight off germs and infections. Since then, Kari has had to receive intravenous gamma globulin treatments every 4 weeks to keep her immune system operating. The cost of the intravenous treatments was $2,500 a month, and again it was covered by Steve's workplace insurance.

Suddenly in April 1992, Steve was laid off from the job he had held since he was 17 years old, almost 25 years. On top of the stress of being laid off during Michigan's harsh recession, the Krahners were terrified over losing health insurance coverage for Kari's lifesaving treatments. Continuing the coverage on their own would have cost $421 a month, almost 50 percent of what Steve would collect through unemployment.

Fortunately, Kari's serious medical condition made her eligible for assistance through a State program for disabled children. The State of Michigan took over payments of the health insurance premiums from Steve's employer for 18 months and then converted the policy into Blue Cross/Blue Shield coverage for hospital services.

Because it is cheaper for the State to buy family insurance than to provide the care directly to Kari, Steve, and Kathy have coverage for hospital services along with their daughter. The State also pays for Kari's outpatient treatments and medications. But Steve and Kathy have no coverage at all for their outpatient care and prescription drug needs.

Kathy, 41, and Steve, 42, are relieved and grateful that their daughter's medical care is covered. But they themselves are not covered for the care they need.

Kathy has diabetes, asthma, and high blood pressure, and Steve suffers from high blood pressure as well. They both require constant medication and regular medical visits to monitor their conditions. These pre-existing conditions make it impossible to find affordable health coverage on their own. Between the two of them, they pay approximately $350 per month for medical expenses. This is over 40 percent of their monthly income.

Unable to find work in the Detroit area during the recession, Steve learned the tilting and stone masonry trade and has started his own stone masonry business. Although he has secured some free-lance contracts, Steve doesn't have a consistent flow of business. The Krahner's income is $11,000 a year, or $846 per month. Kathy was once a licensed paramedic, but a back injury she sustained from a work accident disqualifies her from working in the field. She now earns minimal income from sporadic babysitting jobs and work in a deli, but the demands of caring for Kari during her frequent illnesses mean that Kathy cannot commit to a full-time job. After paying their housing and medical expenses, the Krahners are left with $11 for food and other household necessities every month. Clearly, the family is forced to rely on family and friends. They are now at risk of losing their home.

Mr. President, Steve and Kathy are victims of economic hard times. They want to provide for their daughter and take care of their own health. Both of them have conditions that can be controlled with proper preventive care, but they cannot afford to pay for the medical treatment that would keep them healthy. Ironically, they only have coverage if their conditions worsen to the point that they must be hospitalized. All Americans should have access to affordable health care that provides the benefits they need. Mr. President, I will continue to work with my colleagues in the Senate to pass a health care reform plan that guarantees access to affordable health care for all Americans.

IS CONGRESS IRRESPONSIBLE; YOU BE THE JUDGE OF THAT

Mr. HELMS. Mr. President, as of the close of business on Thursday, August 4, the Federal debt stood at $4,643,454,831,491.69. This means that on a per capita basis, every man, woman, and child in America owes $17,810.74 as his or her share of that debt.

HEALTH REFORM

Mr. DURENBERGER. Mr. President, when the President of the United States waved his veto pen in the State of the Union Address last January, he stated very clearly:

> If the legislation you send me does not guarantee every American private health insurance that can never be taken away, I will take this pen, veto that legislation, and we'll come right back here and start over again.

Well, Mr. President, get ready to veto the Gephardt bill and the Mitchell bill. Neither of these bills meets your test. Much of what you have said since then fails the test—except one cogent answer you gave to a Governor in Boston last month at the NGA meeting.

Mr. President, all the rhetoric has been focusing on the guarantee.

In all the talk about promises, about universal coverage, about mandates, about triggers—hard, soft, and in between, I have not forgotten your insistence on private health insurance—for every American.

Mr. President, the bills presented by you, by Mr. MITCHELL and Mr. GEP-

HARDT don't guarantee private health plans to all Americans. I hope you promise to veto every one.

The only way to make good on your guarantee is to give everyone an opportunity to buy a private health plan. Are you a man of your word?

The only way to make good on your guarantee is to make that plan affordable to each person to whom the guarantee is made. Otherwise, it's an empty promise. Are you a man of your word?

The only way to get affordable prices is to reduce medical and insurance costs while maintaining and improving quality of care and expand access to services. Are you a man of your word?

The only way to improve quality and lower prices is through market competition.

So, as I began looking through the 1,400, or so pages, of the latest Democratic proposal, the Mitchell bill, I went on a hunt for the marketplace.

I've been through this drill before. I searched for market forces in the Clinton bill during a snowstorm last December. I found vestiges of market principles entangled in a web of Federal and State government regulation, mandates, civil and criminal penalties.

I searched in vain for real market forces in the Labor Committee product. Same result.

Now, here I go again. Same problem. The difference is that the regulatory structures, the mandates, the rules, the regulations, are more subtle. But then I'm getting experienced at this. The Mitchell bill is awash in hidden-cost shifts, and nimble ways of taking productivity incentives out of markets.

But all's not lost. There is a bill at the desk right now. The Finance Committee bill, the only truly bipartisan bill in the U.S. Senate. S. 2351. It capitalized on the wave of market forces now at work all over this country. If you want to find how to guarantee private health insurance and to encourage medical markets, I urge you to read that bill.

To make markets work, you need informed and active buyers negotiating in the marketplace the way growing numbers of self-insured employers are today. The market rules must encourage value-conscious buying. Firms must be motivated to comparison shop on the basis of price and quality. Buyers must not be insulated from the cost consequences of their decisions.

Like other partisan Democratic bills, the Mitchell bill is full of ways to prevent employers from being good buyers. Here are few examples.

Employers up to 500 employees are forced into community-rated purchasing pools. In most communities in America, that represents 80 percent of employers or more. These employers cannot negotiate. They must accept the community-rated prices.

What was designed to encourage group buying for small firms, with little leverage in the market, has been converted into a mechanism to centralize pricing. All these employers are also required to offer a purchasing cooperative—doesn't sound voluntary to me.

The bill requires all community-rated plans to participate in a risk-adjustment process with the experience rated plans. This is simply a sophisticated vehicle to transfer dollars from cost-effective health plans to less cost-effective ones, undermining competition. Forcing the wise shoppers to pay for the unwise shoppers.

Functioning markets require sellers actively competing for business. The Mitchell bill imposes lots of new Government in what was once a private market. A standard health benefit package is intended to be a tool to facilitate markets by allowing consumers to compare similar products on the basis of price and quality and to annually compare plans on the basis of service performance.

The Democratic bills, including the Mitchell bill, expand the National Benefit Commission into a big regulatory bureaucracy that has the power to substitute its judgment for the judgment of doctors and health plans. Government will tell us what is medically necessary; not the doctors.

I am afraid that the expansion of the FEHBP means that more people will buy their private health plans through the Federal Government. Why anyone in Minnesota would willingly want a Government buyer in Washington, DC, to select their local health plan choice is beyond me. Especially when they could own a piece of a private, local purchasing coop without any cost. That's what the Finance Committee bill allows Minnesotans to do.

The Mitchell bill does not have any incentives for purchasers to buy wisely. There is no limit on tax-sheltered health spending. The bigger the company, the richer the buyer, the more tax subsidy.

There is no means test on high-cost plans, a variant on the tax cap. Instead, we get a Government-imposed price-control mechanism with a penalty tax as an enforcement of the Government controls.

Where is the market? Its lost in regulation.

Remember, the President promised the American people private health plans. The Finance Committee bill extends that promise to the elderly. For nearly 30 years America's elderly have been forced, at age 65, to join the Federal Government's single-payer system we call Medicare.

The Finance Committee bill gives seniors a way out of this wasteful Canadian system back into America—private health insurance that can never be taken away. The Government will pay a share of that premium.

The Mitchell bill drops out all those provisions. Instead, it slashes payments to doctors and hospitals who serve the Medicare patients, using all the proceeds for a new drug benefit. The unbelievable fact is that America's largest organization of seniors [AARP] has encouraged this denial of choice—in order to be able to benefit from its sale of both unnecessary supplemental plans for the 87 percent who need to add to the benefits in the Government plan, and a new line of profits—the prescription drug business.

The result, fewer people will have a choice of a private plan. And the debilitating cost shift from the underfunded Government programs is made worse not better.

Working people are forced to pay more in three ways: First, higher payroll taxes for the nearly bankrupt Medicare trust fund; second, 24 billion dollars' worth of cost shifts from the underfunded public programs; third, community-rated employer pools which make young people pay three times as much as older people based on percent of income.

Of course, Mr. GEPHARDT's Ways and Means-inspired Medicare Part C takes the President even closer to his veto threat. It would move millions more people out of the private system into a Government-run single-payer system. The President has said that Medicare is a private system because you can see a private doctor. By that definition, so's Canada.

No, Mr. President. Medicare is a Federal Government program, funded right here in Congress with tax dollars. It has price-controlled payments to doctors and hospitals, and Government-determined access to items and services, with an 11 percent growth rate while the American system is growing at only at 6 percent including the costs shifted on it from Government's Medicare and Medicaid programs.

Mr. President, you promised private health insurance. I've seen private health insurance. Medicare Part C is not it.

Mr. MITCHELL, there are many in this body who will oppose your proposal because it has a triggered employer mandate.

Unfortunately, the media and the White House have focused on this issue. They've made a vote on the mandate trigger an article of faith.

The real problems go much deeper. They go to the heart of what the Republican task force members have been working toward for 4 years. They go to the heart of what the bipartisan mainstream group has been discussing for months. They go the heart of what is best for the people of America and for the best health care system in the world: the guarantee to every American of private health insurance that can never be taken away.

The Democratic bills simply do not meet the President's own test. In fact, they take us farther from his goal.

Here's the truth they won't tell you. When it comes to insurance that can never be taken away from you, they know that politicians can't be trusted not to take it away. Politicians won't pay for their promises and you'll lose. So, if they force employers to pay, then they can say they delivered on their promise. Someone else can pay. And politicians take the credit. But the dirty little secret is employers don't pay. People do. You do.

There is an answer to this deceit. It is close at hand. The Finance Committee bill, while not perfect, will get us there.

I cheered the President when he asked Congress to produce a bill that would guarantee private health insurance. If he wants to make good on that promise, he must look to the bipartisan middle in the Senate. We can deliver you a bill that can pass the Senate. More importantly, we can help you make good on your promise to the American people.

I don't have a veto pen. But, I do have a vote. And I hope to cash it in favor of a bill that will accomplish that test. I will not cast it in favor of a bill that does not.

REMEMBERING JOE CUMMINGS

Mr. D'AMATO. Mr. President, I rise today to pay tribute to a man who devoted his life to the education and character development of every student with whom he came in contact, a man who was the epitome of excellence as a educator, coach, and motivator. Mr. President, I am speaking of Joe Cummings, of Fairport, NY. Joe Cummings passed away this past year and in honor and memory of one of their most revered citizens, the Fairport Central School District, in conjunction with the Fairport-Perinton community, will be recognizing his many contributions by naming the Fairport High School football field in his honor on September 10, 1994.

Joe Cummings was born on October 27, 1911. He earned his bachelor of science degree from Cortland State College and his master of science from Columbia University. He made his mark as a gifted athlete when he represented the United States in gymnastics at the 1936 Olympic games in Berlin, Germany. From 1936 through 1973, Joe served as a teacher, coach, and went on to become the first athletic director of the Fairport Central School District. His work at the school was briefly interrupted during the time that he served in World War II as a lieutenant in the U.S. Navy. Joe Cummings was a unique individual whose lifetime focus was to improve his community by working with young people. From 1937 to 1953, Joe Cummings developed and served as the director of the Fairport-Perinton Youth Commission. He was the past president of the Fairport Rotary, and the founder of the Fairport-East Rochester "Little Brown Jug Game," which continued for a total of 49 seasons. In addition to these great achievements, Joe Cummings helped to establish the Monroe County High School hockey league in 1968 and worked to develop the local swimming program for the disabled.

Throughout the course of Joe Cummings' life, his numerous achievements and accomplishments have not gone unnoticed. In addition to the Fairport High School football field to be named in his honor, Joe Cummings has been presented with the Rochester Club Distinguished Service Award in 1950, the Touchdown Club of Rochester Football Award in 1961, the IAABO Board Coach Award in 1966, and the New York State Coaches' Association Special Honor Award in 1970. In addition to these great honors, Joe Cummings was inducted into both the Monroe County Athletics and the Cortland College Halls of Fame.

Joe Cummings' accomplishments were great, his approach was philanthropic, and he was a friend to all who knew him. We are grateful to Joe for his relentless dedication to the Fairport community. We will remember and he will be sorely missed.

Mr. President, I thank you.

IMPROVING AMERICA'S SCHOOLS ACT

The text of the bill (H.R. 6) to extend for 6 years the authorizations of appropriations for the programs under the Elementary and Secondary Education Act of 1965 and for other purposes, as passed by the Senate on August 2, 1994, is as follows:

Resolved, That the bill from the House of Representatives (H.R. 6) entitled "An Act to extend for five years the authorizations of appropriations for the programs under the Elementary and Secondary Education Act of 1965, and for certain other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Improving America's Schools Act of 1994".

SEC. 2. ORGANIZATION OF THE ACT.

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

TITLE IV—MISCELLANEOUS

TITLE V—WORKERS TECHNOLOGY SKILL DEVELOPMENT

TITLE VI—MULTIETHNIC PLACEMENT

TITLE VII—ALBERT EINSTEIN DISTINGUISHED EDUCATOR FELLOWSHIP ACT

TITLE VIII—1994 INSTITUTIONS

SEC. 3. EFFECTIVE DATES; TRANSITION.

(a) EFFECTIVE DATES.—

(1) TITLE I.—The amendment made by title I of this Act shall take effect July 1, 1995, except that those provisions of title I that apply to programs under part A of title IX of the Elementary and Secondary Education Act of 1965, as amended by this Act, and to programs under such Act that are conducted on a competitive basis, shall be effective with respect to appropriations for use under such programs for fiscal year 1995 and for subsequent fiscal years.

(2) TITLE II.—Title II of this Act and the amendments made by title II of this Act shall take effect on the date of enactment of this Act, except that section 250 of such title shall be effective—

(A) July 1, 1995 for noncompetitive programs in which funds are allocated on 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) TITLE III.—(A) Parts A and B of title III of this Act and the amendments made by such parts shall take effect on July 1, 1995.

(B) Part C of title III of this Act and the amendments made by such part 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 such Act was in effect on the day preceding the date of enactment of this Act, may use funds available to such recipient 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

SEC. 101. AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

The Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.) is amended to read as follows:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Elementary and Secondary Education Act of 1965'.

"SEC. 2. TABLE OF CONTENTS.

"The table of contents for this Act is as follows:

"Sec. 1. Short title.
"Sec. 2. Table of contents.

"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 local educational agency and school improvement.
"Sec. 1119. State assistance for schools support and improvement.
"Sec. 1120. Fiscal requirements.

"SUBPART 2—ALLOCATIONS

"Sec. 1121. Grants for the outlying areas and the Secretary of the Interior.
"Sec. 1122. Allocations to States.
"Sec. 1123. Grants to States.
"Sec. 1124. Within State allocations.

"PART B—TRANSITION TO SUCCESS
"Sec. 1201. Transition to success.
"Sec. 1202. Coordination requirements.
"Sec. 1203. Definitions.
"PART C—EVEN START FAMILY LITERACY PROGRAMS
"Sec. 1301. Statement of purpose.
"Sec. 1302. Program authorized.
"Sec. 1303. State programs.
"Sec. 1304. Uses of funds.
"Sec. 1305. Program elements.
"Sec. 1306. Eligible participants.
"Sec. 1307. Applications.
"Sec. 1308. Award of subgrants.
"Sec. 1309. Evaluation.
"Sec. 1310. Construction.
"PART D—EDUCATION OF MIGRATORY CHILDREN
"Sec. 1401. Program purpose.
"Sec. 1402. Program authorized.
"Sec. 1403. State allocations.
"Sec. 1404. State applications; services.
"Sec. 1405. Secretarial approval; peer review.
"Sec. 1406. Comprehensive needs assessment and service-delivery plan; authorized activities.
"Sec. 1407. Bypass.
"Sec. 1408. Coordination of migrant education activities.
"PART E—EDUCATION FOR NEGLECTED AND DELINQUENT YOUTH
"Sec. 1501. Purpose; program authorized.
"Sec. 1502. Eligibility.
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"Sec. 1504. State reallocation of funds.
"Sec. 1505. State plan and State agency applications.
"Sec. 1506. Use of funds.
"Sec. 1507. Institution-wide projects.
"Sec. 1508. Three-year projects.
"Sec. 1509. Program evaluations.
"Sec. 1510. Transition services.
"Sec. 1511. Definitions.
"PART F—FEDERAL EVALUATIONS AND DEMONSTRATIONS
"Sec. 1601. Evaluations.
"Sec. 1602. Demonstrations of innovative practices.
"PART G—GENERAL PROVISIONS
"Sec. 1701. Federal regulations.
"Sec. 1702. State administration.
"Sec. 1703. Construction.
"Sec. 1704. Reservation of funds for territories.
"PART H—EDUCATIONAL OPPORTUNITY DEMONSTRATION PROGRAM
"Sec. 1801. Findings and purposes.
"Sec. 1802. Definitions.
"Sec. 1803. Program authorized.
"Sec. 1804. Applications.
"Sec. 1805. Selection of grantees.
"Sec. 1806. Study commissioned.
"Sec. 1807. Construction.
"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.
"Sec. 2113. Eisenhower National Clearinghouse for Mathematics and Science Education.
"Sec. 2114. National Teacher Training Project.
"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 educational agency applications.
"Sec. 2128. Local cost-sharing.
"Sec. 2129. Local allocation of funds and allowable activities.
"Sec. 2130. Higher education activities.
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"SUBPART 3—PROFESSIONAL DEVELOPMENT DEMONSTRATION PROJECT
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"PART B—NATIONAL WRITING PROJECT
"Sec. 2201. Short title.
"Sec. 2202. Findings.
"Sec. 2203. National Writing Project.
"PART C—SUPPORT AND ASSISTANCE FOR ESEA PROGRAMS
"SUBPART 1—COMPREHENSIVE REGIONAL CENTERS
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"Sec. 2302. Purpose.
"Sec. 2303. Program authorized.
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"Sec. 2305. Comprehensive regional centers.
"Sec. 2306. Information collection and evaluation.
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"Sec. 2326. Evaluation.
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"PART D—TERRITORIAL TEACHER TRAINING PROGRAM
"Sec. 2401. Territorial teacher training program.
"PART E—TELECOMMUNICATIONS DEMONSTRATION PROJECT FOR MATHEMATICS
"Sec. 2501. Project authorized.
"Sec. 2502. Application required.
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"TITLE III—TECHNOLOGY FOR EDUCATION
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"PART A—TECHNOLOGY FOR EDUCATION FOR ALL STUDENTS
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"Sec. 3112. Statement of purpose.
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"SUBPART 1—NATIONAL PROGRAMS IN TECHNOLOGY FOR EDUCATION
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"Sec. 3122. Federal leadership.
"Sec. 3123. Regional technical support and professional development.
"Sec. 3124. Educational technology product development.
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"Sec. 3126. High performance computing and telecommunications networks for education.
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"Sec. 3303. Duties of Secretary.
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"PART F—BUDDY SYSTEM COMPUTER EDUCATION
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"Sec. 3602. Purpose.
"Sec. 3603. Grant authorization.
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"TITLE I—HELPING CHILDREN IN NEED MEET HIGH STANDARDS

"SEC. 1001. DECLARATION OF POLICY AND STATEMENT OF PURPOSE.

"(a) STATEMENT OF POLICY.—

"(1) IN GENERAL.—The Congress declares it to be the policy of the United States that a high-quality education for all individuals and a fair and equal opportunity to obtain that education are a societal good, are a moral imperative, and improve the life of every individual, because the quality of our individual lives ultimately depends on the quality of the lives of others.

"(2) ADDITIONAL POLICY.—The Congress further declares it to be the policy of the United States to expand the program authorized by this title over the fiscal years 1995 through 1999 by increasing funding for this title by at least $750,000,000 over baseline each fiscal year and thereby increasing the percentage of eligible children served in each fiscal year with the intent of serving all eligible children by fiscal year 2004.

"(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 sizable 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 and achieving the National Education Goals will not be possible without substantial improvement in such schools;

"(3) educational needs are particularly great for low-achieving children in our Nation's highest-poverty schools, children with limited-English proficiency, children of migrant workers, children with disabilities, Indian children, children who are neglected or delinquent, and young children and their parents who are in need of family-literacy services; and

"(4) in order for all students to master challenging standards in core academic subjects as described in the third National Education Goal described in section 102(3) of the Goals 2000: Educate America Act, students and schools will need to maximize the time spent on teaching and learning the core academic subjects, and students who receive pullout instruction at the expense of core academic subject learning time can fall further behind in learning the core academic subjects.

"(c) WHAT HAS BEEN LEARNED SINCE 1988.—To enable schools to provide all children a high-quality education, this title builds upon the following learned information:

"(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 all children 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 effective when children have full access to quality regular school programs and receive supplemental help through extended-time activities.

"(5) 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.

"(6) 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.

"(7) Decentralized decisionmaking is a key ingredient of systemic reform. Schools need the resources, flexibility, and authority to design and implement effective strategies for bringing their children to high levels of performance.

"(8) Opportunities for students to achieve to high standards can be enhanced through a variety of approaches such as public school choice and charter schools.

"(9) 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.

"(10) Resources provided under this title have not been adequately targeted on the highest-poverty school districts and schools that have children most in need.

"(11) Equitable and sufficient resources, particularly as such resources relate to the quality of the teaching force, have an integral relationship to high student achievement.

"(d) STATEMENT OF PURPOSE.—The purpose of this title is to enable schools to provide opportunities for children served to acquire the same basic and advanced skills and knowledge as children not served under this title. This purpose shall be accomplished by—

"(1) ensuring high standards and aligning the efforts of States, local educational agencies, and schools to help children served under this title to reach such standards;

"(2) providing children an enriched and accelerated educational program, including, when appropriate, the use of the arts and humanities, through schoolwide programs or through additional services that increase the amount and quality of instructional time;

"(3) promoting schoolwide reform and access of children, from the earliest grades, to effective instructional strategies and challenging academic content that support intensive complex thinking and problem-solving experiences;

"(4) significantly upgrading the quality of instruction by providing staff in participating schools with substantial opportunities for ongoing 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 served under this title are achieving high State student performance standards expected of all children;

"(9) providing greater decisionmaking authority and flexibility to schools in exchange for greater responsibility for student performance; and

"(10) encouraging the development of innovative models for recruitment, induction, retention, and assessment of new, highly qualified teachers, especially such teachers from historically underrepresented groups.

"SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.

"(a) LOCAL EDUCATIONAL AGENCY GRANTS.—For the purpose of carrying out part A of this title, other than section 1117(e), there are authorized to be appropriated $7,500,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) EVEN START.—For the purpose of carrying out part C, there are authorized to be appropriated $120,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(c) EDUCATION OF MIGRATORY CHILDREN.—For the purpose of carrying out part D, there are authorized to be appropriated $310,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(d) EDUCATION FOR NEGLECTED OR DELINQUENT YOUTH.—For the purpose of carrying out part E, there are authorized to be appropriated $40,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(e) CAPITAL EXPENSES.—For the purpose of carrying out section 1117(e), there are authorized to be appropriated $45,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(f) FEDERAL ACTIVITIES.—

"(1) SECTION 1601.—For the purpose of carrying out section 1601, there are authorized to be appropriated $10,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(2) SECTION 1602.—For the purpose of carrying out section 1602, there are authorized to be appropriated $20,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"PART A—MAKING HIGH-POVERTY SCHOOLS WORK

"Subpart 1—Basic Program Requirements

"SEC. 1111. STATE PLANS.

"(a) PLANS REQUIRED.—

"(1) IN GENERAL.—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, pupil services personnel, administrators, other staff, and parents, that satisfies the requirements of this section.

"(2) CONSOLIDATION PLAN.—A State plan submitted under paragraph (1) may be submitted as part of a consolidation plan under section 10302.

"(b) STANDARDS AND ASSESSMENT PROVISIONS.—

"(1) IN GENERAL.—(A) Each State plan shall describe—

"(i) the high-quality academic standards for all children that will be used by the State, its local educational agencies, and its schools in subjects, as determined by the State, to carry out this part, and for those subjects for which a

State does not have standards and students are served under this part, describe a process for ensuring that such students are taught the same knowledge and skills and held to the same expectations as all children;

"(ii)(I) two levels of high performance, proficient and advanced, that determine how well children are mastering the material in the State content standards; and

"(II) a third level, partially proficient, to provide complete information about the progress of the lower-performing children toward achieving to the proficient and advanced levels of performance; and

"(iii) the steps the State will take to help each local educational agency and school affected by the State plan develop the capacity to comply with each of the requirements of sections 1112(c)(3), 1114(b), and 1115(c) that is applicable to such agency or school.

"(B) If a State has State content standards or State student performance standards developed under title III of the Goals 2000: Educate America Act or an aligned set of assessments for all students developed under such title, or if not developed under such title, adopted under another process, the State shall use those standards and assessments, modified, if necessary, to conform with the requirements of paragraphs (1)(A)(i), (2), and (3).

"(C) If a State has not adopted State content standards and State student performance standards for all students, the State plan shall include a strategy for developing State content standards and State student performance standards for elementary and secondary school children served under this part in subjects as determined by the State, including at least mathematics, and reading or language arts, which standards shall include the same knowledge, skills, and levels of performance expected of all children, and for those subjects for which a State will not develop standards and students are served under this part, include a strategy for developing a process for ensuring that such students are taught the same knowledge and skills and held to the same expectations as all children.

"(2) ADEQUATE YEARLY PROGRESS.—(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 student 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 student performance standards.

"(B) Adequate yearly progress under this paragraph shall be defined in a manner that results in continuous and substantial yearly improvement of each local educational agency and school sufficient to achieve the goal of all children served under this part meeting the State's proficient and advanced level of performance, particularly eligible children described in section 1115(b).

"(3) ASSESSMENTS.—Each State plan shall include a description of the set of high-quality, yearly student assessments, including at least mathematics, and reading or language arts, in one grade in each school, 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 served under this part to meet the State's student performance standards. Such assessments shall—

"(A) be the same assessments used to measure the performance of all children, if the State measures the performance of all children;

"(B) be aligned with such State's content standards in subjects for which the State has developed standards in accordance with subparagraph (A) or (C) of paragraph (1);

"(C) involve multiple measures of student performance, including measures that assess higher order thinking skills and understanding;

"(D) provide for—

"(i) the participation in such assessments of all students with diverse learning needs; and

"(ii) the adaptations and accommodations necessary to permit such participation;

"(E) be used for the purposes for which they are valid and reliable and be consistent with relevant, nationally recognized professional and technical standards for such assessments, except that assessment measures that do not satisfy the requirements of this subparagraph may be included as one of the multiple measures, so long as a State includes in the State plan information regarding the State's efforts to validate such measures;

"(F) be capable of providing coherent information about student attainments relative to the State content standards;

"(G) support effective curriculum and instruction;

"(H) provide individual student interpretive and descriptive reports, which may include scores and other information on the attainment of student performance standards;

"(I) provide statistically reliable results for economically disadvantaged children disaggregated by gender, major ethnic or racial groups, limited-English proficient children, children with disabilities, migratory children, and other educationally meaningful categories of children;

"(J) include students who have resided in the area served by a local educational agency for a full academic year but have not attended a single school served by such agency for a full academic year, except that the performance of students who have attended more than one school in the local educational agency in any academic year shall be used only in determining the progress of the local educational agency, unless the State provides otherwise; and

"(K) particularly for assessments given in kindergarden, or grades one or two, be developmentally appropriate.

"(4) OTHER INDICATORS.—Each State plan may include a description of any other indicators, such as rates of attendance, graduation, and school-to-work or school-to-college transition, that will be used in addition to the assessments required by paragraph (3) in determining the yearly performance of each local educational agency and school served under this part.

"(5) TRANSITIONAL STATEWIDE ASSESSMENTS.—(A)(i) If a State does not have State content standards and State student 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 a transitional period of not more than two years, a transitional statewide set of yearly assessments, including at least mathematics, and reading or language arts, in one grade in each school, that measure the performance of complex skills and challenging subject matter.

"(ii) Each State using the transitional assessments described in clause (i) shall develop benchmarks of progress toward the development of assessments that meet the requirements of paragraph (3), including periodic updates.

"(B)(i) The Secretary may extend for two additional years the use of the transitional assessments described in subparagraph (A) upon the request of a State and a showing of substantial progress toward meeting the requirements of paragraphs (1) and (3), particularly paragraph (3)(C).

"(ii) A State that is denied the two-year extension or renewal under clause (i) or is granted such an extension or renewal, but after two additional years does not have State content standards and State student performance standards that meet the requirements of paragraph (1) or assessments that meet the requirements of paragraph (3), shall adopt a set of such standards and aligned assessments, such as those contained in other State plans the Secretary has approved.

"(C) For any year during which a State is using transitional assessments the State shall devise a procedure for identifying local educational agencies under subsections (c)(3) and (c)(7) of section 1118 and schools under subsections (b)(1) and (b)(6) of section 1118 that relies on accurate information about the academic progress of each such local educational agency and school.

"(c) OTHER PROVISIONS TO SUPPORT TEACHING AND LEARNING.—Each State plan shall contain assurances that—

"(1) the State educational agency will implement a system of school support teams under section 1119(b), including provision of necessary professional development for those teams;

"(2) the State educational agency will provide the least restrictive and burdensome regulations for local educational agencies and individual schools participating in a program assisted under this part;

"(3) the State educational agency will fulfill its local educational agency and school improvement responsibilities under section 1118; and

"(4) 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.—

"(1) IN GENERAL.—The Secretary shall—

"(A) establish a peer review process to assist in the review and recommendations for revision of State plans;

"(B) following an initial peer review, approve a State plan the Secretary determines meets the requirements of subsections (b) and (c);

"(C) 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 such determination;

"(D) not finally disapprove a State's plan before offering the State an opportunity to revise its plan and provide technical assistance to assist the State to meet the requirements of subsections (b) and (c); and

"(E) not require a State, as a condition of approval of the State plan, to include in, or delete from, such plan one or more specific elements of the State's content standards or to use specific assessment instruments or items.

"(2) WITHHOLDING.—The Secretary may withhold funds for State administration and activities under section 1119 until the Secretary determines that the State plan meets the requirements of this section.

"(e) DURATION OF THE PLAN.—

"(1) IN GENERAL.—Each State plan shall—

"(A) remain in effect for the duration of the State's participation under this part; 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) ADDITIONAL INFORMATION.—If the State makes significant changes in its plan, such as the adoption of new State content standards and State student performance standards, new assessments, or a new definition of adequate progress, the State shall submit such information to the Secretary.

"(f) SPECIAL RULE.—If the aggregate State expenditure by a State educational agency for the operation of elementary and secondary education programs in the State is less than such agency's aggregate Federal expenditure for the State operation of all Federal elementary and secondary education programs, then the State plan shall include assurances and specific provisions that such State will provide State expenditures for the operation of elementary and secondary education programs equal to or exceeding the level of Federal expenditures for such operation by October 1, 1998.

"SEC. 1112. LOCAL EDUCATIONAL AGENCY PLANS.

"(a) PLANS REQUIRED.—A local educational agency may receive a subgrant under this part for any fiscal year only if such agency has on file with the State educational agency a plan that is approved by the State educational agency. Such plan may be submitted as part of a consolidated plan under section 10304.

"(b) PLAN PROVISIONS.—

"(1) IN GENERAL.—Each local educational agency plan shall include—

"(A) a description of additional high-quality student assessments, if any, other than those described in the State plan under section 1111, that—

"(i) the local educational agency and schools served under this part will use to—

"(I) provide information to teachers, parents, and students on the progress being made toward meeting the State student performance standards described in section 1111(b)(2)(A); and

"(II) aid in instruction, in improving the performance of individual students, and in revising the local educational agency or school's instructional program to enable all children served under this part to meet the State student performance standards described in section 1111(b)(2)(A);

"(ii) will be selected and administered by teachers; and

"(iii) will be aligned with curriculum and constitute an integral part of the instructional program;

"(B) at the local educational agency's discretion, a description of any other indicators, such as rates of attendance, graduation, and school-to-work or school-to-college transition, that will be used in addition to the assessments described in subparagraph (A) for the uses described in clause (i) of such subparagraph;

"(C) a description of the strategy the local educational agency will use to provide ongoing professional development for teachers, pupil services personnel, administrators, parents and other staff, including local educational agency level staff, that—

"(i) takes into account the needs and activities across and within schools; and

"(ii) draws on resources available under this part, other Federal resources, and, at the local educational agency's discretion, other State and local resources;

"(D) a description of the poverty criteria that will be used to select school attendance areas under section 1113;

"(E) a description of how teachers, in consultation with parents, administrators, and pupil services personnel, in targeted assistance schools under section 1115 will identify those eligible children most in need of services under this part;

"(F) a general description of the nature of the programs to be conducted by its schools under sections 1114 and 1115 and, where appropriate, educational services outside those schools for children living in local institutions for neglected or delinquent children, for neglected and delinquent children in community day school programs, and for eligible homeless children;

"(G) a description of how the local educational agency, where appropriate, will use funds under this part to support preschool programs for children, particularly children participating in a Head Start or Even Start program, which services may be provided directly by the local educational agency or through a subcontract with the local Head Start agency designated by the Secretary of Health and Human Services under section 641 of the Head Start Act, or another comparable public early childhood development program; and

"(H) a description of how the local educational agency, as part of a comprehensive school reform effort, will, where appropriate and feasible as determined by such agency, use funds provided under this part to reduce class size to 15 students.

"(2) FILING AND APPROVAL.—Notwithstanding paragraph (1), each local educational agency plan shall be filed according to a schedule established by the State educational agency, except that a local educational agency shall have not more than 2 years from the date of enactment of the Improving America's Schools Act of 1994 to have such plan approved by the State educational agency.

"(c) ASSURANCES.—Each local educational agency plan shall provide assurances that the local educational agency will—

"(1) work in consultation with schools as the schools develop their plans pursuant to section 1114 or 1118 and assist schools as schools implement those plans so that each school can make adequate yearly progress toward meeting the State content standards and State student performance standards;

"(2)(A) inform eligible schools and parents of schoolwide project authority; and

"(B) provide technical assistance and support to schoolwide programs;

"(3) fulfill its school improvement responsibilities under section 1118;

"(4) give priority to serving students in the earlier grades of schools that receive funds under this part;

"(5) provide services to eligible children attending private elementary and secondary schools in accordance with section 1117, and timely and meaningful consultation with private school officials regarding such services;

"(6) consistent with the provisions of section 10306, coordinate and integrate services provided under this part with other educational services, including—

"(A) Even Start, Head Start, and other preschool programs, and school-to-work transition programs; and

"(B) services for children with limited-English proficiency or with disabilities, migratory children served under part D, neglected or delinquent children served under part E, homeless children, and immigrant children, in order to increase program effectiveness, eliminate duplication, and reduce fragmentation of the children's instructional program;

"(7) coordinate and collaborate, to the extent feasible and necessary as determined by the local educational agency, with school-based pupil services personnel where appropriate, and with other agencies providing services to children, youth, and families, including health and social services;

"(8) where appropriate and feasible as determined by the local educational agency, establish a procedure to ensure that all children in participating elementary schools receive two health screenings during the elementary school years at appropriate intervals based on reasonable pediatric standards; and

"(9) in the case that a State chooses to utilize funds under this part to provide early childhood development services to low-income children below the age of compulsory school attendance, ensure that such services comply with the performance standards established under section 641A(a) of the Head Start Act or under section 651 of such Act, as such section 651 was in effect on the day preceding the date of enactment of the Human Services Amendments of 1994.

"(d) PLAN DEVELOPMENT AND DURATION.—Each local educational agency plan shall—

"(1) be developed in consultation with teachers, pupil services personnel and parents of children in schools served under this part;

"(2) remain in effect for the duration of the local educational agency's participation under this part; and

"(3) be 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 local educational agency's plan will enable schools served under this part to substantially help all children served under this part meet the standards described in section 1111(b)(1).

"(f) PROGRAM RESPONSIBILITY.—The local educational agency plan shall reflect the shared responsibility of the local educational agency and schools in making decisions required under sections 1114 and 1115.

"SEC. 1113. ELIGIBLE SCHOOL ATTENDANCE AREAS.

"(a) IN GENERAL.—

"(1) IN GENERAL.—A local educational agency shall use funds received under this part only in eligible school attendance areas.

"(2) ELIGIBLE SCHOOL ATTENDANCE AREAS.—For the purposes of this part—

"(A) the term '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

"(B) the term 'eligible school attendance area' means a school attendance area in which the percentage of children from low-income families is equal to or greater than the percentage of children—

"(i) from low-income families served by the local educational agency as a whole; or

"(ii) served by the local educational agency as a whole who are eligible to participate in a schoolwide program under section 1114.

"(3) SERVING SCHOOLS IN RANK ORDER.—Each local educational agency receiving assistance under this part shall—

"(A) first serve in rank order schools in which the concentration of children from low-income families is 75 percent or greater;

"(B) then serve in rank order schools in which such concentration is at least 50 percent and less than 75 percent with rank order determined at the discretion of the local education agency according to grade span or school; and

"(C) finally serve in rank order schools in which such concentration is below 50 percent with rank order determined according to grade span or by school.

"(4) MEASURES.—The local educational agency shall use the same measure of low-income,

which such agency shall choose on the basis of the best available verifiable data and which may be a 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 such area; and

"(C) determine allocations under subsection (c).

"(b) LOCAL EDUCATIONAL AGENCY DISCRETION.—Notwithstanding subsection (a)(1), a local educational agency may 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.

"(c) ALLOCATIONS.—

"(1) IN GENERAL.—A local educational agency shall allocate funds received under this part to eligible school attendance areas or eligible schools—

"(A) identified under subsection (a)(3)(A), in rank order, on the basis of the total number of children from low-income families in each such area or school; and

"(B) identified under subparagraphs (B) and (C) of subsection (a)(3) or under subsection (b), in rank order, on the basis of the total number of children from low-income families in grade levels served in each such area or school.

"(2) SPECIAL RULE.—(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 65 percent of the per pupil amount of funds a local educational agency received for that year under the poverty criterion described by the local educational agency in the plan submitted under section 1112, except that this paragraph shall not apply to a local educational agency that only serves schools in which the percentage of such children is 50 percent or greater.

"(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) RESERVATION.—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;

"(B) children living in local institutions for neglected or delinquent children; and

"(C) where appropriate, neglected and delinquent children in community day school programs.

"(d) INAPPLICABILITY.—

"(1) IN GENERAL.—Subsections (a) and (c) shall not apply—

"(A) to a local educational agency with a total enrollment of less than 1,000 children, except that such agency shall serve school attendance areas or schools in rank order according to grade span or school on the basis of the total number of children from low-income families in grade levels served in such area or school; or

"(B) to a school participating in a desegregation program where the number of economically disadvantaged children served by the school is equal to or greater than 100 or equal to or greater than 25 percent of such school's total student enrollment.

"(2) SPECIAL RULE.—(A) Except as provided in subparagraph (B), the per pupil amount of funds allocated to each school attendance area or school described in paragraph (1) shall be at least 65 percent of the per pupil amount of funds the local educational agency serving such area or school received for that year under the poverty criterion described by such agency in the plan submitted under section 1112, except that this paragraph shall not apply to a local educational agency that only serves schools in which the percentage of children from low-income families is 50 percent or greater.

"(B) A local educational agency described in subparagraph (A) may reduce the amount of funds allocated under such subparagraph for a school attendance area or school by the amount of any supplemental State and local funds expended in such area or school for programs that meet the requirements of section 1114 or 1115.

"(e) OPTIONAL ASSIGNMENT.—A local educational agency with a total enrollment of greater than 900,000 children may, to the extent feasible, use funds received under this part to serve children from low-income families who reside in school attendance areas having high concentrations of children from low-income families, who otherwise meet the eligibility requirements of this part, and who attend schools in noneligible attendance areas.

"SEC. 1114. SCHOOLWIDE PROGRAMS.

"(a) USE OF FUNDS FOR SCHOOLWIDE PROGRAMS.—

"(1) IN GENERAL.—A local educational agency may use funds under this part, in combination with other Federal, State, and local funds, in order to upgrade the entire educational program in a school described in subparagraph (A) or (B) if, for the initial year of the schoolwide program, the school meets either of the following criteria:

"(A) The school serves an eligible school attendance area in which at least 30 percent of the children—

"(i) are from low-income families; and

"(ii) are eligible for a free or reduced price lunch or show evidence of poverty by other criteria, such as eligibility under the aid to families with dependent children program under part A of title IV of the Social Security Act.

"(B) At least 30 percent of the children enrolled in the school are from families meeting the requirements of clauses (i) and (ii) of subparagraph (A).

"(2) IDENTIFICATION.—(A) No school participating in a schoolwide program shall be required to identify particular children as eligible to participate in a schoolwide program or to provide supplemental services to such children.

"(B) A school participating in a schoolwide program shall use funds available to carry out this section 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) SPECIAL RULE.—(A) Except as provided in subsection (b), the Secretary may, through publication of a notice in the Federal Register, exempt schoolwide programs under section 1114 from statutory or regulatory provisions of any other noncompetitive, formula grant program administered by the Secretary, or any discretionary grant program administered by the Secretary (other than formula or discretionary grant programs under the Individuals with Disabilities Education Act), to support schoolwide programs, if the intent and purposes of such other programs are met. Such notice shall not be subject to the requirements in section 431 of the General Education Provisions Act or section 553 of title 5, United States Code.

"(B) A school that chooses to use funds from such other programs shall not be relieved of the requirements relating to health, safety, civil rights, gender equity, student and parental participation and involvement, services to private school children, maintenance of effort, comparability of services, uses of Federal funds to supplement, not supplant non-Federal funds, or the distribution of funds to State or local educational agencies that apply to the receipt of funds from such programs.

"(4) RESERVATION.—Each school receiving funds under this title for any fiscal year shall use not less than 10 percent of such funds to carry out the activities described in subsection (b)(1)(D) for such fiscal year, except that—

"(A) a school may enter into a consortium with another school to carry out such activities; and

"(B) this paragraph shall not apply to a school if 10 percent of the funds such school receives under this title for such year is less than $5,000.

"(b) COMPONENTS OF A SCHOOLWIDE PROGRAM.—

"(1) IN GENERAL.—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 content standards and the State student performance standards described in section 1111(b)(1).

"(B) Schoolwide reform strategies that—

"(i) provide opportunities for all children to meet the State's proficient and advanced levels of performance described in section 1111(b)(1)(A);

"(ii) are based on effective means of improving the achievement of children;

"(iii) use effective instructional strategies that—

"(I) increase the amount and quality of learning time; and

"(II) help provide an enriched and accelerated curriculum;

"(iv)(I) address the needs of all children in the school, but particularly the needs of economically disadvantaged children, low-achieving children, children with limited-English proficiency, children with disabilities, children from migratory families, and children who are members of the target population of any program that is included in the schoolwide program, which may include—

"(aa) counseling, pupil services, and mentoring services;

"(bb) college and career awareness and preparation, such as college and career guidance, enhancement of employability skills, and job placement services;

"(cc) services to prepare students for the transition from school to work;

"(dd) services to assist preschool children in the transition from early childhood programs to elementary school programs;

"(ee) incorporation of gender-equitable methods and practices; and

"(ff) after school and summer programs; and

"(II) address how the school will determine if such needs have been met; and

"(v) are consistent with, and are designed to implement, the State and local improvement plans, if any, approved under title III of the Goals 2000: Educate America Act.

"(C)(i) Instruction by highly qualified professional staff.

"(ii) If a school uses funds received under this part to employ instructional aides, the school shall ensure that such aides—

"(I) possess the knowledge and skills sufficient to assist participating children in meeting the educational goals of this part;

"(II) have a secondary school diploma or its recognized equivalent, or earn such diploma or equivalent within 2 years of such employment,

except that a school may employ an instructional aide that does not meet the requirement of this subclause if such aide possesses proficiency in a language other than English that is needed to enhance the participation of children in programs under this part; and

"(III) are under the direct supervision of a teacher who has primary responsibility for providing instructional services to eligible children.

"(D) In accordance with subsection (a)(4), ongoing professional development for teachers, pupil services personnel, parents, principals, and other staff to enable all children in the school to meet the State's student performance standards. Such activities shall be jointly developed by the principal, teachers, and other staff of each school.

"(E) Parental involvement in accordance with section 1116.

"(F) Development and use of teacher selected assessments as described in section 1112(b)(1)(A)(ii) for providing information on and improving the performance of individual students and the overall instructional program.

"(G) Measures to ensure that students who experience difficulty mastering any of the standards required by section 1111(b) during the course of the school year shall be provided with effective, timely additional assistance, which shall include—

"(i) measures to ensure that students' difficulties are identified on a timely basis and to provide sufficient information on which to base effective assistance;

"(ii) to the extent the school determines feasible using funds under this part, periodic training for teachers in how to identify such difficulties and to provide assistance to individual students; and

"(iii) for any student who has not met such standards, teacher-parent conferences, at which time the teacher and parents shall discuss—

"(I) what the school will do to help the student meet such standards;

"(II) what the parents can do to help the student improve the student's performance; and

"(III) additional assistance which may be available to the student at the school or elsewhere in the community.

"(2) PLAN.—(A) Any eligible school that desires to operate a schoolwide program shall first develop (or amend a plan for such a program that was in existence before the date of enactment of the Improving America's Schools Act of 1994), 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;

"(iv) describes how the school will provide valid and reliable 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) provides for statistically reliable data on the achievement and assessment results of economically disadvantaged children disaggregated by gender, major ethnic or racial groups, children with disabilities, and, where appropriate, limited-English proficient children.

"(B) Plans developed before a State has adopted standards and a set of assessments that meet the criteria described in paragraphs (1) and (3) of section 1111(b) shall be based on an analysis of available data on the achievement of students in the school and 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 determines that less time is needed to develop and implement the schoolwide program; or

"(II) the school is operating a schoolwide program on the day preceding the date of enactment of the Improving America's Schools Act of 1994, in which case such school may continue to operate that program, but shall develop a new plan during the first year of assistance under such Act to reflect the provisions of this section;

"(ii) developed by a school-site council composed of those individuals who will implement the plan, including teachers, pupil services personnel, parents, principals, and other staff;

"(iii) in effect for the duration of the school's participation under this part and reviewed and revised, as necessary, by the school; and

"(iv) available to the local educational agency, parents, and the public, and the information contained in such plan shall be translated, to the extent feasible, into any language spoken as the primary language by a significant percentage of the parents of participating students, that a significant percentage of the parents of participating children in the school speak awkward syntax as their primary language.

"SEC. 1115. TARGETED ASSISTANCE SCHOOLS.

"(a) IN GENERAL.—In all schools selected to receive funds under section 1113(c) that are ineligible for a schoolwide program under section 1114, or that choose not to operate such a schoolwide program, a local educational agency may use funds received under this part only for programs that provide services to economically disadvantaged children identified by teachers, in consultation with parents, administrators, and pupil services personnel, as having the greatest academic need for special assistance.

"(b) ELIGIBLE CHILDREN.—

"(1) ELIGIBLE POPULATION.—A child shall be eligible for services under this part if—

"(A) except as provided in subparagraphs (B), (C), and (D), the school serving such child determines that such child is economically disadvantaged, and such child—

"(i)(I) is not older than age 21 and is entitled to a free public education through grade 12; and

"(II) is not yet at a grade level where the local educational agency provides a free public education, yet is of an age at which such child can benefit from an organized instructional program provided in a school or other educational setting; or

"(ii) is a child with a disability, a limited-English proficient child, or a migrant child;

"(B) the child, at any time in the two years preceding the year for which the determination is made, received services under the program for neglected and delinquent children under part E (or its predecessor authority);

"(C) the child is homeless and attending any school in the local educational agency; and

"(D) the child, at any time in the two years preceding the year for which the determination is made, participated in a Head Start or Even Start program.

"(2) SPECIAL RULE.—Funds received under this part may not be used to provide services that are otherwise required by law to be made available to children described in subparagraphs (B), (C), and (D) of paragraph (1) but may be used to coordinate or supplement such services.

"(c) COMPONENTS OF A TARGETED ASSISTANCE SCHOOL PROGRAM.—

"(1) IN GENERAL.—To assist targeted assistance schools and local educational agencies to meet their responsibility to provide for all their students served under this part the opportunity to meet the State's student performance standards in subjects as determined by the State, each targeted assistance program under this section shall—

"(A) use such program's resources under this part to help participating children meet such State student performance standards expected for all children;

"(B) be based on effective means for improving achievement of children;

"(C) ensure that planning for students served under this part is incorporated into existing school planning;

"(D) use effective instructional strategies that—

"(i) increase the amount and quality of learning time;

"(ii) help provide an accelerated, high-quality curriculum; and

"(iii) minimize isolating eligible children from other children in the school during regular school hours;

"(E) coordinate with and support the regular education program, which may include—

"(i) counseling, mentoring and other pupil services;

"(ii) college and career awareness and preparation, such as college and career guidance, enhancement of employability skills, and job placement services;

"(iii) services to prepare students for the transition from school to work; and

"(iv) services to assist preschool children in the transition from early childhood programs to elementary school programs;

"(F) provide instruction by highly qualified staff;

"(G) if such program employs instructional aides, ensure that such aides—

"(i) possess the knowledge and skills sufficient to assist participating children in meeting the purposes of this title;

"(ii) have a secondary school diploma or its recognized equivalent, or earn such diploma or equivalent within 2 years of such employment, except that an instructional aide that does not meet the requirement of this clause may be employed if such aide possesses a tested proficiency in English and a language other than English that is needed to enhance the participation of children in programs under this part; and

"(iii) are under the direct supervision of a teacher who has primary responsibility for providing instructional services to eligible children;

"(H) in accordance with subsection (d)(2), provide opportunities for ongoing professional development to the extent the school determines feasible with resources provided 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 program; and

"(I) provide opportunities for parental involvement in accordance with section 1116.

"(2) REQUIREMENTS.—Each school conducting a program under this section shall assist participating children selected in accordance with subsection (b) to meet the State's proficient and advanced levels of performance by—

"(A) the coordination of resources provided under this part with other resources to enable the children served to meet the State content standards and State student performance standards; and

"(B) providing individual student assessment results, including an explanation of those results, to the parents of any child who participates in the assessment required by section 1111(b)(3).

"(d) SPECIAL RULES.—

"(1) COMPREHENSIVE SERVICES.—If health, nutrition, and other social services are not otherwise available to eligible children in a targeted assistance school and such school, if appropriate, has engaged in a comprehensive needs assessment and established a collaborative partnership with local service providers, and if

funds are not reasonably available from other public or private sources to provide services under this part, then funds provided under this part may be used as a last resort to provide such services, including—

"(A) the provision of basic medical equipment, such as eyeglasses and hearing aids;

"(B) compensation of a coordinator; and

"(C) professional development for teachers, pupil services personnel, other staff, and parents in identifying and meeting the comprehensive needs of eligible children.

"(2) RESERVATION.—Each school receiving funds under this title for any fiscal year shall use not less than 10 percent of such funds to carry out the activities described in subsection (c)(1)(H) for such fiscal year, except that—

"(A) a school may enter into a consortium with another school to carry out such activities; and

"(B) this paragraph shall not apply to a school if 10 percent of the funds such school receives under this title for such year is less than $5,000.

"(e) 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 who 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 such 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.

"(f) SPECIAL RULE.—Nothing in this section shall be construed to prohibit a school from serving students served under this section simultaneously with students with similar educational needs, in the same educational settings where appropriate.

"SEC. 1116. PARENTAL INVOLVEMENT.

"(a) LOCAL EDUCATIONAL AGENCY POLICY.—

"(1) IN GENERAL.—Each local educational agency that receives funds under this part shall develop jointly with, agree upon with, and distribute 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 joint development and approval 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 described in this part with those under other programs; and

"(E) ensure that participating schools—

"(i) review the effectiveness of their parent involvement activities on an ongoing basis;

"(ii) identify and take steps to remove any barriers to greater parental involvement, including barriers resulting in lower rates of participation in the parent involvement activities by parents who are economically disadvantaged, are disabled, have limited literacy, have limited-English proficiency, or are from any racial or ethnic minority background; and

"(iii) use the findings of such reviews in—

"(I) designing strategies for school improvement; and

"(II) revising, if necessary, the parent involvement policies described in this subsection and subsection (b)(1).

"(2) AMENDMENT.—If the local educational agency has a school district-level parental involvement policy that applies to all parents, such agency may amend that policy, if necessary, to meet the requirements of this subsection.

"(b) SCHOOL PARENTAL INVOLVEMENT POLICY.—

"(1) IN GENERAL.—Each school served under this part shall jointly develop with, and distribute to, parents of participating children a written parent involvement policy, agreed upon by such parents, that shall describe the means for carrying out the requirements of subsections (c) through (f). Such policy shall be updated periodically to meet the changing needs of parents and the school.

"(2) SPECIAL RULE.—If the school has a parental involvement policy that applies to all parents, such school 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) offer a flexible number of meetings, such as meetings in the morning or evening, and may provide, with funds provided under this part, transportation, child care, or home visits, as such services relate to parental involvement;

"(3) involve parents, in an organized, ongoing, and timely way, in the planning, review, and improvement of programs under this part, including the school parental involvement policy and the joint development and approval of the schoolwide program plan under section 1114(b), except that if a school has in place a process for involving parents in the joint planning, design, and approval of its programs, the school may use that process, provided that such process includes an adequate representation of parents of participating children; and

"(4) provide parents of participating children—

"(A) timely information about programs under this part;

"(B) school performance profiles required under section 1118(a)(3);

"(C) a description and explanation of the curriculum in use at the school, the forms of assessment used to measure student progress, and the proficiency levels students are expected to meet;

"(D) opportunities for regular meetings to formulate suggestions, share experiences with other parents, and participate as appropriate in decisions relating to the education of their children if such parents so desire; and

"(E) timely responses to the suggestions described in subparagraph (E).

"(d) SHARED RESPONSIBILITIES FOR HIGH STUDENT PERFORMANCE.—As a component of the school-level parental involvement policy developed under subsection (b), each school served under this part shall jointly develop with parents for all children served under this part 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 enables the children served under this part to meet the State's student performance standards, and the ways in which each parent will be responsible for supporting their children's learning, such as monitoring attendance, homework completion, television watching, volunteering in their child's classroom, and participating as appropriate in decisions relating to the education of their children, and positive use of extracurricular time; and

"(2) address the importance of communication between teachers and parents on an ongoing basis through, at a minimum—

"(A) parent-teacher conferences in elementary schools, at least annually, during which the compact shall be discussed as the compact relates to the individual child's achievement;

"(B) frequent reports to parents on their children's progress; and

"(C) reasonable access to staff, opportunities to volunteer and participate in their child's class, 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 standards and State student 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 as well as information on how parents can participate in decisions relating to the education of their children;

"(2) provide materials and training, such as 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, pupil services personnel, principals and other staff, with the assistance of parents, 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;

"(4) coordinate and integrate parent involvement programs and activities with Head Start, Even Start, home instruction programs for preschool youngsters and Parents as Teachers, and public preschool programs, to the extent feasible;

"(5) other activities, as appropriate and feasible, such as parent resource centers and providing opportunities for parents to learn about child development and child rearing issues beginning at the birth of a child, designed to help parents become full partners in the education of their children; and

"(6) provide such other reasonable support for parental involvement activities under this section as parents may request.

"(f) PARENTAL INFORMATION AND RESOURCE CENTERS.—In States where parental information and resource centers have been established pursuant to section 401 of the Goals 2000: Educate America Act of 1994 (to providing training, information, and support to parents and individuals who work with parents) local educational agencies and schools receiving assistance under this part shall assist parents and parent organizations by informing such parents and organizations of the existence and purpose of such centers, providing such parents and organizations with a description of the services and programs provided by such centers, advising parents on how to use such centers, and helping parents to contact such centers.

"(g) ACCESSIBILITY.—In carrying out the parental involvement requirements of this part, local educational agencies and schools, to the extent practicable, shall provide full opportunities for the participation of parents with limited-English proficiency or with disabilities, including providing information and school profiles in a language and form such parents understand.

"SEC. 1117. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

"(a) GENERAL REQUIREMENT.—

"(1) IN GENERAL.—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) SECULAR, NEUTRAL, NONIDEOLOGICAL.—Such educational services or other benefits, including materials and equipment, must be secular, neutral, and nonideological.

"(3) EQUITY.—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.—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) PROVISION OF SERVICES.—The local educational agency may provide such services directly or through contracts with public and private agencies, organizations, and institutions.

"(b) CONSULTATION.—

"(1) IN GENERAL.—To ensure timely and meaningful consultation, a local educational agency shall consult with appropriate private school officials 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) TIMING.— Such 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) DISCUSSION.—Such consultation shall include a discussion of service delivery mechanisms a local educational agency can use to provide equitable services to eligible private school children.

"(c) PUBLIC CONTROL OF FUNDS.—

"(1) IN GENERAL.—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) PROVISION OF SERVICES.—(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.

"(3) VERIFIABLE DOCUMENTATION.—An official of each private school assisted under this part shall provide to the local educational agency the verifiable documentation necessary to determine the proportionate allocation amount under subsection (a)(4) on which the provision of equitable services under this section will be based.

"(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 10505 and 10506.

"(e) CAPITAL EXPENSES.—

"(1) IN GENERAL.—(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) CAPITAL EXPENSES.—(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 under this subsection to local educational agencies based on the degree of need set forth in their respective applications for assistance under this subsection.

"(3) USES OF FUNDS.—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) DEFINITION.—For the purpose of this subsection, the term 'capital expenses' means—

"(A) expenditures for noninstructional goods and services, such as the purchase, lease, or renovation of real and personal property, including mobile educational units and leasing of neutral sites or spaces;

"(B) insurance and maintenance costs;

"(C) transportation; and

"(D) other comparable goods and services.

"SEC. 1118. ASSESSMENT AND LOCAL EDUCATIONAL AGENCY AND SCHOOL IMPROVEMENT.

"(a) LOCAL REVIEW.—Each local educational agency receiving funds under this part shall—

"(1) use the State assessments described in the State plan;

"(2) use any additional measures or indicators described in the local educational agency's plan to review annually the progress of each school served under this part to determine whether the school is meeting, or making adequate progress as defined in section 1111(b)(2)(A)(i) toward enabling its students to meet the State's student performance standards described in the State plan;

"(3) publicize and disseminate to teachers and other staff, 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)(I); and

"(4) provide the results of the local annual review to schools so that the local educational agency can continually refine the program of instruction to help all children served under this part in those schools meet the State's student performance standards.

"(b) SCHOOL IMPROVEMENT.—

"(1) IN GENERAL.—(A) A local educational agency shall identify for school improvement any school served under this part that—

"(i) has been in program improvement under section 1020 of the Elementary and Secondary Education Act of 1965 (as such section was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994), for at least two consecutive school years prior to such day;

"(ii) has not made adequate progress as defined in the State's plan under section 1111(b)(2)(A)(i) for two consecutive school years, except that—

"(I) this subparagraph shall not apply to a school if almost every student in such school is meeting the State's advanced level of performance; or

"(II) in the case of a school that is not operating a schoolwide program such school may be reviewed on the progress of only those students that have been, are, or will be, served under this part; or

"(iii) has failed to meet the criteria established by the State through the State's transitional procedure under section 1111(b)(5)(C) for two consecutive years.

"(B) Before identifying a school for school improvement under paragraph (1), the local educational agency shall provide the school with an opportunity to review the school-level data, including assessment data, on which such identification is based. If the school believes that such identification for school improvement is in error, such school may provide evidence to the local educational agency to support such belief.

"(2) REQUIREMENT.—(A) Each school identified under paragraph (1) shall—

"(i) in consultation with parents, the local educational agency, and the school support team, develop or revise a school plan in ways that have the greatest likelihood of improving the performance of participating children in meeting the State's student performance standards; and

"(ii) submit the plan to the local educational agency for approval.

"(B) During the first year immediately following identification under paragraph (1), the school shall implement such school's plan.

"(3) TECHNICAL ASSISTANCE.—For each school identified under paragraph (1), the local educational agency shall provide technical assistance as the school develops and implements such school's plan.

"(4) CORRECTIVE ACTION.—(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)(i) Corrective actions are those, consistent with State and local law, determined and made public and disseminated by the local educational agency, which may include—

"(I) withholding funds;

"(II) an aggressive joint plan between the local educational agency and the school that addresses specific elements of student performance problems and that specifies school and local responsibilities under the plan;

"(III) interagency collaborative agreements between the school and other public agencies to provide health, counseling, and other social services needed to remove barriers to learning;

"(IV) waivers or modifications of requirements of local educational agency policy or regulation that impede the ability of the school to educate students;

"(V) revoking authority for a school to operate a schoolwide program;

"(VI) decreasing decisionmaking authority at the school level;

"(VII) making alternative governance arrangements such as the creation of a public charter school;

"(VIII) reconstituting the school staff; and

"(IX) authorizing students to transfer, including transportation costs, to other public schools served by the local educational agency.

"(ii) Notwithstanding clause (i), corrective actions taken pursuant to this part shall not include the actions described in subclauses (I), (V), (VI), (VIII), (IX) of clause (i) until the State has developed assessments that meet the requirements of paragraph (3)(E) of section 1111(b).

"(C) Prior to implementing any corrective action, the local educational agency may refrain from such corrective action to the extent that the failure to make progress can be attributed to extenuating circumstances, such as sudden and significant reductions in Federal funding in a single year, as determined by the Secretary.

"(5) STATE EDUCATIONAL AGENCY RESPONSIBILITIES.—The State educational agency shall—

"(A) make assistance from school support teams and distinguished educators under section 1119 available to the schools farthest from meeting the State's student performance standards, if requested by the local educational agency or school; and

"(B) if such agency determines that a local educational agency failed to carry out the local educational agency's responsibilities under paragraphs (3) and (4), take such corrective actions that the State educational agency deems appropriate.

"(6) SPECIAL RULE.—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 levels of performance shall no longer need to be identified for school improvement.

"(c) STATE REVIEW AND LOCAL EDUCATIONAL AGENCY IMPROVEMENT.—

"(1) IN GENERAL.—A State educational agency shall—

"(A) annually review the progress of each local educational agency receiving funds under this part to determine whether the local educational agency is making adequate progress as defined in section 1111(b)(2)(A)(ii) toward meeting the State's student performance standards; and

"(B) publicize and disseminate to local educational agencies, teachers and other staff, parents, students, and the community the results of the State review, including disaggregated results, as required by section 1111(b)(3)(F).

"(2) REWARDS.—In the case of a local educational agency that for three consecutive years has met or 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 paragraphs (2) and (3) of section 1119(b).

"(3) IDENTIFICATION.—(A) A State educational agency shall identify for improvement any local educational agency that—

"(i) for two consecutive years, is not making adequate progress as defined in section 1111(b)(2)(A)(ii) in schools served under this part toward meeting the State's student performance standards, except that schools served by the local educational agency that are not operating schoolwide programs may be reviewed on the basis of the progress of only those students served under this part; or

"(ii) has failed to meet the criteria established by the State through its transitional procedure under section 1111(b)(5)(C) for two consecutive years.

"(B) Before identifying a local educational agency for improvement under paragraph (1), the State educational agency shall provide the local educational agency with an opportunity to review the school-level data, including assessment data, on which such identification is based. If the local educational agency believes that such identification for improvement is in error, such local educational agency may provide evidence to the State educational agency to support such belief.

"(4) LOCAL EDUCATIONAL AGENCY REVISIONS.—Each local educational agency identified under paragraph (3) shall, in consultation with schools, parents, and educational experts, revise its local educational agency plan under section 1112 in ways that have the greatest likelihood of improving the performance of schools served by the local educational agency in meeting the State's student performance standards.

"(5) STATE EDUCATIONAL AGENCY RESPONSIBILITIES.—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 the local educational agency's revised plan and work with schools needing improvement; and

"(B) make available to the local educational agencies farthest from meeting the State's standards, if requested, assistance from school support teams and distinguished educators under section 1119.

"(6) CORRECTIVE ACTION.—(A) The State educational agency may take corrective action at any time against a local educational 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)(i) Corrective actions are those, consistent with State law, determined and made public and disseminated by the State educational agency, which may include—

"(I) the withholding of funds;

"(II) an aggressive joint plan between the State and local educational agency that addresses specific elements of student performance problems and that specifies State and local responsibilities under the plan;

"(III) interagency collaborative agreements between the local educational agency and other public agencies to provide health, pupil services, and other social services needed to remove barriers to learning;

"(IV) waivers or modification of requirements of State law or regulation (in States in which such waivers are permitted) that impede the ability of a local educational agency to educate students;

"(V) reconstitution of school district personnel;

"(VI) appointment by the State educational agency of a representative to implement, in conjunction with the local educational agency, a program improvement plan;

"(VII) removal of particular schools from the jurisdiction of the local educational agency and establishment of alternative arrangements for the public governance and supervision of such schools, including contracts with private management companies;

"(VIII) authorizing students to transfer to another public school, including the cost of transportation; and

"(IX) contracting out the management of troubled schools to private management firms.

"(ii) Notwithstanding clause (i), corrective actions taken pursuant to this part shall not include the actions described in subclauses (I), (V), and (VII) of clause (i) until the State has developed assessments that meet the requirements of paragraph (3)(E) of section 1111(b).

"(C) Prior to implementing any corrective action, the State educational agency shall provide due process, including a hearing, to any local educational agency identified under paragraph (3) and may refrain from such corrective action to the extent that the failure to make progress can be attributed to such extenuating circumstances as determined by the Secretary.

"(7) SPECIAL RULE.—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 local educational agency improvement.

"(d) OTHER ACCOUNTABILITY SYSTEMS.—If a State has developed an accountability system for all children that, in the Secretary's judgment, is as rigorous as the system required by this section and can serve as basis for the accountability of programs under this part, then the Secretary may deem such system as meeting the requirements of this section.

"(e) CONSTRUCTION.—Nothing in this section shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or school district employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.

"SEC. 1119. STATE ASSISTANCE FOR SCHOOLS SUPPORT AND IMPROVEMENT.

"(a) SYSTEM FOR SUPPORT.—Each State educational agency shall establish a statewide system of intensive and sustained support and improvement for schools receiving funds under this title, including schoolwide programs and schools in need of program improvement.

"(b) COMPONENTS.—The system, at a minimum, shall include the following:

"(1) SCHOOL SUPPORT TEAMS.—

"(A) Each State, in consultation with local educational agencies and schools, shall establish a system of school support teams to provide information and assistance to schoolwide programs, or a school in which the number of students in poverty is equal to or greater than 75 percent of the total number of students enrolled in such school and such school is identified as in need of improvement under section 1118(b)(1).

"(B) Each such team shall be composed of persons, including teachers, pupil services personnel, representatives of organizations knowledgeable about successful schoolwide projects or comprehensive school reform, and other persons who are knowledgeable about research and practice on teaching and learning, particularly about strategies for improving the educational opportunities for eligible children, such as representatives of institutions of higher education, regional educational laboratories or research centers, and outside consultant groups.

"(C) A school support team shall work cooperatively with each school and make recommendations as the school develops its schoolwide program plan or school improvement plan, review each plan, and make recommendations to the school and the local educational agency.

"(D) During the operation of the schoolwide program or during school improvement activities, a school support team shall—

"(i) periodically review the progress of the school in enabling children in the school to meet the State's performance standards under this part;

"(ii) identify problems in the design and operation of the instructional program; and

"(iii) make recommendations for improvement to the school and the local educational agency.

"(E) Funds made available for State administration and, at the discretion of the local educational agency, funds available to local educational agencies under this part may be used to pay the costs of the school support teams.

"(2) DISTINGUISHED SCHOOLS.—(A) Each State shall designate as a distinguished school—

"(i) 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

"(ii) any school in which almost every student has met the State's advanced level of performance.

"(B)(i) A State shall use funds available under section 1701(c) to recognize distinguished schools, including making monetary awards.

"(ii) Funds awarded to a distinguished school may be used by the school to further the school's educational program under this part, provide additional incentives for continued success, and reward individuals or groups in the school for past performance.

"(C) 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.

"(D) Schools designated as distinguished schools under such subparagraph (A) may serve as models and provide additional assistance to other schools served under this part, especially schoolwide programs and schools in school improvement, that are not making adequate progress.

"(3) DISTINGUISHED EDUCATORS.—

"(A) In order to provide assistance to schools and local educational agencies identified as needing improvement and schools participating in schoolwide programs, each State, in consultation with local educational agencies and using funds available under section 1701(c), shall establish a corps of distinguished educators.

"(B) When possible, 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 student performance standards, such as the schools described in paragraph (2).

"(C) Distinguished educators shall provide, as part of the statewide system, intensive and sustained assistance to the schools and local educational agencies furthest from meeting the State's student performance standards and to schoolwide programs as such programs develop and implement their plans, including participation in the support teams described in paragraph (1).

"(c) IMPLEMENTATION.—In order to implement this section, funds made available under section 1701(c) may be used by a State for release time for teachers and administrators, travel, training, and other related costs.

"(d) ALTERNATIVES.—

"(1) IN GENERAL.—The State may devise alternative or additional approaches to providing the assistance described in paragraphs (1) and (3) of subsection (b), such as providing assistance through institutions of higher education and educational service agencies or other local consortia and may use funds authorized in section 1701(c) for such approaches.

"(2) INAPPLICABILITY.—Paragraphs (1) and (3) of subsection (b) shall not apply to a State educational agency if such agency determines that a local educational agency or school is receiving adequate technical assistance from a source other than the State educational agency.

"SEC. 1120. FISCAL REQUIREMENTS.

"(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 10501 of this Act.

"(b) FEDERAL FUNDS TO SUPPLEMENT, NOT SUPPLANT, NON-FEDERAL FUNDS.—

"(1) IN GENERAL.—(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) SPECIAL RULE.—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 such agency's compliance with paragraph (1).

"(c) COMPARABILITY OF SERVICES.—

"(1) IN GENERAL.—(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 such agency's schools under this part, such agency may receive funds under this part only if such agency 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) WRITTEN ASSURANCE.—(A) A local educational agency shall be considered to have met the requirements of paragraph (1) if such agency has filed with the State educational agency a written assurance that such agency has established and implemented—

"(i) a local educational agency-wide salary schedule;

"(ii) a policy to ensure equivalence among schools in teachers, administrators, and other staff; and

"(iii) a policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies.

"(B) Unpredictable changes in student enrollment or personnel assignments which occur after the beginning of a school year shall not be included as a factor in determining comparability of services.

"(C) 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) PROCEDURES AND RECORDS.—Each local educational agency shall—

"(A) develop procedures for compliance with this subsection; and

"(B) maintain records that are updated biennially documenting such agency's compliance with this subsection.

"(4) INAPPLICABILITY.—This subsection shall not apply to a local educational agency that does not have more than one building for each grade span.

"(5) COMPLIANCE.—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) excessive costs of providing services to children with disabilities as determined by the local educational agency.

"Subpart 2—Allocations

"SEC. 1121. GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR.

"(a) RESERVATION OF FUNDS.—From the amount appropriated for payments to States for any fiscal year under section 1002(a), the Secretary shall reserve a total of 1 percent to provide assistance to—

"(1) the outlying areas on the basis of their respective need for such assistance according to such criteria as the Secretary determines will best carry out the purpose of this part; and

"(2) the Secretary of the Interior in the amount necessary to make payments pursuant to subsection (c).

"(b) ASSISTANCE TO THE OUTLYING AREAS.—

"(1) IN GENERAL.—From amounts made available under subsection (a)(1) in each fiscal year the Secretary shall make grants to local educational agencies in the outlying areas in accordance with recommendations from the Pacific Regional Educational Laboratory which shall conduct a competition for such grants.

"(2) ADMINISTRATIVE COSTS.—The Secretary shall provide 5 percent of amounts made available for grants under this paragraph in each fiscal year to the Pacific Regional Educational Laboratory to pay the administrative costs of such laboratory with respect to the activities under this subsection.

"(c) ALLOTMENT TO THE SECRETARY OF THE INTERIOR.—

"(1) IN GENERAL.—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) PAYMENTS.—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 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) 46 percent of such expenditure in the United States.

"SEC. 1122. ALLOCATIONS TO STATES.

"(a) ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS.—

"(1) IN GENERAL.—If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all local educational agencies in all States are eligible to receive under section 1123 for such year, the Secretary first shall ratably reduce the allocations to such local educational agencies for such year.

"(2) ADDITIONAL FUNDS.—If additional funds become available for making payments under

section 1123 for such fiscal year, allocations that were reduced under paragraph (1) shall be increased on the same basis as such allocations were reduced.

"(b) HOLD-HARMLESS AMOUNTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the total amount made available to each State under section 1123—

"(A) for fiscal year 1995, shall not be less than 100 percent of the total amount such State received under sections 1005 and 1006 (as such sections were in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994) for fiscal year 1994;

"(B) for fiscal year 1996, shall not be less than 90 percent of the total amount such State received under section 1123 for fiscal year 1995; and

"(C) for fiscal year 1997 and each succeeding fiscal year, shall not be less than 85 percent of the total amount such State received in the fiscal year preceding the fiscal year for which the determination is made.

"(2) RATABLE REDUCTIONS.—(A) If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all States are eligible to receive under paragraph (1) for such year, the Secretary shall ratably reduce such amounts for such year.

"(B) If additional funds become available for making payments under paragraph (1) for such fiscal year, amounts that were reduced under subparagraph (A) shall be increased on the same basis as such amounts reduced.

"(c) DEFINITION.—For the purpose of this section and section 1123, the term State means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 1123. GRANTS TO STATES.

"(a) AMOUNT OF GRANTS.—

"(1) IN GENERAL.—(A) In any case in which the Secretary determines that satisfactory data for local educational agencies are available to carry out determinations under paragraph (2), the grant which a State is eligible to receive under this subpart for a fiscal year shall be the aggregate amount of grants for all local educational agencies in that State, as determined under paragraph (2).

"(B) In any case in which the Secretary determines that satisfactory data for local educational agencies are not available to carry out determinations under paragraph (2), the grant which a State is eligible to receive for a fiscal year shall be the aggregate amounts of grants for all counties in that State, as determined under paragraph (2).

"(2) GRANTS FOR STATES.—(A)(i) The grant for a local educational agency shall be determined by multiplying the number of children determined under subsection (c)(2) by 40 percent of the amount determined under the next sentence, multiplying such product by the effort factor described in clause (ii) and multiplying such product by the equity factor described in clause (iii). The amount determined under this sentence shall be the average per pupil expenditure in the State except that (I) if the average per pupil expenditure in the State is less than 85 percent of the average per pupil expenditure in the United States, such amount shall be 85 percent of the average per pupil expenditure in the United States, or (II) if the average per pupil expenditure in the State is more than 115 percent of the average per pupil expenditure in the United States, such amount shall be 115 percent of the average per pupil expenditure in the United States.

"(ii)(I) Except as provided in subclause (II), the effort factor for a local educational agency shall be determined in accordance with the succeeding sentence, except that such factor shall not be less than .95 nor more than 1.05. The effort factor determined under this sentence shall be a fraction the numerator of which is the product of the average per pupil expenditure for kindergarten through 12th grade education in the State served by the local educational agency multiplied by the per capita income in the United States and the denominator of which is the product of the per capita income in such State multiplied by the average per pupil expenditure for kindergarten through 12th grade education in the United States.

"(II) The effort factor for the Commonwealth of Puerto Rico shall be equal to the lowest effort factor calculated under subclause (I) for any State.

"(iii)(I) Except as provided in subclause (II), the equalization factor for a local educational agency shall be determined in accordance with the succeeding sentence. The equalization factor determined under this sentence shall be calculated as follows: First, calculate the difference (expressed as a positive amount) between the average per pupil expenditure in the State served by the local educational agency and the average per pupil expenditure in each local educational agency in the State and multiply such difference by the total student enrollment for such agency, except that children from low-income families shall be multiplied by a factor of 1.4 to calculate such enrollment. Second, add the products under the preceding sentence for each local educational agency in such State and divide such sum by the total student enrollment of such State, except that children from low-income families shall be multiplied by a factor of 1.4 to calculate such enrollment. Third, divide the quotient under the preceding sentence by the average per pupil expenditure in such State. The equalization factor shall be equal to 1 minus the amount determined in the previous sentence.

"(II) The equalization factor for a local educational agency serving a State that meets the disparity standard described in section 222.63 of title 34, Code of Federal Regulations (as such section was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994) shall have a maximum coefficient of variation of .10.

"(iv) SPECIAL RULE.—Notwithstanding the provisions of section 1122(b)—

"(I) For fiscal year 1995, no State's allocation shall be increased by an amount greater than 2 percent or reduced by an amount greater than 2 percent of the amount to which it would otherwise be entitled when the provisions of clause (iii) are multiplied according to the provisions of paragraph (2) of this section.

"(II) For fiscal year 1996, no State's allocation shall be increased by an amount greater than 4 percent or reduced by an amount greater than 4 percent of the amount to which it would otherwise be entitled when the provisions of clause (iii) are multiplied according to the provisions of paragraph (2) of this section.

"(III) For fiscal year 1997, no State's allocation shall be increased by an amount greater than 6 percent or reduced by an amount greater than 6 percent of the amount to which it would otherwise be entitled when the provisions of clause (iii) are multiplied according to the provisions of paragraph (2) of this section.

"(B) For each fiscal year, the Secretary shall determine the percentage which the average per pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per pupil expenditure of any of the 50 States. The grant which the Commonwealth of Puerto Rico shall be eligible to receive under this subpart for a fiscal year shall be determined by multiplying the product of the effort factor for the Commonwealth of Puerto Rico under subparagraph (A)(ii)(II) for such year multiplied by the equity factor for the Commonwealth of Puerto Rico under subparagraph (A)(iii)(II)(aa) for such year by the amount arrived at by multiplying the number of children counted under subsection (c) for the Commonwealth of Puerto Rico by the product of—

"(i) the percentage determined under the preceding sentence for such year; and

"(ii) 34 percent of the average per pupil expenditure in the United States for such year.

"(b) MINIMUM NUMBER OF CHILDREN TO QUALIFY.—The children served by a local educational agency shall be counted for a fiscal year under this subpart only if such agency meets the following requirements with respect to the number of children counted under subsection (c)(1):

"(1) In any case (except as provided in paragraph (3)) in which the Secretary determines that satisfactory data for the purpose of this subsection as to the number of such children are available on a school district basis, the number of such children in the school district of such local educational agency shall be at least 10.

"(2) In any other case, except as provided in paragraph (3), the number of such children in the county which includes such local educational agency's school district shall be at least 10.

"(3) In any case in which a county includes a part of the school district of the local educational agency concerned and the Secretary has not determined that satisfactory data for the purpose of this subsection are available on a school district basis for all the local educational agencies or all the counties into which the school district of the local educational agency concerned extends, the eligibility requirement with respect to the number of such children for such local educational agency shall be determined in accordance with regulations prescribed by the Secretary for the purposes of this subsection.

"(c) DETERMINATION OF WEIGHTED NUMBER OF CHILDREN.—

"(1) CHILDREN TO BE COUNTED.—(A) The number of children to be counted for purposes of this section is the aggregate of—

"(i) the number of children aged 5 to 17, inclusive, in the school district of the local educational agency from families below the poverty level; and

"(ii) the number of children aged 5 to 17, inclusive, in the school district of such agency living in institutions for neglected or delinquent children (other than such institutions operated by the United States) but not counted pursuant to subpart 3 of part E for the purposes of a grant to a State agency, or being supported in foster homes with public funds.

"(B) For the purposes of this section, the Secretary shall determine the number of children counted under subparagraph (A) on the basis of the most recent satisfactory data available from the Department of Commerce for local educational agencies (or, if such data are not available for such agencies, for counties); and in determining the families which are below the poverty level, the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census.

"(2) DETERMINATION OF NUMBER OF CHILDREN.—(A) The number of children to be determined for purposes of this paragraph shall be the number of children counted under paragraph (1) multiplied by the weighting factor for the local educational agency. The weighting factor shall be established on the basis of the percentage that the number of children counted under paragraph (1) represents of the total population aged 5 to 17, inclusive, in the local educational agency or the number of such children. Weighted pupil counts shall be calculated based upon both percentage and number and the larger of the two counts shall be used in calculating grants for each local educational agency. Except as provided in subparagraph (B), weighting

factors shall be assigned according to the following scale: if the percentage is greater than 0 but less than 12.20, the weighting factor shall be 1.00 for all children counted under paragraph (1); if the percentage is greater than 12.20 but less than 17.70, the weighting factor shall be 1.00 for a number of children counted under paragraph (1) equal to 12.20 percent of the total school age population and 1.10 for children counted under paragraph (1) in excess of 12.20 percent of the total school age population; if the percentage is greater than 17.70 percent but less than 22.80 percent, then the weighting factor shall be 1.00 for a number of children counted under paragraph (1) equal to 12.20 percent of the total school age population, 1.10 for a number of children counted under paragraph (1) equal to 5.50 percent of the total school age population, and 1.20 for children counted under paragraph (1) in excess of 17.70 percent of the total school age population; if the percentage is greater than 22.80 percent but less than 29.70 percent, then the weighting factor shall be 1.00 for a number of children counted under paragraph (1) equal to 12.20 percent of the total school age population, 1.10 for a number of children counted under paragraph (1) equal to 5.50 percent of the total school age population, 1.20 for a number of children counted under paragraph (1) equal to 5.10 percent of the total school age population, and 1.30 for children counted under paragraph (1) in excess of 22.80 percent of the total school age population; and if the percentage is greater than 29.70, then the weighting factor shall be 1.00 for a number of children counted under paragraph (1) equal to 12.20 percent of the total school age population, 1.10 for a number of children counted under paragraph (1) equal to 5.50 percent of the total school age population, 1.20 for a number of children counted under paragraph (1) equal to 5.10 percent of the total school age population, 1.30 for a number of children counted under paragraph (1) equal to 6.90 percent of the total school age population, and 1.40 for children counted under paragraph (1) in excess of 29.70 percent of the total school age population. Separately, if the number of children counted under paragraph (1) is greater than 0 but less than 1917, the weighting factor shall be 1.00 for all children counted under paragraph (1); if the number is greater than 1917 but less than 5,938, the weighting factor shall be 1.00 for a number of children counted under paragraph (1) equal to 1917, and 1.075 for children counted under paragraph (1) in excess of 1917; if the number is greater than 5,938 but less than 20,199, then the weighting factor shall be 1.00 for a number of children counted under paragraph (1) equal to 1917, 1.075 for a number of children counted under paragraph (1) equal to 4,021, and 1.150 for children counted under paragraph (1) in excess of 5,938; if the number is greater than 20,199 but less than 77,999 then the weighting factor shall be 1.00 for a number of children counted under paragraph (1) equal to 1917, 1.075 for a number of children counted under paragraph (1) equal to 4,021, 1.150 for a number of children counted under paragraph (1) equal to 14,261, and 1.225 for children counted under paragraph (1) in excess of 20,199; and if the number is greater than 77,999, then the weighting factor shall be 1.00 for a number of children counted under paragraph (1) equal to 1917, 1.075 for a number of children counted under paragraph (1) equal to 4,021, 1.150 for a number of children counted under paragraph (1) equal to 14,261, 1.225 for a number of children counted under paragraph (1) equal to 57,800 and 1.30 for children counted under paragraph (1) in excess of 77,999. For the Commonwealth of Puerto Rico, the weighting factor shall be not greater than 1.15.

"(B) If the Secretary determines that satisfactory data for local educational agencies are available to carry out determinations under section 1123(a)(2), then the Secretary shall substitute the percentages, numbers, and quintiles described in section 1124(b)(3) for the percentages, numbers, and quintiles described in subparagraph (A).

"(d) STATE MINIMUM.—

"(1) MINIMUM.—Notwithstanding subsections (a)(2)(A)(iv) and (e), for any fiscal year the aggregate amount allotted for all local educational agencies within a State may not be less than one-quarter of 1 percent of the total amount available for such fiscal year under this section.

"(2) SPECIAL RULE.—Notwithstanding subsections (a)(2)(A)(iv) and (e), a State shall not be allotted in any fiscal year less than 125 percent of the amount that the State would have received under this section in such fiscal year if the provisions of paragraph (1) were not applied.

"(e) SPECIAL RULE.—No State shall receive a grant under this section for fiscal year 1995 in an amount that exceeds 115 percent of the amount that would have been allocated to such State for such fiscal year under subpart 1 of part A of chapter 1 of title I (as such subpart was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994).

"SEC. 1124. WITHIN STATE ALLOCATIONS.

"(a) IN GENERAL.—

"(1) ELIGIBILITY.—No local educational agency shall be eligible for funds under this part unless the number of children counted under subsection (b)(1) for such agency is at least 10 and equal to 5 percent or greater of the number of all children served by such agency.

"(2) HOLD HARMLESS.—(A) Except as provided in subparagraph (B), each local educational agency shall receive an amount under this part for fiscal years 1995 and 1996 that is at least equal to 85 percent of the amount such agency received under this part (or for fiscal year 1994 only, such part's predecessor authority) in the preceding fiscal year, except that if such agency is not eligible for assistance under paragraph (1) such agency shall only receive the amount provided for under this paragraph for fiscal year 1995.

"(B)(i) If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all local educational agencies in all States are eligible to receive under subparagraph (A) for such year, the State educational agency shall ratably reduce the allocations to such local educational agencies for such year.

"(ii) If additional funds become available for making payments under subparagraph (A) for such fiscal year, allocations that were reduced under subparagraph (A) shall be increased on the same basis as such allocations were reduced.

"(3) STATE RESERVE.—(A) For each fiscal year each State may reserve not more than 2 percent of the funds such State receives to carry out this part to award grants to local educational agencies that—

"(i) are not eligible for assistance under paragraph (1); and

"(ii) serve a school attendance area for which the percentage of children counted under subsection (b)(1) that are enrolled in the schools in such area exceeds—

"(I) the percentage of such children in the State; or

"(II) 25 percent.

"(B) The total amount of funds awarded to each local educational agency receiving a grant under this paragraph when added to funds made available under paragraph (2) shall not exceed—

"(i) for fiscal year 1995, the amount such agency received under this part's predecessor authority in the preceding fiscal year; and

"(ii) for fiscal year 1996 and each succeeding fiscal year, the average amount received per child under this part in the State multiplied by the number of children counted under subsection (b)(1) in such agency's school attendance areas described in subparagraph (A)(ii).

"(C) Each State awarding grants under this paragraph shall distribute such grants to local educational agencies in rank order based on the percentage of children from low-income families in each local educational agency's school attendance area described in subparagraph (A)(ii).

"(D) Each local educational agency receiving a grant under this paragraph only shall use such grants funds to serve school attendance areas described in subparagraph (A)(ii).

"(E) In order to receive a grant under this paragraph a local educational agency shall provide an assurance to the State educational agency serving such local educational agency that such local educational agency has not modified the student assignment practices of such local educational agency so as to increase the percentage of children from low-income families in each school for which assistance is sought under this paragraph.

"(b) LOCAL EDUCATIONAL AGENCY ALLOCATIONS.—

"(1) CHILDREN TO BE COUNTED.—(A) The number of children counted for purposes of this section is the aggregate of—

"(i) the number of children aged 5 to 17, inclusive, in the school district of the local educational agency from families below the poverty level; and

"(ii) the number of children aged 5 to 17, inclusive, in the school district of such agency living in institutions for neglected or delinquent children (other than such institutions operated by the United States) but not counted pursuant to subpart 3 of part E for the purposes of a grant to a State agency, or being supported in foster homes with public funds.

"(B) In determining the number of children eligible to be counted under subparagraph (A), a State educational agency shall use for each local educational agency served by such State educational agency—

"(i) data from the Bureau of the Census regarding the number of children determined in accordance with section 1123(c)(1)(B);

"(ii) data based on the sum of—

"(I) the number of children from families receiving aid to families with dependent children under part A of title IV of the Social Security Act; and

"(II) the number of children with limited-English proficiency served by such agency divided by three; or

"(iii) data based on other poverty criteria, including combinations of the data described in clauses (i) and (ii) and combinations of the data described in either such clause and other data, that the State educational agency deems appropriate and the Secretary approves, adjusted to be equivalent in proportion to the number of children determined in accordance with section 1123(c)(1)(B) in the State, except that the State educational agency may submit to the Secretary for approval alternative data that more accurately target poverty.

"(2) ABSORPTION.—In determining the number of children to be counted under this paragraph for each local educational agency, the State educational agency shall subtract 1 percent of the total number of children aged 5 to 17, inclusive, served by such local educational agency from the number of children counted under paragraph (1) for such local educational agency.

"(3) WEIGHTED CHILDREN.—From funds made available under section 1123, each State educational agency shall allocate such funds to

local educational agencies in the State on the basis of the number of children counted under paragraph (2) for a local educational agency multiplied by the weighting factor for the local educational agency. The weighting factor shall be established on the basis of the percentage that the number of children counted under paragraph (2) represents of the total population aged 5 to 17, inclusive, in the local educational agency or the number of such children. Weighted pupil counts shall be calculated based upon both percentage and number and the larger of the two counts shall be used in calculating grants for each local educational agency. Weighting factors shall be assigned according to the following scale, except that a State educational agency may submit to the Secretary for approval State-specific quintiles for use in the following percentages or numbers for the State if the use of such quintiles more accurately targets poverty: if the percentage is greater than 0 but less than 14.265, the weighting factor shall be 1.00 for all children counted under paragraph (2); if the percentage is greater than 14.265 but less than 21.553, the weighting factor shall be 1.00 for a number of children counted under paragraph (2) equal to 14.265 percent of the total school age population and 1.150 for children counted under paragraph (2) in excess of 14.265 percent of the total school age population; if the percentage is greater than 21.553 percent but less than 29.223 percent, then the weighting factor shall be 1.00 for a number of children counted under paragraph (2) equal to 14.265 percent of the total school age population, 1.150 for a number of children counted under paragraph (2) equal to 7.288 percent of the total school age population, and 1.300 for children counted under paragraph (2) in excess of 21.553 percent of the total school age population; if the percentage is greater than 29.223 percent but less than 36.538 percent, then the weighting factor shall be 1.00 for a number of children counted under paragraph (2) equal to 14.265 percent of the total school age population, 1.150 for a number of children counted under paragraph (2) equal to 7.288 percent of the total school age population, 1.30 for a number of children counted under paragraph (2) equal to 7.67 percent of the total school age population, and 1.450 for children counted under paragraph (2) in excess of 29.223 percent of the total school age population; and if the percentage is greater than 36.538, then the weighting factor shall be 1.00 for a number of children counted under paragraph (2) equal to 14.265 percent of the total school age population, 1.150 for a number of children counted under paragraph (2) equal to 7.288 percent of the total school age population, 1.300 for a number of children counted under paragraph (2) equal to 7.67 percent of the total school age population, 1.450 for a number of children counted under paragraph (2) equal to 7.315 percent of the total school age population, and 1.600 for children counted under paragraph (2) in excess of 36.538 percent of the total school age population. Separately, if the number of children counted under paragraph (2) is greater than 0 but less than 575, the weighting factor shall be 1.00 for all children counted under paragraph (2); if the number is greater than 575 but less than 1,870, the weighting factor shall be 1.00 for a number of children counted under paragraph (2) equal to 575, and 1.10 for children counted under paragraph (2) in excess of 575; if the number is greater than 1,870 but less than 6,910, then the weighting factor shall be 1.00 for a number of children counted under paragraph (2) equal to 575, 1.10 for a number of children counted under paragraph (2) equal to 1,295, and 1.20 for children counted under paragraph (2) in excess of 1,870; if the number is greater than 6,910 but less than 42,000 then the weighting factor shall be 1.00 for a number of children counted under paragraph (2) equal to 575, 1.10 for a number of children counted under paragraph (2) equal to 1,295, 1.20 for a number of children counted under paragraph (2) equal to 5,040, and 1.30 for children counted under paragraph (2) in excess of 6,910; and if the number is greater than 42,000, then the weighting factor shall be 1.00 for a number of children counted under paragraph (2) equal to 575, 1.10 for a number of children counted under paragraph (2) equal to 1,295, 1.20 for a number of children counted under paragraph (2) equal to 5,040, 1.30 for a number of children counted under paragraph (2) equal to 35,090 and 1.40 for children counted under paragraph (2) in excess of 42,000.

"(4) GEOGRAPHIC CIRCUMSTANCES.—In the case of local educational agencies which serve in whole or in part the same geographical area, and in the case of a local educational agency which provides free public education for a substantial number of children who reside in the school district of another local educational agency, the State educational agency may allocate the amount of the grants for those local educational agencies among those local educational agencies in such manner as the State educational agency determines will best carry out the purposes of this part.

"(5) SPECIAL ALLOCATION PROCEDURES.—Upon determination by the State educational agency that a local educational agency in the State is unable or unwilling to provide for the special educational needs of children described in clause (ii) of section 1123(c)(1)(A), who are living in institutions for neglected or delinquent children, the State educational agency shall, if the State educational agency assumes responsibility for the special educational needs of such children, be eligible to receive the portion of the allocation to such local educational agency which is attributable to such neglected or delinquent children, but if the State educational agency does not assume such responsibility, any other State or local public agency, as determined by regulations established by the Secretary, which does assume such responsibility, shall be eligible to receive such portion of the allocation.

"(6) SPECIAL RULE.—A local educational agency may reserve not more than 2 percent of the funds such agency receives under this part for each fiscal year to provide services at the discretion of the highest administrative official (superintendent) of such agency and consistent with the purposes of this title to a school, if the school is within two rank orders described in section 1113(c) of the lowest such rank ordered school served under this part.

"PART B—TRANSITION TO SUCCESS

"SEC. 1201. TRANSITION TO SUCCESS.

"(a) SHORT TITLE.—This part may be cited as the 'Transitions to Success Act of 1994'.

"(b) TRANSITION TO SUCCESS CHALLENGE GRANTS.—

"(1) FUNDING.—(A) Notwithstanding any other provision of law, from amounts appropriated to carry out part A for each fiscal year the Secretary shall reserve 1 percent of the total amount made available to all States under such part for such fiscal year, to carry out this part for such year.

"(B) From amounts reserved under subparagraph (A) the Secretary shall make available to each State 1 percent of the amount made available to each State under part A, to carry out this part.

"(2) STATE INCENTIVE REQUIREMENTS.—(A) In order for a State to use the funds made available under paragraph (1), the State shall submit a transition coordinated services proposal to the Secretary as part of the plan submitted under section 1111.

"(B) If a State fails to submit an acceptable proposal described in subparagraph (A)(i), local educational agencies within the State may apply to the Secretary directly for funds to carry out this part under such terms and conditions as the Secretary determines will best carry out the activities assisted under this part.

"(3) IN GENERAL.—From amounts made available under paragraph (1), each State educational agency shall make challenge grants to local educational agencies that have formed consortia with early childhood development programs including, where available, Head Start, to develop and operate programs that assist low-income elementary school students in kindergarten through third grade (giving priority to students entering their first year of elementary school) and their families in—

"(A) obtaining supportive services that build on the strength of families, including health, immunization, mental health, nutrition, parenting education, literacy, and social services (including substance abuse treatment, education, and prevention services); and

"(B) supporting the active involvement of parents in the education of their children.

"(4) SPECIAL RULE.—In awarding grants and administering the program assisted under this section, the State educational agency shall consult with the State liaison for the Head Start collaboration grant program under section 640(a)(5) of the Head Start Act and State agencies that administer early childhood development programs, including programs under the Child Care and Development Block Grant Act of 1990.

"(5) TERM OF GRANT.—Each grant awarded under this part shall be for a period of not more than 3 years.

"(c) CONSULTATION.—The Secretary shall consult with the Secretary of Health and Human Services to develop regulations and promote coordination of activities assisted under this part with the projects funded under the Head Start Transition Project Act, including a process to—

"(1) collect information on program activities and outcomes; and

"(2) disseminate information on model programs.

"(d) ELIGIBILITY.—

"(1) LOCAL EDUCATIONAL AGENCY CONSORTIUM.—A local educational agency shall be eligible for a grant under this part if such agency—

"(A) receives funds under part A;

"(B) has formed a consortium with one or more early childhood development programs that serve children who will enroll in any elementary school located within the school district of such local educational agency, including, where available, Head Start programs; and

"(C) agrees to contribute an amount equal to $1 of matching funds for every $1 made available to the local educational agency to carry out this part, which matching funds may include Federal funds, including funds made available under this Act, and State or local funds (including in-kind contributions, fairly evaluated).

"(2) COOPERATING AGENCY.—A nonprofit agency or institution of higher education with experience in early childhood development may participate in a consortium formed under paragraph (1)(B) in developing, operating, and evaluating programs assisted under this part, including developing or implementing model approaches to developmentally appropriate curricula.

"(e) FOLLOW THROUGH GRANTEES.—A local educational agency that is receiving assistance through a program under the Follow Through Act shall also be eligible for a grant under this part to complete their Follow Through grant cycle if such agency meets the requirements of subsection (d)(1).

"(f) REQUIREMENTS.—

"(1) IN GENERAL.—To the extent practicable, the State educational agency shall award grants

under this part to consortia in both rural and urban areas.

"(2) CRITERIA.—In awarding grants under this part, the State educational agency shall consider—

"(A) the commitment of the members of the consortium to the program for which assistance under this part is requested;

"(B) the proportion of low-income children in the school attendance area where the program assisted under this part will be located; and

"(C) the quality of information and plans in the application.

"(3) PRIORITY.—In awarding grants under this part, the State educational agency shall give priority to applicants that—

"(A) will operate a program under this part at a school designated for a schoolwide program under section 1114;

"(B) serve local educational agencies that have the highest number or percentage of poor children; and

"(C) demonstrate a significant commitment by the community to the proposed program, as evidenced by the level of resources, both cash and in-kind, from other public and private sources available to the consortium.

"(g) APPLICATION.—

"(1) IN GENERAL.—Each local educational agency consortium seeking a grant under this part shall submit an application to the State educational agency according to guidelines established by the Secretary. Each such application shall include—

"(A) a description of the activities and services for which assistance is sought;

"(B) a description of members of the consortium formed under subsection (d)(1)(B), including any cooperating agency;

"(C) a self-assessment of the programs of the individual consortium members to address the health, immunization, mental health, nutrition, parenting education, literacy, social service (including substance abuse treatment, education, and prevention), and educational needs of low-income students and their families, including the use of a developmentally appropriate curricula, such as a model approach developed under the Follow Through Act;

"(D) a plan for the development of a supportive services team of family service coordinators to—

"(i) assist families, administrators, and teachers to respond to health, immunization, mental health, nutrition, social service, and educational needs of students;

"(ii) conduct home visits and help students and their families to obtain health, immunization, mental health, nutrition, parenting education, literacy, education (including tutoring and remedial services), and social services (including substance abuse treatment, education, and prevention), for which such students and their families are eligible;

"(iii) coordinate a family outreach and support program, including a plan for involving parents in the management of the program assisted under this part, in cooperation with parental involvement efforts undertaken pursuant to this title, the Head Start Act, and the Individuals with Disabilities Education Act, including school-parent compacts, parent volunteer activities, parent education services such as the Even Start program, and regular meetings;

"(iv) assist families, administrators, and teachers in enhancing developmental continuity between the programs assisted under the Head Start Act, other early childhood development programs, and elementary school classes; and

"(v) prepare a plan for the transition of each child from Head Start, or other early childhood development program, to kindergarten, including—

"(I) a meeting of the early childhood development program teacher with the kindergarten teacher and the child's parents to discuss the transition of each child and to address any particular educational needs of such child; and

"(II) the transfer of knowledge about the child, including the transfer (with parental consent) of written records from the early childhood development program teacher to the kindergarten teacher to become part of the school record of the child;

"(E) the designation of a member of the supportive services team described in subparagraph (D) who will serve as the supervisor of such supportive services team;

"(F) assurances that State agencies, local agencies, and community-based organizations that provide supportive services to low-income students served by the local educational agency consortium have been consulted in the preparation of the plan described in subparagraph (D);

"(G) assurances that State agencies, local agencies, and community-based organizations that provide supportive services to low-income students served by the local educational agency consortium will designate an individual who will act as a liaison to the supportive services team described in subparagraph (D);

"(H) a description of the target population to be served by the supportive services team described in subparagraph (D), including families previously served under part C, the Head Start Act, or other comparable early childhood development program;

"(I) a description of the supportive services to be provided, directly or through referral;

"(J) a plan to ensure the smooth transition of children served under part C, the Head Start Act, the Individuals with Disabilities Education Act, and other comparable early childhood development programs, to elementary schools;

"(K) assurances that, and a plan describing how, families will be involved in the design and operation of the program assisted under this part;

"(L) a description of the Federal and non-Federal resources that will be used to carry out the program;

"(M) if the applicant is receiving assistance through a program under the Follow Through Act—

"(i) a description of the activities that will be funded under this part and the activities that are funded with assistance provided under the Follow Through Act; and

"(ii) a description of the manner in which activities funded under this part and activities funded with assistance provided under the Follow Through Act will be coordinated within the elementary school;

"(N) assurances that the supportive services described in subparagraph (D) will be equipped to assist children and families with limited-English proficiency and disabilities, if appropriate;

"(O) a plan describing how the program assisted under this part will be sustained, with funding received under part A or other Federal and non-Federal funding sources, after the grant has expired;

"(P) program goals and a methodology to measure progress toward achieving such goals; and

"(Q) such other information as the Secretary may reasonably require.

"(2) SPECIAL RULE.—Each supportive services team developed pursuant to paragraph (1)(D) shall include at least 1 family service coordinator for every 35 children to be served.

"(h) EVALUATION AND REPORT.—

"(1) EVALUATION.—The Secretary, in cooperation with the Secretary of Health and Human Services shall, through grants, contracts, or cooperative agreements, provide for the evaluation of the programs assisted under this part. To the extent practicable, such evaluation shall be conducted jointly with evaluations of the Head Start Transition Projects.

"(2) INFORMATION.—Each State educational agency shall furnish to the Secretary such information as the Secretary shall request to carry out the evaluation described in paragraph (1).

"SEC. 1202. COORDINATION REQUIREMENTS.

"(a) IN GENERAL.—Each local educational agency receiving assistance under section 1113 may use such assistance to carry out the activities described in subsection (b) to the extent feasible and appropriate to the circumstances, including the extent to which such local educational agency is able to secure the cooperation of parents and local Head Start agencies and, if feasible, other early childhood development programs.

"(b) ACTIVITIES.—The activities referred to in subsection (a) are activities that increase coordination between the local educational agency and a Head Start agency, and, if feasible, other early childhood development programs, serving children who will attend the schools of such agency, including—

"(1) developing and implementing a systematic procedure for receiving records regarding such children transferred with parental consent from a Head Start program or, where applicable, other early childhood development programs;

"(2) establishing channels of communication between school staff and their counterparts in such Head Start agencies (including teachers, social workers, and health staff) or other early childhood development programs, as appropriate, to facilitate coordination of programs;

"(3) conducting meetings involving parents, kindergarten or elementary school teachers, and Head Start teachers or, if appropriate, teachers from other early childhood development programs, to discuss the developmental and other needs of individual children; and

"(4) organizing and participating in joint transition related training of school staff, Head Start staff, and, where appropriate, other early childhood staff.

"(c) COORDINATION OF REGULATIONS.—The Secretary shall work with the Secretary of Health and Human Services to coordinate regulations promulgated under this part with regulations promulgated under the Head Start Act Amendments of 1994.

"SEC. 1203. DEFINITIONS.

"As used in this part:

"(1) DEVELOPMENTALLY APPROPRIATE CURRICULUM.—The term 'developmentally appropriate curriculum' means a curriculum that is appropriate for the age and all areas of individual development of a child, including educational, physical, emotional, social, and cognitive development, and communication.

"(2) FAMILY SERVICES COORDINATOR.—The term 'family services coordinator' means an individual who is trained to assist families in obtaining supportive services. Such individual may be an existing employee of a local educational agency or Head Start agency.

"(3) HEAD START AGENCY.—The term 'Head Start agency' means any agency designated as a Head Start agency under the Head Start Act (42 U.S.C. 9831 et seq.).

"(4) SUPPORTIVE SERVICES.—The term 'supportive services' means services that will enhance the physical, social, emotional, and intellectual development of low-income children, including the provision of necessary support to the parents and other family members of such children.

"PART C—EVEN START FAMILY LITERACY PROGRAMS

"SEC. 1301. STATEMENT OF PURPOSE.

"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'. The program shall—

"(1) be implemented through cooperative projects that build on existing community resources to create a new range of services;

"(2) promote achievement of the National Education Goals; and

"(3) assist children and adults from low-income families to achieve to challenging State content standards and challenging State student performance standards.

"SEC. 1302. PROGRAM AUTHORIZED.

"(a) RESERVATION FOR MIGRANT PROGRAMS, OUTLYING AREAS, AND INDIAN TRIBES.—In each fiscal year, the Secretary shall reserve not more than 5 percent of the amount appropriated under section 1002(b) 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 3 percent of such amounts or the amount reserved to carry out the activities described in paragraphs (1) and (2) for the fiscal year 1994, whichever is greater, for purposes of—

"(1) carrying out the evaluation required by section 1309; and

"(2) providing, through grants or contracts with eligible organizations, technical assistance, program improvement, and replication activities.

"(c) RESERVATION FOR GRANTS.—

"(1) GRANTS AUTHORIZED.—In any fiscal year in which the amount appropriated to carry out this part exceeds the amount appropriated to carry out this part for the preceding fiscal year, the Secretary may reserve such funds in excess of the amount appropriated for such preceding fiscal years as do not exceed $1,000,000 to award grants, on a competitive basis, to States to enable such States to plan and implement, through literacy resource centers assisted under subpart 7 of part B of the Adult Education Act, statewide family literacy initiatives to coordinate and integrate existing Federal, State, and local literacy resources consistent with the purposes of this part.

"(2) MATCHING REQUIREMENT.—The Secretary shall not make a grant to a State under paragraph (1) unless the State agrees that, with respect to the costs to be incurred by the eligible consortium in carrying out the activities for which the grant was awarded, the State will make available non-Federal contributions in an amount equal to not less than the Federal funds provided under the grant.

"(d) STATE ALLOCATION.—

"(1) IN GENERAL.—From amounts appropriated under section 1002(b) and not reserved under subsections (a), (b), and (c), the Secretary shall make grants to States from allocations under paragraph (2).

"(2) ALLOCATIONS.—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 under section 1122 to that State bears to the total amount allocated under that section to all the States.

"(3) MINIMUM.—No State shall receive a grant under paragraph (1) in any fiscal year in an amount which is less than $250,000, or one-half of 1 percent of the amount appropriated under section 1002(b) and not reserved under subsections (a), (b), and (c) for such year, whichever is greater.

"(e) 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, a public agency, an institution of higher education, or a public or private nonprofit organization of demonstrated quality;

"(2) the term 'eligible organization' means any public or private nonprofit organization with a record of providing effective services to family literacy providers, such as the National Center for Family Literacy, Parents as Teachers, Inc., the Home Instruction Program for Preschool Youngsters, and the Home and School Institute, Inc.;

"(3) 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

"(4) the term 'State' includes each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 1303. STATE PROGRAMS.

"(a) STATE LEVEL ACTIVITIES.—Each State that receives a grant under section 1302(d)(1) may use not more than 5 percent of the grant funds for the costs 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) IN GENERAL.—Each State shall use the grant funds received under section 1302(d)(1) and not reserved under subsection (a) to award subgrants to eligible entities to carry out Even Start programs.

"(2) MINIMUM.—No State shall award a subgrant under paragraph (1) in an amount less than $75,000, except that a State may award one subgrant in each fiscal year of sufficient size, scope, and quality to be effective in an amount less than $75,000 if, after awarding subgrants under paragraph (1) for such fiscal year in amounts of $75,000 or greater, less than $75,000 is available to the State to award such subgrants.

"SEC. 1304. USES OF FUNDS.

"(a) IN GENERAL.—In carrying out a 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 obtain educational skills and 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) IN GENERAL.—(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 such 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 assisted under this part may be provided in cash or in kind, fairly evaluated.

"(2) WAIVER.—The State educational agency may waive, in whole or in part, the cost-sharing requirement described in paragraph (1) for an eligible entity if such entity—

"(A) demonstrates that such entity otherwise would not be able to participate in the program assisted 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 will be applicable.

"(3) PROHIBITION.—Federal funds provided under this part may not be used for the indirect costs of a program assisted under this part, except that the Secretary may waive this paragraph if an eligible recipient of funds reserved under section 1302(a)(3) demonstrates to the Secretary's satisfaction that such recipient otherwise would not be able to participate in the program assisted under this part.

"SEC. 1305. PROGRAM ELEMENTS.

"Each 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 a parent who is an eligible participant, and other need-related indicators;

"(2) include screening and preparation of parents, including teenage parents, and children to enable such parents and children to participate fully in the activities and services provided under this part, including testing, referral to necessary pupil services, and other developmental and support services;

"(3) be designed to accommodate the participants' work and other responsibilities, including the provision of pupil services (when such pupil services are unavailable from other sources) necessary for participation in the activities assisted under this part, 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 qualified personnel to develop, administer, and implement the program assisted under this part;

"(6) 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;

"(7) provide and monitor integrated instructional services to participating parents and children through home-based programs;

"(8) operate on a year-round basis, including the provision of some instructional or enrichment services during the summer months;

"(9) be coordinated with—

"(A) other programs assisted under this title and Act;

"(B) any relevant programs under the Adult Education Act, the Individuals with Disabilities Education Act, and the Job Training Partnership Act; and

"(C) the Head Start program, volunteer literacy programs, and other relevant programs;

"(10) ensure that the programs will serve those families most in need of the activities and services provided by this part;

"(11) provide services under this part to individuals with special needs, such as individuals with limited-English proficiency and individuals with disabilities;

"(12) encourage eligible participants to remain in the program for a time sufficient to meet the program's purpose; and

"(13) provide for an independent evaluation of the program.

"SEC. 1306. ELIGIBLE PARTICIPANTS.

"(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) IN GENERAL.—Family members of eligible participants described in subsection (a) may participate in activities and services provided under this part, when appropriate to serve the purpose of this part.

"(2) SPECIAL RULE.—Any family participating in a program assisted 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 such 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.

"SEC. 1307. APPLICATIONS.

"(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) PLAN.—

"(1) IN GENERAL.—Each such application shall include—

"(A) a description of the program goals;

"(B) 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 1305;

"(C) a description of the population to be served and an estimate of the number of participants to be served;

"(D) 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 eligible organizations in carrying out the program for which assistance is sought; and

"(E) a statement of the methods that will be used—

"(i) to ensure that the programs will serve those families most in need of the activities and services provided by this part;

"(ii) to provide services under this part to individuals with special needs, such as individuals with limited-English proficiency and individuals with disabilities; and

"(iii) to encourage participants to remain in the program for a time sufficient to meet the program's purpose.

"(2) DURATION OF THE PLAN.—Each plan submitted under paragraph (1)(A) shall—

"(A) remain in effect for the duration of the eligible entity's participation under this part; and

"(B) be periodically reviewed and revised by the eligible entity as necessary.

"SEC. 1308. AWARD OF SUBGRANTS.

"(a) SELECTION PROCESS.—

"(1) IN GENERAL.—The State educational agency shall establish a review panel in accordance with subsection (b) that will approve applications that—

"(A) are most likely to be successful in—

"(i) meeting the purpose of this part; and

"(ii) effectively implementing the program elements required under section 1305;

"(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 eligible 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 remaining cost required by section 1304(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) 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:

"(A) A representative of a parent-child education organization.

"(B) A representative of a community-based literacy organization.

"(C) A member of a local board of education.

"(D) A representative of business and industry with a commitment to education.

"(E) An individual who has been involved in the implementation of programs under this title in the State.

"(3) PRIORITY.—The State educational agency shall give priority to awarding subgrants under this subsection to applications describing programs that—

"(A) target services primarily to families whose children reside in attendance areas of schools eligible for schoolwide programs under section 1114; or

"(B) are located in areas designated as empowerment zones or enterprise communities.

"(b) DURATION.—

"(1) IN GENERAL.—Subgrants under this part may be awarded for a period not to exceed four years.

"(2) STARTUP PERIOD.—The State educational agency may provide an eligible recipient, at such recipient's request, a 3- to 6-month startup period during the first year of the 4-year grant period, which may include staff recruitment and training, and the coordination of services, before requiring full implementation of the program.

"(3) CONTINUING ELIGIBILITY.—In awarding subgrant funds to continue a program under this part 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 startup period, if any.

"(4) GRANT RENEWAL.—(A) An eligible entity that has previously received a subgrant under this part may reapply under this part for additional subgrants. A subgrantee may receive funds under this part for a period not to exceed eight years.

"(B) The Federal share of any subgrant renewed under subparagraph (A) shall not exceed 50 percent in any fiscal year.

"(5) INSUFFICIENT PROGRESS.—The State educational agency may refuse to award subgrant funds 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.

"SEC. 1309. EVALUATION.

"From funds reserved under section 1302(b)(1), the Secretary shall provide for an independent evaluation of programs assisted under this part—

"(1) to determine the performance and effectiveness of programs assisted under this part; and

"(2) to identify effective programs assisted under this part that can be duplicated and used in providing technical assistance to Federal, State, and local programs.

"SEC. 1310. CONSTRUCTION.

"Nothing in this part shall be construed to prohibit a recipient of funds under this part from serving students participating in Even Start simultaneously with students with similar educational needs, in the same educational settings where appropriate.

"PART D—EDUCATION OF MIGRATORY CHILDREN

"SEC. 1401. PROGRAM PURPOSE.

"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 meet the same challenging State content standards and challenging State student 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 the ability of such children to do well in school, and to prepare such children to make a successful transition to postsecondary education or employment; and

"(5) ensure that migratory children benefit from State and local systemic reforms.

"SEC. 1402. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—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.

"(b) DEFINITIONS.—As used in this part—

"(1) 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 private nonprofit agency with which a State educational agency or the Secretary makes an arrangement to carry out a program or 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; and

"(2) the term 'migratory child' means a child who is, or whose parent or guardian is, a migratory agricultural worker, including a migratory

dairy worker, or a migratory fisher, and who, in the preceding 48 months, in order to obtain, or accompany such parent or guardian in order to obtain, temporary or seasonal employment in agricultural or fishing work—

"(A) has moved from one school district to another;

"(B) in a State that is comprised of a single school district, has moved from one administrative area to another within such district; or

"(C) resides in a school district of more than 15,000 square miles, and migrates a distance of 20 miles or more to a temporary residence to engage in a fishing activity.

"(3) the term 'stop-over center' means a migrant project site which provides educational services approved by the State educational agency, advance notification to States where migrant children are traveling, and coordination with providers of other services to migrant children, to eligible migrant children who intend to stay 5 days or less while they or others in their family are moving from one location to another seeking migratory agricultural work, including migratory dairy work, or migratory fishing work.

"(4) The term 'fishing activity' means any activity directly related to the catching or processing of fish or shellfish—

"(A) for initial commercial sale, whether a fisher is self-employed or employed by others, or

"(B) as a principal means of personal subsistence.

"SEC. 1403. STATE ALLOCATIONS.

"(a) STATE ALLOCATIONS.—Each State (other than the Commonwealth of Puerto Rico) is eligible to receive an allocation under this part, for each fiscal year, in 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) IN GENERAL.—(A) If, after the Secretary reserves funds under section 1408(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 determines will best carry out the purpose of this part.

"(2) SPECIAL RULE.—(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 GENERAL.—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 another appropriate entity would result in delivery of services in a more effective and efficient manner.

"(2) PROPOSALS.—Any State, regardless of the amount of such State's allocation, may submit a consortium arrangement to the Secretary for approval.

"(3) APPROVAL.—The Secretary shall approve a consortium arrangement under paragraph (1) or (2) if the proposal demonstrates that the arrangement will—

"(A) reduce administrative costs or program function costs for State programs; and

"(B) make more funds available for direct services to add substantially to the 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 into account—

"(A) the special needs of those children participating in special programs provided under this part that operate during the summer or other intersession periods or special programs that operate at or through stop-over centers; and

"(B) the additional costs of operating such programs.

"SEC. 1404. STATE APPLICATIONS; SERVICES.

"(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 assisted under this part, the State and its local operating agencies will ensure that the special educational needs of migratory children, including preschool migratory children, are identified and addressed through a comprehensive plan for needs assessment and service delivery that meets the requirements of section 1406;

"(2) a description of the steps the State is taking to provide all migratory students with the opportunity to meet the same challenging State content standards and challenging State student 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, the State will provide for educational continuity through the timely transfer of pertinent school records, including information on health, when children move from one school to another, whether or not such move occurs during the regular school year;

"(4) a description of the State's priorities for the use of funds received under this part, and how such priorities relate to the State's assessment of needs for services in the State; and

"(5) a description of how the State will determine the amount of any subgrants the State will award to local operating agencies and the amount of funds that such agencies will provide to individual schools, taking into account the requirements of paragraph (1).

"(c) ASSURANCES.—Each such application shall also include assurances, satisfactory to the Secretary, that—

"(1) such programs and projects will be carried out in a manner consistent with the objectives of sections 1114, 1115(b), 1115(e), 1117, 1120(b), and 1120(c), and part G;

"(2) in the planning and operation of such programs and projects at both the State and local operating agency level, there is appropriate consultation with parent advisory councils for programs of one school year in duration, and that all such programs and projects are carried out, to the extent feasible, in a manner consistent with section 1116;

"(3) 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; and

"(4) to the extent feasible, such programs and projects will provide for—

"(A) advocacy and outreach activities for migratory children and their families, including informing such children and families of, or helping such children and families gain access to, other education, health, nutrition, and social services;

"(B) professional development programs, including mentoring, for teachers and other program personnel;

"(C) family literacy programs, including such programs that use models developed under Even Start;

"(D) the integration of information technology into educational and related programs; and

"(E) programs to facilitate the transition of secondary school students to postsecondary education or employment; and

"(5) the State will assist the Secretary in determining the number of migratory children under section 1403(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 such funds shall give priority to migratory children who are failing, or most at risk of failing, to meet the State's challenging State content standards and challenging State student 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.

"SEC. 1405. SECRETARIAL APPROVAL; PEER REVIEW.

"(a) SECRETARIAL APPROVAL.—The Secretary shall approve each application under this part that meets the requirements of this part.

"(b) PEER REVIEW.—The Secretary may review any application under this part with the assistance and advice of State officials and other individuals with relevant expertise.

"SEC. 1406. COMPREHENSIVE NEEDS ASSESSMENT AND SERVICE-DELIVERY PLAN; AUTHORIZED ACTIVITIES.

"(a) COMPREHENSIVE PLAN.—

"(1) IN GENERAL.—Each State that receives assistance 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—

"(A) provides that migratory children will have an opportunity to meet the same challenging State content standards and challenging State student performance standards, set out in such plans, that all children are expected to meet;

"(B) specifies measurable program goals and outcomes;

"(C) encompasses the full range of services that are available for migratory children from appropriate local, State and Federal educational programs;

"(D) is the product of joint planning among such local, State, and Federal programs, including programs under part A, early childhood programs, and bilingual education programs under part A of title VII; and

"(E) provides for the integration of services available under this part with services provided by such other programs.

"(2) DURATION OF THE PLAN.—Each such comprehensive State plan shall—

"(A) remain in effect for the duration of the State's participation under this 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.

"(b) AUTHORIZED ACTIVITIES.—

"(1) IN GENERAL.—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, except that—

"(A) before funds under this part are used to provide services described in subparagraph (B), such 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 programs under part A;

"(B) all migratory children who are eligible to receive services under part A shall receive such services with funds provided under this part or under part A; and

"(C) funds received under this part shall be used only—

"(i) for programs and projects, including the acquisition of equipment, in accordance with section 1406(b)(1); and

"(ii) 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) CONSTRUCTION.—Nothing in this part shall be construed to prohibit a local operating agency from serving migrant students simultaneously with students with similar educational needs, in the same educational settings where appropriate.

"(3) SPECIAL RULE.—Notwithstanding section 1114, a school that receives funds under this part shall continue to address the identified needs described in subparagraph (1)(A).

"SEC. 1407. BYPASS.

"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.

"SEC. 1408. COORDINATION OF MIGRANT EDUCATION ACTIVITIES.

"(a) IMPROVEMENT OF COORDINATION.—

"(1) IN GENERAL.—The Secretary, in consultation with the States, may make grants to, or enter into contracts with, State educational agencies, local educational agencies, institutions of higher education, and other public and private entities to improve the interstate and intrastate coordination among such agencies' educational programs, including the establishment or improvement of programs for credit accrual and exchange, available to migratory students.

"(2) EXTENSION.—The Secretary may extend until January 1, 1996 the contract for the operation of the migrant student record transfer system under section 1203(a)(2)(A) of this Act (as such section was in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994).

"(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 in any fiscal year, the Secretary shall reserve not more than $6,000,000 of the amount appropriated to carry out this part for such year.

"(d) INCENTIVE GRANTS.—From the amounts made available to carry out this section, the Secretary may reserve not more than $1,500,000 to award grants in amounts of not more than $100,000 to each State educational agency entering into a consortium agreement described in section 1403(d).

"PART E—EDUCATION FOR NEGLECTED AND DELINQUENT YOUTH

"SEC. 1501. PURPOSE; PROGRAM AUTHORIZED.

"(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 such children have the opportunity to meet the same challenging State content standards and challenging State student performance standards that all children in the State will be expected to meet; and

"(2) provide such children the services such children 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 to enable such State educational agencies to award subgrants to State agencies to establish or improve programs of education for neglected or delinquent children in accordance with this part.

"SEC. 1502. ELIGIBILITY.

"A State agency is eligible for assistance under this part if such State agency 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.

"SEC. 1503. ALLOCATION OF FUNDS.

"(a) SUBGRANTS TO STATE AGENCIES.—

"(1) IN GENERAL.—Each State agency described in section 1502 (other than an agency in the Commonwealth of Puerto Rico) is eligible to receive a subgrant under this part, for each fiscal year, an amount equal to the product of—

"(A) the number of neglected or delinquent children described in section 1502 who—

"(i) are enrolled for at least 15 hours per week in education programs in adult correctional institutions; and

"(ii) are enrolled for at least 20 hours per week—

"(I) in education programs in institutions for neglected or delinquent children; or

"(II) in community day programs for neglected or delinquent children; and

"(B) 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.

"(2) SPECIAL RULE.—The number of neglected or delinquent children determined under paragraph (1) shall—

"(A) be determined by the State agency by a date or dates set by the Secretary, except that no State agency shall be required to determine the number of such children on a specific date set by the Secretary; and

"(B) be adjusted, as the Secretary determines is appropriate, to reflect the relative length of such agency's annual programs.

"(b) SUBGRANTS TO STATE AGENCIES IN PUERTO RICO.—For each fiscal year, the amount of the subgrant for which a State agency in the Commonwealth of Puerto Rico is eligible under this part shall be equal to—

"(1) the number of children counted under subsection (a)(1) for Puerto Rico; 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 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) IN GENERAL.—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) ADMINISTRATIVE EXPENSES.—Each State educational agency may retain a portion of such total amount for State administration of, in accordance with section 1702(b).

"SEC. 1504. STATE REALLOCATION OF FUNDS.

"If a State educational agency determines that a State agency does not need the full amount of the subgrant for which such State agency is eligible under this 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.

"SEC. 1505. STATE PLAN AND STATE AGENCY APPLICATIONS.

"(a) STATE PLAN.—

"(1) IN GENERAL.—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 to satisfy the requirements of this section.

"(2) CONTENTS.—Each such State plan shall—

"(A) describe the program goals, objectives, and performance measures established by the State that will be used to assess the effectiveness of the program in improving academic and vocational skills of children in the program;

"(B) provide that, to the extent feasible, such children will have the same opportunities to learn as such children would have if such children were in the schools of local educational agencies in the State; and

"(C) contain assurances that the State educational agency will—

"(i) ensure that programs assisted under this part will be carried out in accordance with the State plan described in this subsection; and

"(ii) carry out the evaluation requirements of section 1509 of this part.

"(3) DURATION OF THE PLAN.—Each such State plan shall—

"(A) remain in effect for the duration of the State's 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.

"(b) SECRETARIAL APPROVAL; PEER REVIEW.—

"(1) IN GENERAL.—The Secretary shall approve each State plan that meets the requirements of this part.

"(2) PEER REVIEW.—The Secretary may review any State plan with the assistance and advice of individuals with relevant expertise.

"(c) STATE AGENCY APPLICATIONS.—Any State agency that desires to receive funds to carry out a program under this 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, 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 to the State educational agency;

"(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 1507 are of high quality;

"(5) describes how the agency will carry out the evaluation requirements of section 1509 and how the results of the most recent evaluation were used to plan and improve the program;

"(6) includes data showing that the State agency has maintained fiscal effort as if such agency were a local educational agency, in accordance with section 10501;

"(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 staff; and

"(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.

"SEC. 1506. USE OF FUNDS.

"(a) IN GENERAL.—

"(1) IN GENERAL.—A State agency shall use funds received under this part only for programs and projects that—

"(A) are consistent with the State plan described in section 1505(a); and

"(B) concentrate on providing participants with the knowledge and skills needed to make a successful transition to further education or employment.

"(2) USES.—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 1507, are provided to children identified by the State agency as failing, or most at risk of failing, to meet the State's challenging State content standards and challenging State student performance standards;

"(ii) supplement and improve the quality of the educational services provided to such children by the State agency; and

"(iii) afford such children an opportunity to learn such standards;

"(C) shall be carried out in a manner consistent with section 1120(b) and part G; and

"(D) may include the costs of meeting the evaluation requirements of section 1509.

"(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 1120(b) without regard to the subject areas in which instruction is given during those hours.

"SEC. 1507. INSTITUTION-WIDE PROJECTS.

"(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 age 21 with the opportunity to meet challenging State content standards and challenging State student performance standards in order to improve the likelihood that such children will complete secondary 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 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 such teachers and personnel 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 provided in section 1510.

"SEC. 1508. THREE-YEAR PROJECTS.

"If a State agency operates a program or project 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 not more than three years.

"SEC. 1509. PROGRAM EVALUATIONS.

"(a) SCOPE OF EVALUATION.—Each State agency that conducts a program or project under this part shall evaluate the program or project at least once every three years, disaggregating data on participants by sex, and if feasible, race, ethnicity or age, to determine the program or project's impact on the ability of participants to—

"(1) maintain and improve educational achievement;

"(2) accrue school credits that meet State requirements for grade promotion and secondary school graduation;

"(3) make the transition to a regular program or other education program operated by a local educational agency; and

"(4) complete secondary school and obtain employment after participants 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 the results of each evaluation under this section to the State educational agency; and

"(2) use the results of evaluations under this section to plan and improve subsequent programs for participating children.

"SEC. 1510. TRANSITION SERVICES.

"(a) TRANSITION SERVICES.—Each State agency may reserve not more than 10 percent of the amount such agency 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 pupil services and mentoring, to neglected and delinquent children in schools other than State-operated institutions.

"(d) CONSTRUCTION.—Nothing in this section shall be construed to prohibit a school that receives funds under subsection (a) from serving neglected and delinquent children simultaneously with students with similar educational needs, in the same educational settings where appropriate.

"SEC. 1511. DEFINITIONS.

"For the purpose of this part—

"(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; and

"(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 F—FEDERAL EVALUATIONS AND DEMONSTRATIONS

"SEC. 1601. EVALUATIONS.

"(a) NATIONAL ASSESSMENT.—

"(1) IN GENERAL.—The Secretary shall conduct a national assessment of programs assisted 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) EXAMINATION.—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 challenging State content standards and challenging State student performance standards; and

"(B) are accomplishing the purpose set forth in section 1001(d) to achieve the goal described in paragraph (1), including—

"(i) ensuring challenging State content standards and challenging State student performance standards for all children served under this title and aligning the efforts of States, local educational agencies, and schools to help such children reach such standards;

"(ii) providing children served under this title an enriched and accelerated educational program through schoolwide programs or through additional services that increase the amount and quality of instructional time that such children receive;

"(iii) promoting schoolwide reform and access for all children served under this title 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 provided under all parts of this title with each other, with other educational and pupil services, including preschool services, and, to the extent feasible, with health and social service programs funded from other sources;

"(vi) affording parents of children served under this title 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) NAEP INFORMATION.—Where feasible, the Secretary shall use information gathered by the National Assessment of Educational Progress in carrying out this subsection.

"(4) INTERIM AND FINAL REPORTS.—The Secretary shall submit an interim report summarizing the preliminary findings of the assessment to the President and the appropriate committees of the Congress and a final report of the findings of the assessment by January 1, 1998.

"(b) STUDIES AND DATA COLLECTION.—

"(1) IN GENERAL.—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) MINIMUM INFORMATION.—At a minimum, the Secretary shall collect trend information on the effect of programs under this title. Such data shall complement the data collected and reported under subsections (a) and (c).

"(c) NATIONAL LONGITUDINAL STUDY.—

"(1) IN GENERAL.—The Secretary shall carry out an ongoing evaluation of the program assisted under part A of title I in order to provide the public, the Congress, and educators involved in such program, an accurate description of the short- and long-term effectiveness of such program and to provide information that can be used to improve such program's effectiveness in enabling students to meet high State content standards and State student performance standards, graduate from secondary school, and make successful transitions to postsecondary education and work. Such evaluation shall—

"(A) have a longitudinal design that tracks cohorts of students within schools of differing poverty concentrations for at least 3 years which, when the cohorts are taken as a whole, provides a picture of such program's effectiveness over the elementary and secondary grades;

"(B) be separate and independent from State and local assessments and evaluations required under this part and consistent with measuring the achievement of students to relative to high State content standards and State student performance standards;

"(C) utilize the highest available content standards that are generally accepted as national in scope;

"(D) provide information on all students, students served under this part, and, if funds are sufficient, information on students from low-income families, limited-English proficient students, and students with disabilities; and

"(E) when feasible, collect, cross-tabulate, and report data by sex within race or ethnicity and socioeconomic status.

"(2) USE.—The Secretary shall use the results of the evaluation described in paragraph (1) as part of the national assessment required by subsection (a) and shall report the data from such evaluation to the Congress and the public at least as frequently as reports are made under subsection (a)(4).

"(d) DEVELOPMENTALLY APPROPRIATE MEASURES.—In conducting the national assessment under subsection (a) and the national longitudinal study under subsection (b), the Secretary shall use developmentally appropriate measures to assess student performance and progress.

"(e) STUDY ON ESTIMATING STATE CHILD POVERTY COUNTS.—The Secretary shall—

"(1) 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 the Commonwealth of Puerto Rico; and

"(2) use such a method, if one exists, to provide the Congress with such estimates.

"SEC. 1602. DEMONSTRATIONS OF INNOVATIVE PRACTICES.

"(a) DEMONSTRATION PROGRAMS TO IMPROVE ACHIEVEMENT.—

"(1) IN GENERAL.—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, nonprofit organizations, and consortia of such entities to carry out demonstration projects that show the most promise of enabling children served under this title to meet challenging State content standards and challenging State student performance 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 children the opportunity to reach such standards;

"(B) coordinated pupil services programs;

"(C) integration of education services with each other and with health, family, and other social services, particularly in empowerment zones and enterprise communities;

"(D) effective approaches to whole school reform;

"(E) 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;

"(F) programs which are especially effective in recruiting, inducting and retaining highly qualified teachers for service in schools with low student achievement; and

"(G) programs that are built upon partnerships developed between elementary and middle schools, employers, and the community which emphasize the integration of high quality academic and vocational learning, stress excellence and high expectations for success in core academic subjects, instill responsibility, decisionmaking, problem solving, interpersonal skills, and other competencies in students, and make school relevant to the workplace and the community, through applied and interactive teaching methodologies, team teaching strategies, learning opportunities connecting school, the workplace, and the community, and career exploration, awareness, and career guidance opportunities.

"(2) EVALUATION.—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.—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 nonprofit organizations to disseminate and use the highest quality research and knowledge about effective practices to improve the quality of teaching and learning in schools assisted under this title.

"PART G—GENERAL PROVISIONS

"SEC. 1701. FEDERAL REGULATIONS.

"(a) IN GENERAL.—The Secretary is authorized to issue such regulations as are considered necessary to reasonably ensure that there is compliance with the specific requirements and assurances required by this title.

"(b) PROCEDURE.—

"(1) IN GENERAL.—Prior to publishing proposed regulations pursuant to this title, the Secretary shall convene regional meetings which shall provide input to the Secretary on the content of proposed regulations. Such meetings shall include representatives of Federal, State, and local administrators, parents, teachers, and members of local boards of education involved with implementation of programs under this title.

"(2) PROPOSED REGULATIONS.—Subsequent to regional meetings and prior to publishing proposed regulations in the Federal Register, the Secretary shall prepare draft regulations and submit regulations on a minimum of 4 key issues to a modified negotiated rulemaking process as a demonstration of such process. The modified process shall waive application of the Federal Advisory Committee Act, but shall otherwise follow the guidance provided in the Administrative Conference of the United States in Recommendation 82-4, "Procedures for Negotiating Proposed Regulations" (47 Fed. Reg. 30708, June 18, 1982) and any successor regulation. Participants in the demonstration shall be chosen by the Secretary from among participants in the regional meetings, representing the groups described in paragraph (1) and all geographic regions. The demonstration shall be conducted in a timely manner.

"(3) EMERGENCY SITUATION.—In an emergency situation in which regulations pursuant to this

title must be issued within a very limited time to assist State and local educational agencies with the operation of the program, the Secretary may issue a regulation without such prior consultation, but shall immediately thereafter convene regional meetings to review the emergency regulation prior to issuance in final form.

"(c) LIMITATION.—Programs under this title may not be required to follow any 1 instructional model, such as the provision of services outside the regular classroom or school program.

"SEC. 1702. STATE ADMINISTRATION.

"(a) RULEMAKING.—

"(1) IN GENERAL.—Each State that receives funds under this title shall—

"(A) ensure that any State rules, regulations, and policies relating to this title conform to the purposes of this title;

"(B) minimize such rules, 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) SPECIAL RULE.—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 challenging State content standards and challenging State student performance standards.

"(b) PAYMENT FOR STATE ADMINISTRATION.—Each State may reserve for the proper and efficient performance of such State's duties under this title, the greater of—

"(1)(A) 1.00 percent of the funds appropriated to carry out subsections (a), (c), (d), and (e) of section 1002 for fiscal year 1995 and each succeeding fiscal year not described in subparagraph (B); or

"(B) not more than 1.5 percent and not less than 1 percent of the funds appropriated to carry out such subsections for fiscal year 1997 and each succeeding fiscal year if the Secretary, based on the State reports required by subsection (d) and the studies required by section 14010(b), authorizes such reservation;

"(2) except as provided in paragraph (3)—

"(A) $425,000 for fiscal year 1995 and each succeeding fiscal year not described in subparagraph (B); or

"(B) not more than $565,000 and not less than $425,000 for fiscal year 1997 and each succeeding fiscal year if the Secretary, based on the State reports required by subsection (d) and the studies required by section 14010(b), authorizes such reservation; or

"(3) in the case of an outlying area—

"(A) $50,000 for fiscal year 1995 and each succeeding fiscal year not described in subparagraph (B); or

"(B) not more than $80,000 and not less than $50,000 for fiscal year 1997 and each succeeding fiscal year if the Secretary, based on the State reports required by subsection (d) and the studies required by section 14010(b), authorizes such reservation.

"(c) PAYMENT FOR SCHOOL IMPROVEMENT.—Each State may reserve for the proper and efficient performance of its duties under subsections (b)(5) and (c) of section 1118, and section 1119, the greater of—

"(1)(A) .65 percent of the funds appropriated to carry out subsections (a), (c), (d), and (e) of section 1002 for fiscal year 1995 and each succeeding fiscal year not described in subparagraph (B); or

"(B) not more than .75 percent and not less than .65 percent of the funds appropriated to carry out such subsections for fiscal year 1997 and each succeeding fiscal year if the Secretary, based on the State reports required by subsection (d) and the studies required by section 14010(b), authorizes such reservation; or

"(2) except as provided in paragraph (3)—

"(A) $210,000 for fiscal year 1995 and each succeeding fiscal year not described in subparagraph (B); or

"(B) not more than $245,000 for fiscal year 1997 and each succeeding fiscal year if the Secretary, based on the State reports required by subsection (d) and the studies required by section 14010(b), authorizes such reservation; or

"(3) in the case of an outlying area—

"(A) $35,000 for fiscal year 1995 and each succeeding fiscal year not described in subparagraph (B); or

"(B) not more than $40,000 for fiscal year 1997 and each succeeding fiscal year if the Secretary, based on the State reports required by subsection (d) and the studies required by section 14010(b), authorizes such reservation.

"(d) REPORT.—Beginning in fiscal year 1995 and each succeeding fiscal year thereafter, each State educational agency which receives funds under this title shall submit to the Secretary a report on the use of funds for the State administration of activities assisted under this title. Such report shall include the proportion of State administrative funds provided under this section that are expended for—

"(1) basic program operation and compliance monitoring;

"(2) statewide program services, such as development of standards and assessments, curriculum development, and program evaluation; and

"(3) technical assistance and other direct support to local educational agencies and schools.

"(e) FEDERAL FUNDS TO SUPPLEMENT, NOT SUPPLANT, NON-FEDERAL FUNDS.—

"(1) IN GENERAL.—(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) SPECIAL RULE.—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).

"SEC. 1703. CONSTRUCTION.

"(a) PROHIBITION OF FEDERAL MANDATES, DIRECTION OR CONTROL.—Nothing in this title shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's specific instructional content or pupil performance standards and assessments, curriculum, or program of instruction as a condition of eligibility to receive funds under this title.

"(b) EQUALIZED SPENDING.—Nothing in this title shall be construed to mandate equalized spending per pupil for a State, local educational agency, or school.

"(c) BUILDING STANDARDS.—Nothing in this title shall be construed to mandate national school building standards for a State, local educational agency, or school.

"SEC. 1704. RESERVATION OF FUNDS FOR TERRITORIES.

"There is authorized to be appropriated for each fiscal year for purposes of each of parts D and E of this title an amount equal to not more than 1 percent of the amount appropriated for such year for such parts, for payments to the outlying areas under each such part. The amounts appropriated for each such part shall be allotted among the outlying areas according to the outlying areas' respective need for such grants, based on such criteria as the Secretary determines will best carry out the purposes of this title.

"PART H—EDUCATIONAL OPPORTUNITY DEMONSTRATION PROGRAM

"SEC. 1801. FINDINGS AND PURPOSES.

"(a) FINDINGS.—The Congress finds that—

"(1) while low-income students have made significant gains with respect to educational achievement and attainment, considerable gaps still persist for these students in comparison to those from more affluent socio-economic backgrounds;

"(2) our Nation has a compelling interest in assuring that all children receive a high quality education;

"(3) new methods and experiments to revitalize educational achievement and opportunities of low-income individuals must be a part of any comprehensive solution to the problems in our Nation's educational system;

"(4) preliminary research shows that same gender classes and schools may produce promising academic and behavioral improvements in both sexes for low-income, educationally disadvantaged students;

"(5) extensive data on same gender classes and schools are needed to determine whether same gender classes and schools are closely tailored to achieving the compelling government interest in assuring that all children are educated to the best of their ability;

"(6) in recent years efforts to experiment with same gender classes and schools have been inhibited by lawsuits and threats of lawsuits by private groups as well as governmental entities; and

"(7) there is a compelling government interest in granting the Secretary authority to insulate a limited number of local educational agencies and schools which are experimenting with same gender classes for a limited period of time from certain law suits under title IX of the Education Amendments of 1972, section 204 of the Education Amendments of 1974, section 1979 of the Revised Statutes (42 U.S.C. 1983), or any other law prohibiting discrimination on the basis of sex, in order to collect data on the effectiveness of such classes in educating children from low-income, educationally disadvantaged backgrounds.

"(b) PURPOSES.—It is the purpose of this part—

"(1) to give the Secretary discretion to allow experimentation with same gender classes for low-income, educationally disadvantaged students;

"(2) to determine whether same gender classes make a difference in the educational achievement and opportunities of low-income, educationally disadvantaged individuals; and

"(3) to involve parents in the educational options and choices of their children.

"SEC. 1802. DEFINITIONS.

"As used in this part—

"(1) the term 'educational opportunity school' means a public elementary, middle, or secondary school, or a consortium of such schools all of which receive a waiver under this title, that—

"(A) establishes a plan for voluntary, same gender classes at one or more than one school in the community;

"(B) provides same gender classes for both boys and girls, as well as a co-educational option for any parent that chooses that option;

"(C) gives parents the option of choosing to send their child to a same gender class or to a co-educational class;

"(D) admits students on the basis of a lottery, if more students apply for admission to the same gender classes than can be accommodated;

"(E) has a program in which a member of the community is asked to volunteer such member's

time in classes of children of the same gender as the member; and

"(F) operates in pursuit of improving achievement among all children based on a specific set of educational objectives determined by the local educational agency applying for a grant under this part, in conjunction with the educational opportunity advisory board established under section 1803(c) and agreed to by the Secretary; and

"(2) the term 'educational opportunity advisory board' means an advisory board established in accordance with section 1803(c).

"SEC. 1803. PROGRAM AUTHORIZED.

"(a) WAIVERS.—The Secretary may grant waivers to ten local educational agencies for the design and operation of one or more educational opportunity schools.

"(b) INAPPLICABILITY.—Title IX of the Education Amendments of 1972, section 204 of the Education Amendments of 1974, section 1979 of the Revised Statutes (42 U.S.C. 1983), and any other law prohibiting discrimination on the basis of sex, shall not apply to a local educational agency or an educational opportunity school for a five-year period following the Secretary's grant of the waiver only to the extent the Secretary determines necessary to ensure the development and operation of same gender classes in accordance with this part.

"(c) EDUCATIONAL OPPORTUNITY ADVISORY BOARD.—Each local educational agency receiving a waiver under this part shall establish an educational opportunity advisory board. Such advisory board shall be composed of school administrators, parents, teachers, local government officials and volunteers involved with an educational opportunity school. Such advisory board shall assist the local educational agency in developing the application for assistance under section 1804 and serve as an advisory board in the functioning of the educational opportunity school.

"SEC. 1804. APPLICATIONS.

"(a) APPLICATIONS REQUIRED.—Each local educational agency desiring a waiver under this part shall submit, within 180 days of the date of enactment of the Improving America's Schools Act of 1994, an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may reasonably require.

"(b) SCOPE OF APPLICATION.—Each application described in subsection (a) may request a waiver for a single educational opportunity school or for a consortium of such schools.

"(c) APPLICATION CONTENTS.—Each application described in subsection (a) shall include—

"(1) a description of the educational program to be implemented by the proposed educational opportunity school, including—

"(A) the grade levels or ages of children to be served; and

"(B) the curriculum and instructional practices to be used;

"(2) a description of the objectives of the local educational agency and a description of how such agency intends to monitor and study the progress of children participating in the educational opportunity school;

"(3) a description of how the local educational agency intends to include in the educational opportunity school administrators, teaching personnel, and role models from the private sector;

"(4) a description of how school administrators, parents, teachers, local government and volunteers will be involved in the design and implementation of the educational opportunity school;

"(5) a description of how the local educational agency or the State, as appropriate, will provide for continued operation of the educational opportunity school once the Federal waiver has expired, if such agency determines that such school is successful;

"(6) a justification for the waiver or inapplicability of any Federal statutory or regulatory requirements that the local educational agency believes are necessary for the successful operation of the educational opportunity school and a description of any State or local statutory or regulatory requirements, that will be waived for, or will not apply to, the educational opportunity school, if necessary;

"(7) a description of how students in attendance at the educational opportunity school, or in the community, will be—

"(A) informed about such school; and

"(B) informed about the fact that admission to same gender classes is completely voluntary;

"(8) an assurance that the local educational agency will annually provide the Secretary such information as the Secretary may require to determine if the educational opportunity school is making satisfactory progress toward achieving the objectives described in paragraph (2);

"(9) an assurance that the local educational agency will cooperate with the Secretary in evaluating the program authorized by this part;

"(10) assurances that resources shall be used equally for same gender classes for boys and for girls;

"(11) assurances that the activities assisted under this part will not have an adverse affect, on either sex, that is caused by—

"(A) the distribution of teachers between same gender classes for boys and for girls;

"(B) the quality of facilities for boys and for girls;

"(C) the nature of the curriculum for boys and for girls;

"(D) program activities for boys and for girls; and

"(E) instruction for boys and for girls;

"(12) an assurance that the local educational agency will comply with the research and evaluation protocol developed by the Secretary of Education as required by section 1806; and

"(13) such other information and assurances that the Secretary may require.

"SEC. 1805. SELECTION OF GRANTEES.

"The Secretary shall award waivers under this part on the basis of the quality of the applications submitted under section 1804, taking into consideration such factors as—

"(1) the quality of the proposed curriculum and instructional practices;

"(2) organizational structure and management of the school;

"(3) the quality of the plan for assessing the progress made by children in same gender classes over the period of the grant;

"(4) the extent of community support for the application; and

"(5) the likelihood that the educational opportunity school will meet the objectives of such school and improve educational results for students; and

"(6) the assurances submitted pursuant to section 1804(c)(11).

"SEC. 1806. STUDY COMMISSIONED.

"The Secretary of Education is hereby required to commission a study upon enactment of the Educational Opportunity Demonstration Program, with appropriate protocols to compare the educational and behavioral achievement of those choosing same gender classes and those choosing the co-educational option. The study should be delivered to all Members of Congress within one year of the expiration of the waiver authority granted herein.

"SEC. 1807. CONSTRUCTION.

"Nothing in this part shall be construed to affect the availability under title IX of remedies to overcome the effects of past discrimination on the basis of sex.

"TITLE II—IMPROVING TEACHING AND LEARNING

"PART A—DWIGHT D. EISENHOWER PROFESSIONAL DEVELOPMENT PROGRAM

"SEC. 2101. FINDINGS.

"The Congress finds as follows:

"(1) Reaching the third National Education Goal (all students will demonstrate mastery of challenging subject matter in the core academic subjects) and the fifth National Education Goal (United States 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, administrators, and pupil services personnel in a school and, through professional networks of teachers, teacher educators, administrators, pupil services personnel, and parents 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;

"(C) professional development can dramatically improve classroom instruction and learning when teachers, administrators, pupil services personnel, and parents are partners in the development and implementation of such professional development; and

"(D) new and innovative strategies for teaching to high standards will require time for teachers, outside of the time spent teaching, for instruction, practice, and collegial collaboration.

"(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 activities must prepare teachers, pupil services personnel, paraprofessionals and other staff in effective prevention and intervention strategies to—

"(A) alleviate the need, and assure appropriate referral, for special education services; and

"(B) prepare staff to work collaboratively to educate students with disabilities placed into general education settings, consistent with such student's individualized education program.

"(6) Professional development activities, designed in cooperation with parents, that focus on the complex social, emotional and mental health needs of children which may impede learning, can help teachers, administrators, and pupil services personnel assist children in overcoming barriers to academic success.

"(7) Professional development is often a victim of budget reductions in fiscally difficult times.

"(8) 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.

"(9) Parental involvement is an important aspect of school reform and improvement. There is a need for special attention to ensure the effective involvement of parents in the education of their children. Professional development should include methods and strategies to better prepare teachers and administrators in involving parents. Programs are needed to provide parents the training and development necessary to enable parents to participate fully and effectively in their children's education.

"(10) 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.

"SEC. 2102. PURPOSES.

"It is the purpose of this part—

"(1) to help ensure that teachers, other staff, and administrators have access to high-quality professional development that is aligned to challenging State content standards and challenging State student performance standards and to support the development and implementation of sustained and intensive high-quality professional development activities in the core academic subjects; and

"(2) to help ensure that teachers, administrators, other staff, pupil services personnel, and parents have access to professional development that—

"(A) is tied to challenging State content standards and challenging State student performance standards;

"(B) reflects recent research on teaching and learning;

"(C) includes strong academic content and pedagogical components;

"(D) incorporates effective strategies, techniques, methods, and practices for meeting the educational needs of diverse student populations, including females, minorities, individuals with disabilities, limited-English proficient individuals, and economically disadvantaged individuals, in order to ensure that all students have the opportunity to achieve challenging State student performance standards;

"(E) is of sufficient intensity and duration to have a positive and lasting impact on the teacher's performance in the classroom; and

"(F) is part of the everyday life of the school and creates an orientation toward continuous improvement throughout the school.

"SEC. 2103. AUTHORIZATION OF APPROPRIATIONS; ALLOCATION BETWEEN SUBPARTS.

"(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part, there are authorized to be appropriated $800,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) ALLOCATION BETWEEN SUBPARTS.—Of the amounts appropriated to carry out this part for any fiscal year the Secretary shall make available—

"(1) 5 percent of such amounts to carry out subpart 1, of which 10 percent of such 5 percent shall be available to carry out section 2114;

"(2) 93.75 percent of such amounts to carry out subpart 2; and

"(3) 1.25 percent of such amounts to carry out subpart 3.

"Subpart 1—Federal Activities

"SEC. 2111. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Secretary is authorized to make grants to, and enter into contracts and cooperative agreements with, local educational agencies, educational service agencies, State educational agencies, State agencies for higher education, institutions of higher education, and other public and private agencies, organizations, and institutions to—

"(1) support activities of national significance that the Secretary determines will contribute to the development and implementation of high-quality professional development activities in the core academic subjects; and

"(2) evaluate activities carried out under this subpart and subpart 2 in accordance with section 10701.

"(b) REQUIREMENTS.—In carrying out the activities described in subsection (a), the Secretary shall coordinate professional development programs within the Department, particularly with those programs within the Office of Educational Research and Improvement, and shall consult and coordinate with the National Science Foundation, the National Endowment for the Humanities, the National Endowment for the Arts, the Institute of Museum Services, and other appropriate Federal agencies and entities.

"SEC. 2112. AUTHORIZED ACTIVITIES.

"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 the entities described in section 2111(a) to develop the capacity of such entities to offer sustained and intensive high-quality professional development;

"(2) professional development institutes that provide teams of teachers, or teachers, administrators, pupil services personnel and other staff, 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, including the Teacher Research Dissemination Demonstration Program under section 941(j) of the Educational Research, Development, Dissemination, and Improvement Act of 1994, 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) the dissemination of models of high-quality professional development activities that train educators in strategies, techniques, methods, and practices for meeting the educational needs of historically underserved populations, including females, minorities, individuals with disabilities, limited-English proficient individuals, and economically disadvantaged individuals, in order to ensure that all students have the opportunity to achieve challenging State student performance standards;

"(8) activities that promote the transferability of licensure and certification of teachers and administrators among State and local jurisdictions;

"(9) the development and testing of incentive strategies for motivating teachers, administrators, and pupil services personnel to help increase their effectiveness through professional development focused on teaching and learning and giving all students the opportunity to learn to challenging State content standards and challenging State student performance standards;

"(10) the development of innovative prevention and intervention strategies to—

"(A) alleviate the need, or assure appropriate referral, for special education services; and

"(B) prepare general education and special education teachers, paraprofessionals and pupil services personnel in effective integration of students with disabilities into general education settings, consistent with such student's individualized education program;

"(11) encouraging the development of innovative models for recruitment, induction, retention and assessment of new, highly qualified teachers, especially such teachers from historically underrepresented groups;

"(12) the dissemination of information about voluntary national content standards and voluntary national performance standards and related models of high-quality professional development;

"(13) the development and maintenance of a national clearinghouse for such core academic subjects as the Secretary determines are needed;

"(14) joint activities with other Federal agencies and entities engaged in or supporting similar professional development efforts;

"(15) the evaluation of programs under this subpart and subpart 2 in accordance with section 10701; and

"(16) the development of programs which prepare teachers to incorporate environmental education in the core academic subjects.

"SEC. 2113. EISENHOWER NATIONAL CLEARINGHOUSE FOR MATHEMATICS AND SCIENCE EDUCATION.

"(a) CLEARINGHOUSE AUTHORIZED.—The Secretary, in consultation with the Director of the National Science Foundation, may award a grant or contract to establish an Eisenhower National Clearinghouse for Mathematics and Science Education (hereafter in this section referred to as the 'Clearinghouse').

"(b) APPLICATION AND AWARD BASIS.—Each entity desiring to establish and operate the Clearinghouse authorized by this section shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may reasonably require. The grant or contract awarded pursuant to paragraph (1) shall be made on a competitive, merit basis.

"(c) DURATION.—The grant or contract awarded under this section shall be awarded for a period of 5 years and shall be reviewed by the Secretary not later than 30 months from the date the grant or contract is awarded.

"(d) USE OF FUNDS.—The grant or contract awarded under this section shall be used to—

"(1) maintain a permanent repository of mathematics and science education instructional materials and programs for elementary and secondary schools, including middle schools (including, to the extent practicable, all materials and programs developed with Federal and non-Federal funds, such as instructional materials developed by the Department, materials developed by State and national mathematics and science programs assisted under this part, and other instructional materials) for use by the regional consortiums established under subpart 2 of part C and by the general public;

"(2) compile information on all mathematics and science education programs administered by each Federal agency or department;

"(3) disseminate information, programs, and instructional materials to the public, dissemination networks, and the regional consortiums under subpart 2 of part C;

"(4) coordinate with identifiable and existing data bases containing mathematics and science curriculum and instructional materials, including Federal, non-Federal and, where feasible, international data bases;

"(5) participate in collaborative meetings of representatives of the Clearinghouse and the regional consortiums under subpart 2 of part C to discuss issues of common interest and concern, to foster effective collaboration and cooperation in acquiring and distributing curriculum materials and programs, and to coordinate computer network access to the Clearinghouse and the resources of the regional consortiums, except that not more than 3 percent of the funds awarded under this section shall be used to carry out this paragraph; and

"(6) gather qualitative and evaluative data on submissions to the Clearinghouse.

"(e) SUBMISSION TO CLEARINGHOUSE.—Each Federal agency or department which develops mathematics or science education instructional material or programs, including the National Science Foundation and the Department, shall submit to the Clearinghouse copies of such material or programs.

"(f) PEER REVIEW.—The Secretary shall establish a peer review process to select the recipient of the award under this subsection.

"(g) STEERING COMMITTEE.—The Secretary may appoint a steering committee to recommend policies and activities for the Clearinghouse.

"(h) APPLICATION OF COPYRIGHT LAWS.—Nothing in this section shall be construed to allow the use or copying, in any media, of any material collected by the Clearinghouse that is protected under the copyright laws of the United States unless the permission of the owner of the copyright is obtained. The Clearinghouse, in carrying out the provisions of this subsection, shall ensure compliance with title 17, United States Code.

"(i) DISSEMINATION OF INFORMATION.—The Secretary shall disseminate information concerning the grant or contract awarded under this section to State and local educational agencies and institutions of higher education. Such dissemination of information shall include examples of exemplary national programs in mathematics and science instruction and necessary technical assistance for the establishment of similar programs.

"SEC. 2114. NATIONAL TEACHER TRAINING PROJECT.

"(a) SHORT TITLE; FINDINGS; DEFINITIONS.—

"(1) SHORT TITLE.—This section may be cited as the 'National Teacher Training Project Act of 1994'.

"(2) FINDINGS.—The Congress finds that—

"(A) teachers must be major players in educational reform in the United States;

"(B) teachers are isolated from their peers and have virtually no time during the school day to consult with other teachers;

"(C) there is a shortage of sustained, year-round professional development programs for teachers;

"(D) successful teaching methods are not adequately shared among teachers;

"(E) teachers are the best teachers of other teachers because practicing classroom teachers have experience that no outside consultant can match;

"(F) it is important for universities and schools to collaborate on teacher development programs if teaching and learning are to be improved;

"(G) pertinent research is not shared among teachers in a professional setting;

"(H) exemplary teachers should be recognized for their abilities and contributions and encouraged to refine their teaching methods;

"(I) each State should support a nationally based teacher training program that is modeled after the National Writing Project for teachers of the core academic subjects, including early childhood education, mathematics, science, English, civics and government, foreign languages, and arts;

"(J) the National Writing Project is a nationally recognized and honored nonprofit organization that recognizes there are teachers in every region of the United States who have developed successful methods for teaching writing and that such teachers can be trained and encouraged to train other teachers;

"(K) the National Writing Project is a collaborative university-school program which offers summer and school year inservice teacher training programs and a dissemination network to inform and teach teachers regarding developments in the field of writing;

"(L) each year over 125,000 teachers voluntarily seek training in National Writing Project intensive summer institutes and workshops and school year inservice programs through 1 of the 155 sites located within the United States, and in 18 sites located outside of the United States;

"(M) in the 20 years of its existence, over 1,100,000 teachers, administrators and parents have participated in National Writing Project programs;

"(N) less than $16 per teacher was the average cost in Federal dollars for all teacher training at writing projects in academic year 1991–1992;

"(O) for every dollar in Federal support, the National Writing Project provides over $5 in matching funds from States, local universities and schools, and the private sector;

"(P) private foundation resources, although generous in the past concerning National Writing Project programs, are inadequate to fund all of the National Teacher Training Project sites needed, and the future of the program is in jeopardy without secure financial support;

"(Q) the National Writing Project has become a model for programs in other fields, such as science, mathematics, history, literature, foreign languages, and the performing arts, and the development of programs in other fields should continue with the support of Federal funds; and

"(R) each of the 50 States should participate in the National Teacher Training Project by establishing regional teacher training sites in early childhood development, mathematics, science, English, civics and government, foreign languages, and arts to serve all teachers within the State.

"(3) DEFINITIONS.—For the purpose of this section—

"(A) the term 'contractor' means—

"(i) a local educational agency;

"(ii) an educational service agency; or

"(iii) an institution of higher education that awards a bachelor's degree; and

"(B) the term 'eligible recipient' means a nonprofit educational organization which has as its primary purpose the improvement of student learning in one of the core academic subjects described in subsection (b)(2).

"(b) GRANTS AUTHORIZED.—

"(1) GRANTS TO ELIGIBLE RECIPIENTS.—The Secretary is authorized to award a grant to an eligible recipient to enable such recipient—

"(A) to support and promote the establishment of teacher training programs in early childhood development and one of the 9 core academic subjects described in paragraph (2), including the dissemination of effective practices and research findings regarding teacher training, and administrative activities;

"(B) to support classroom research on effective teaching practices in such area; and

"(C) to pay the Federal share of the cost of such programs and research.

"(2) CORE SUBJECT AREAS.—To the extent feasible, the Secretary shall award a grant under paragraph (1) for the establishment of a National Teacher Training Project in early childhood development and each of the following core academic subjects:

"(A) Mathematics.

"(B) Science.

"(C) English.

"(D) Civics and government.

"(E) Foreign languages.

"(F) Arts.

"(G) Geography.

"(H) History.

"(I) Economics.

"(3) NUMBER OF GRANTS AND ELIGIBLE RECIPIENTS.—The Secretary shall award not more than 10 grants under paragraph (1) to 10 different eligible recipients.

"(4) EQUITABLE DISTRIBUTION.—The Secretary shall award grants under paragraph (1) to eligible recipients from different geographic areas of the United States.

"(5) SPECIAL RULE.—Each grant under paragraph (1) shall be of sufficient size, scope and quality to be effective.

"(6) ADMINISTRATIVE COSTS AND TECHNICAL ASSISTANCE.—Each eligible recipient receiving a grant under paragraph (1) may use not more than 5 percent of the grant funds for administrative costs and the costs of providing technical assistance to a contractor.

"(c) GRANT REQUIREMENTS.—Each eligible recipient receiving a grant under subsection (b) shall—

"(1) enter into a contract with a contractor under which such contractor agrees—

"(A) to establish, operate, and provide the non-Federal share of the cost of teacher training programs in effective approaches and processes for the teaching of the subject matter for which such eligible recipient was awarded a grant, including approaches and processes to obtain parental involvement in a child's education; and

"(B) to use funds received from the eligible recipient to pay the Federal share of the cost of establishing and operating teacher training programs described in subparagraph (A);

"(2) make annual reports to the Secretary and be responsible for oversight of the funds expended at each teacher training program described in subparagraph (A); and

"(3) meet such other conditions and standards as the Secretary determines to be necessary to assure compliance with this section and provide such technical assistance as may be necessary to carry out this section.

"(d) TEACHER TRAINING PROGRAMS.—The teacher training programs described in subsection (b) shall—

"(1) be conducted during the school year and during the summer months;

"(2) train teachers who teach grades kindergarten through college;

"(3) select teachers to become members of a National Teacher Training Project, which members shall conduct inservice workshops for other teachers in the area served by the National Teacher Training Project site;

"(4) borrow teacher training principles and receive technical assistance from the National Writing Project; and

"(5) encourage teachers from all disciplines to participate in such teacher training programs.

"(e) FEDERAL SHARE.—The term 'Federal share' means, with respect to the costs of teacher training programs described in subsection (b), 50 percent of such costs to the contractor

"(f) APPLICATION.—Each eligible recipient desiring a grant under this section shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may reasonably require.

"(g) PARTICIPANTS AND SELECTION PROCESS.—The selection process for participation in a teacher training program described in subsection (b) shall—

"(1) reward exemplary teachers with varying levels of teaching experience who are nominated by other teachers and administrators;

"(2) involve an application process to select participants for a summer program;

"(3) ensure the selection of a geographically and ethnically diverse group of teachers by soliciting applications from teachers of both public and private institutions in rural, urban and suburban settings of every State; and

"(4) automatically offer a place in a summer program to the 'Teacher of the Year' chosen pursuant to a Federal or State teacher recognition program.

"(h) LIMITATION.—A contractor entering into a contract under subsection (c)(1) shall not spend more than 5 percent of funds received under the contract for administrative costs.

"Subpart 2—State and Local Activities

"SEC. 2121. PROGRAM AUTHORIZED.

"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.

"SEC. 2122. ALLOCATION OF FUNDS.

"(a) RESERVATION OF FUNDS.—From the amount available to carry out this subpart for any fiscal year, the Secretary shall reserve—

"(1) ½ of 1 percent for the outlying areas, to be distributed among the outlying areas on the basis of their relative need, as determined by the Secretary in accordance with the purposes of this part;

"(2) ½ of 1 percent for the Secretary of the Interior for programs under this part 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 amount available to carry out this subpart and not reserved under subsection (a) 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 1 percent of such amount:

"(1) Fifty 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) Fifty percent shall be allocated among such jurisdictions in accordance with the relative amounts such jurisdictions received under part A of title I for the preceding fiscal year.

"(c) REALLOCATION.—If any jurisdiction does not apply for an allotment under subsection (b) for any fiscal year, the Secretary shall reallocate such amount to the remaining jurisdictions in accordance with that subsection.

"SEC. 2123. WITHIN-STATE ALLOCATIONS.

"Of the amounts received by any State under this subpart for any fiscal year—

"(1) 75 percent shall be available for State level activities under section 2126 and local allowable activities under section 2129(b), of which—

"(A) not more than 5 percent may be used for the administrative costs of the State educational agency;

"(B) not more than 5 percent may be used for State-level activities under section 2126; and

"(C) of the remaining amount—

"(i) 50 percent shall be distributed to local educational agencies—

"(I) for use in accordance with section 2129; and

"(II) in accordance with the relative enrollments in public and private nonprofit elementary and secondary schools within the boundaries of such agencies; and

"(ii) 50 percent of such amount shall be distributed to local educational agencies—

"(I) for use in accordance with section 2129; and

"(II) in accordance with the relative amount such agencies received under part A of title I of this Act for the preceding fiscal year; and

"(2) 25 percent shall be available to the State agency for higher education for activities under section 2130, of which not more than 5 percent may be used for the administrative costs of the State agency for higher education.

"SEC. 2124. PRIORITY FOR PROFESSIONAL DEVELOPMENT IN MATHEMATICS AND SCIENCE.

"(a) APPROPRIATION OF LESS THAN $250,000,000.—In any fiscal year for which the amount appropriated for this part is less than $250,000,000, each State shall ensure that all funds distributed in accordance with section 2123(1)(C) are used for professional development in mathematics and science.

"(b) APPROPRIATION EQUAL TO OR ABOVE $250,000,000.—In any fiscal year for which the amount appropriated for this part is at least $250,000,000, each State shall ensure that the amount of funds distributed in accordance with section 2123(1)(C) 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 at least 10 percent of the amount appropriated for this part for such year in excess of $250,000,000 bears to the total amount appropriated for this part for such year.

"SEC. 2125. STATE APPLICATIONS.

"(a) APPLICATIONS REQUIRED.—Each State educational agency that wishes to receive an 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) IN GENERAL.—Each application under this section shall include a State plan for professional development that satisfies the requirements of this section.

"(2) CONTENTS.—Each such State plan shall—

"(A) be developed in conjunction with the State agency for higher education, nonprofit organizations of demonstrated effectiveness, institutions of higher education or schools of education, and with the extensive participation of local teachers, administrators, and pupil services personnel and show the role of each such entity in implementation of the plan;

"(B) be designed to give teachers, administrators, and pupil services personnel in the State the knowledge and skills necessary to provide all students the opportunity to meet challenging State content standards and challenging State student performance standards;

"(C) include an assessment of State and local needs for professional development specifically related to subparagraph (B);

"(D) describe the need for teacher development beginning with recruitment, preservice, and induction, and continuing throughout the professional teaching career, taking into account the need, as determined by the State, for greater access to and participation in the teaching profession by individuals from historically underrepresented groups;

"(E) describe how the State requirements for licensure of teachers and administrators, including certification and recertification, support challenging State content standards and challenging State student performance standards;

"(F) describe how the State will work with teachers, administrators, parents, local educational agencies, schools, educational service agencies, and institutions of higher education or nonprofit organizations of demonstrated effectiveness to ensure that such individuals or entities develop the capacity to support sustained and intensive, high-quality professional development programs in the core academic subjects;

"(G) describe how the State will prepare all teachers to teach children with diverse learning needs, including children with disabilities;

"(H) describe how the State will prepare teachers, paraprofessionals and pupil services personnel in effective prevention and intervention strategies to—

"(i) alleviate the need, and assure appropriate referral, for special education services; and

"(ii) prepare general and special education staff to work collaboratively to educate students with disabilities placed into general education settings, consistent with such student's individualized education program;

"(I) describe how the State will use technology, including the emerging national information infrastructure, to enhance the professional development of teachers, administrators, and pupil services personnel;

"(J) describe how the State will ensure a strong focus on professional development in mathematics and science taking into account the need for greater access to, and participation in, such disciplines by students from historically underrepresented groups;

"(K) 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 standards and challenging State student performance standards;

"(L) set specific outcome performance indicators for professional development; and

"(M) describe how parents can be involved in professional development programs to enhance their participation in the education of their children.

"(3) DURATION OF THE PLAN.—Each such State plan shall—

"(A) remain in effect for the duration of the State's participation under this subpart; and

"(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this subpart.

"(c) ADDITIONAL MATERIAL.—Each State application shall include—

"(1) a description of how the activities assisted under this subpart will be coordinated, as appropriate, with—

"(A) other activities conducted with Federal funds, especially activities supported under part A of title I of this Act, and parts B and D of the Individuals with Disabilities Education Act;

"(B) State and local funds;

"(C) resources from business and industry, museums, libraries, educational television stations, and public and private nonprofit organizations of demonstrated experience; and

"(D) funds received from 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, the Institute of Museum Services, and the National Endowment for the Humanities; and

"(2) a description of the activities to be sponsored under the State level activities under section 2126 and the higher education activities under section 2130.

"(d) PEER REVIEW AND SECRETARIAL APPROVAL.—

"(1) IN GENERAL.—The Secretary shall approve an application of a State educational agency under this section if such application meets the requirements of this section and holds reasonable promise of achieving the purposes of this part.

"(2) REVIEW.—In reviewing applications under this section, 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.

"SEC. 2126. STATE LEVEL ACTIVITIES.

"Each State may use funds made available under section 2123(1) to carry out activities described in the plan under section 2125(b), such as—

"(1) reviewing and reforming State requirements for teacher and administrator licensure, including certification and recertification, to align such requirements with the State's challenging State content standards and ensure that teachers and administrators have the knowledge and skills necessary to help students meet challenging State student 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 such schools and agencies 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 subjects, including efforts to train teachers in methods for achieving gender equity both in students' access to computers and other educational technology and in teaching practices used in the application of educational technology;

"(6) providing financial or other incentives for teachers to become certified by nationally recognized professional teacher enhancement organizations;

"(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 standards and challenging State student 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, pupil services personnel, and other school staff to ensure that girls and young women, minorities, limited English proficient students, individuals with disabilities, and the economically disadvantaged have the full opportunity to achieve to challenging State content standards and challenging State student 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;

"(10) professional development designed to—

"(A) provide the collaborative skills needed to appropriately serve children with disabilities in the general education setting consistent with such child's individualized education program; and

"(B) develop skills needed for effective prevention and intervention teaching strategies to alleviate the need, or assure appropriate referral, for special education services;

"(11) professional development and recruitment activities designed to increase the numbers of minorities, individuals with disabilities and females teaching in the core academic subjects in which such individuals are underrepresented;

"(12) identifying, developing, or supporting parental involvement programs to better equip parents to participate in the education of their children;

"(13) professional development activities designed to increase the number of women and other underrepresented groups in the administration of schools;

"(14) providing training for local education employees in the area of early childhood development in order to ensure that early childhood development services provided to low-income children below the age of compulsory school attendance comply with the performance standards established under section 641A(a) of the Head Start Act or under section 651 of such Act, as such section 651 was in effect on the day preceding the date of enactment of the Human Services Amendments of 1994; and

"(15) providing technical assistance to teachers, administrators, parents and related services personnel in the area of early childhood development in order to ensure that early childhood development services provided to low-income children below the age of compulsory school attendance comply with the performance standards established under section 641A(a) of the Head Start Act or under section 651 of such Act, as such section 651 was in effect on the day preceding the date of enactment of the Human Services Amendments of 1994.

"SEC. 2127. LOCAL EDUCATIONAL AGENCY APPLICATIONS.

"(a) IN GENERAL.—Each local educational agency that desires 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 3 years.

"(b) CONTENTS.—Each application under this section shall include—

"(1) the local educational agency's plan for professional development that—

"(A) has been developed with the extensive participation of teachers, administrators, staff, and pupil services personnel;

"(B) is aligned with the State's challenging State content standards and challenging State student performance standards;

"(C) includes an assessment of local needs for professional development as identified by the local educational agency and school staff;

"(D) describes a strategy, tied to challenging State content standards and challenging State student performance standards, for addressing those needs;

"(E) includes strong academic content and pedagogical components;

"(F) takes into account the need for greater access to and participation in the core academic subjects, especially in mathematics and science, by students from historically underrepresented groups;

"(G) is of sufficient intensity and duration to have a positive and lasting impact on the student's performance in the classroom; and

"(H) sets specific outcome performance indicators;

"(2) an assurance that the activities conducted with the funds such agency received under this subpart will be assessed at least every three years using the outcome performance indicators to determine the effectiveness of such activities;

"(3) a description of how the programs funded under this subpart will be coordinated, as appropriate, with—

"(A) services of educational service agencies;

"(B) services of institutions of higher education;

"(C) State and local funds;

"(D) resources provided under part A of title I and other provisions of this Act;

"(E) resources from business, industry, museums, libraries, educational television stations, and public and private nonprofit organizations of demonstrated experience;

"(F) resources provided under parts B, D and H of the Individuals with Disabilities Education Act; and

"(G) funds received 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, the Institute of Museum Services, and the National Endowment for the Humanities;

"(4) an identification of the sources of funding that will provide the local educational agency's contribution under section 2128; and

"(5) a description of the strategies to be employed to more fully and effectively involve parents in the education of their children.

"(c) DURATION OF THE PLAN.—Each local plan described in subsection (b)(1) shall—

"(1) remain in effect for the duration of the local educational agency's participation under this subpart; and

"(2) be periodically reviewed and revised by the local educational agency, as necessary, to reflect changes in the local educational agency's strategies and programs under this subpart.

"SEC. 2128. LOCAL COST-SHARING.

"(a) IN GENERAL.—Each local educational agency shall provide at least 33 percent of the cost of the activities assisted under this subpart, excluding the cost of services provided to private school teachers.

"(b) AVAILABLE RESOURCES FOR COST-SHARING.—

"(1) IN GENERAL.—A local educational agency may meet the requirement of subsection (a) through one or more of the following:

"(A) Cash expenditures from non-Federal sources directed toward professional development activities.

"(B) Release time for teachers participating in professional development assisted under this subpart.

"(C) Funds received under one or more of the following programs, so long as such funds are used for professional development activities consistent with this subpart and the statutes under which such funds were received, and are used to benefit students and teachers in schools that otherwise would have been served with such funds:

"(i) Part A of title I.

"(ii) Parts B and D of the Individuals with Disabilities Education Act.

"(iii) The Safe and Drug-Free Schools and Communities program under part A of title V.

"(iv) Bilingual Education Programs under part A of title VII.

"(v) The Women's Educational Equity Act of 1994.

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

"(vii) Programs that are related to the purposes of this Act that are administered by other Federal agencies, including the National Science Foundation, the National Endowment for the Humanities, the National Endowment for the Arts, the Institute of Museum Services, and the Department of Energy.

"(2) SPECIAL RULE.—A local educational agency may meet the requirement of subsection (a) through contributions described in paragraph (1) that are provided in cash or in kind, fairly evaluated.

"SEC. 2129. LOCAL ALLOCATION OF FUNDS AND ALLOWABLE ACTIVITIES.

"(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, administrators, pupil services personnel, parents, and other staff of individual schools in a manner that—

"(A) is determined by such teachers and staff;

"(B) to the extent practicable, takes place at the individual school site; and

"(C) is consistent with the local educational agency's application under section 2127, any school plan under part A of title I, and any other plan for professional development carried out with Federal, State, or local funds that emphasizes sustained, ongoing activities; and

"(2) may use not more than 20 percent of such funds for school district-level professional development activities, including the

participation of administrators, policymakers, and parents.

"(b) AUTHORIZED ACTIVITIES.—Each local educational agency and school that receives funds under this subpart shall use such 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, pupil services personnel, or other staff from individual schools, to support teaching consistent with challenging State content standards and challenging State student performance standards and to create a school environment conducive to high achievement in the core academic subjects;

"(2) support and time, which in the case of teachers may include release time with pay, for teachers, pupil services personnel, and other school staff to enable such teachers, personnel, and staff to participate in professional development in the core academic subjects that are offered through professional associations, universities, and other providers such as community-based organizations, science centers and museums;

"(3) support and time, which in the case of teachers may include release time with pay, for teachers, pupil services personnel 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) support and time for teachers, pupil services personnel and other school staff to learn and implement effective collaboration—

"(A) for the instruction of children with disabilities placed into general education settings, consistent with such child's individualized education program; and

"(B) in prevention and intervention strategies to alleviate the need for, or assure appropriate, referrals of children for special education services;

"(5) professional development which incorporates effective strategies, techniques, methods, and practices for meeting the educational needs of diverse groups of students, including females, minorities, individuals with disabilities, limited-English proficient individuals and economically disadvantaged individuals;

"(6) peer training and mentoring programs, including cross-generational mentoring, in the core academic subjects and in the developmental, social, emotional and mental health needs of children;

"(7) establishment and maintenance of local professional networks that provide a forum for interaction among teachers and pupil services personnel and that allow exchange of information on advances in content and pedagogy;

"(8) activities that provide followup 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;

"(9) preparing teachers and pupil services personnel to work with parents and families on fostering student achievement in the core academic subjects;

"(10) preparing teachers in the effective use of educational technology and assistive technology as instructional tools for increasing student understanding of the core academic subjects;

"(11) establishing policies to permit teachers to meet pay ladder requirements by demonstrating content and pedagogical competence rather than by only meeting course requirements;

"(12) professional development to enable teachers, pupil services personnel, 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 content standards and challenging State student performance standards in the core academic subjects;

"(13) 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;

"(14) professional development activities and other support for new teachers as such teachers transition into the classroom to provide such teachers with practical support and increase retention;

"(15) professional development for teachers, parents, early childhood educators, administrators, and other staff to support activities and services related to the Transition to Success program developed under part B of title I;

"(16) developing incentive strategies for rewarding teachers, administrators, and pupil services personnel collectively in schools that sustain high performance or consistent growth in the number of their students who meet the challenging State content standards and challenging State student performance standards;

"(17) providing financial or other incentives for teachers to become certified by nationally recognized professional teacher enhancement programs;

"(18) developing strategies and programs to more effectively involve parents in the education of their children;

"(19) professional development activities designed to increase the number of women and other underrepresented groups in the administration of schools;

"(20) release time with pay for teachers;

"(21) professional development in experiential-based teaching methods such as service learning; and

"(22) support for partnerships between (A) schools, consortia of schools, or local educational agencies, and (B) institutions of higher education, including schools of education, that encourage teachers to participate in intensive, ongoing professional development programs, both academic and pedagogical, at institutions of higher education, and encourage students at institutions of higher education studying to become teachers to have direct, practical experience at schools.

"SEC. 2130. HIGHER EDUCATION ACTIVITIES.

"(a) IN GENERAL.—

"(1) IN GENERAL.—From amounts made available under section 2123(2), the State agency for higher education, working in conjunction with the State educational agency (if such agencies are separate), shall award grants to, or enter into contracts or cooperative agreements with, institutions of higher education or private nonprofit organizations working in conjunction with local educational agencies, for professional development activities in the core academic subjects that contribute to the State plan for professional development.

"(2) COMPETITIVE BASIS.—Each grant, contract or cooperative agreement described in paragraph (1) shall be awarded on a competitive basis.

"(3) JOINT EFFORTS.—Each activity assisted under this section, where applicable, shall involve the joint effort of the institution of higher education's school or department of education, if any, 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 such funds for—

"(1) sustained and intensive high-quality professional development for teams of teachers, or teachers, pupil services personnel and administrators from individual schools or school districts;

"(2) preservice training activities; and

"(3) other sustained and intensive professional development activities related to achievement of the State plan for professional development.

"(c) PARTNERSHIPS.—Each institution of higher education receiving a grant under this section may also enter into a partnership with a private industry, museum, library, educational television station, or public or private nonprofit organization of demonstrated experience to carry out professional development activities assisted under this section.

"SEC. 2131. CONSORTIUM REQUIREMENT.

"(a) IN GENERAL.—Any local educational agency receiving a grant under this part of less than $10,000 shall form a consortium with another local educational agency or an educational service agency serving another local educational agency to be eligible to participate in programs assisted under this part.

"(b) WAIVER.—The Chief State School Officer may waive the requirements of subsection (a) if distances or traveling time between schools make formation of the consortium more costly or less effective.

"(c) SPECIAL RULE.—Each consortium shall rely, as much as possible, on technology or other arrangements to deliver staff development tailored to the needs of each school or school district participating in a consortium described in subsection (a).

"Subpart 3—Professional Development Demonstration Project

"SEC. 2141. FINDINGS AND PURPOSE.

"(a) FINDINGS.—The Congress finds that—

"(1) underlying the standards-driven framework of the Goals 2000: Educate America Act and the high academic standards for eligible students under title I is a widespread need to prepare teachers to teach to higher standards;

"(2) prospective and current teachers need knowledge and skills beyond what such teachers currently possess;

"(3) while both the Goals 2000: Educate America Act and titles I and II have extensive references to professional development of teachers, there are no provisions to incorporate 'on-the-ground' planning and implementation to serve as models for local educational agencies across the Nation; and

"(4) better prepared teachers can lead to improved student achievement, especially for students who are furthest from reaching high standards.

"(b) PURPOSE.—It is the purpose of this subpart—

"(1) to address the need for professional development with a primary focus on teachers;

"(2) to provide both prospective teachers and current teachers opportunities to learn

both the content and the pedagogy needed to teach to high standards; and

"(3) to build models, in a few cities and States, that demonstrate new organizational arrangements and deep investments in teachers necessary to better prepare teachers for new standards and assessments.

"SEC. 2142. DEMONSTRATION PROGRAM AUTHORIZED.

"(a) GENERAL AUTHORITY.—

"(1) IN GENERAL.—The Secretary shall carry out a demonstration project under which the Secretary awards grants in accordance with this subpart to eligible partnerships to enable such partnerships to plan and implement professional development programs.

"(2) PROGRAM REQUIREMENTS.—The programs described in paragraph (1)—

"(A) shall focus on increasing teachers' knowledge and understanding of content by providing teachers opportunities to improve their knowledge and to improve their classroom practice in order to help students meet high academic standards;

"(B) shall include teachers at all career stages, from student teachers or interns through senior team leaders or department chairs; and

"(C) may incorporate professional development for principals, pupil services personnel, aides, other school-based staff, and parents.

"(b) ELIGIBLE PARTNERSHIPS.—For the purpose of this subpart the term 'eligible partnership' means a partnership consisting of—

"(1) a local educational agency, a subunit of such agency, or a consortium of such agencies, in which at least 50 percent of the schools served by such agency, subunit, or consortium are eligible to participate in schoolwide programs under section 1114; or

"(2) other partners that—

"(A) shall include, at a minimum, a teachers' union (if appropriate), one or more institutions of higher education which may include faculty from schools of education and faculty from schools of arts and sciences, and a local parent or community council; and

"(B) may include a business partner or a nonprofit organization with a demonstrated record in staff development.

"SEC. 2143. GRANTS.

"(a) AUTHORITY.—

"(1) IN GENERAL.—The Secretary shall award grants for planning, and grants for the implementation of, professional development programs under this subpart.

"(2) DISTRIBUTION.—The Secretary shall award not less than 75 percent of the funds available for grants under this part to eligible partnerships serving the schools with the greatest number of poor students. To the extent possible, such grants shall be awarded to eligible partnerships serving both rural and urban school districts and in a manner that reflects geographic and racial diversity.

"(3) NUMBER OF GRANTS.—In the first year that the Secretary awards grants under this subpart, the Secretary shall award at least twice as many planning grants as implementation grants in order to receive well-developed plans for long-term funding under this subpart.

"(b) GRANT REQUIREMENTS.—

"(1) DURATION.—The Secretary shall award—

"(A) planning grants under this subpart for a period of not less than 6 months and not more than 9 months; and

"(B) implementation grants under this subpart for a period of four fiscal years.

"(2) AMOUNT.—The Secretary shall award grants under this subpart in an amount determined on the basis of the size of the program and the level of investment the eligible partnership is making in teacher development in the area served by the eligible partnership, including local, State, and Federal funds and existing higher education resources, except that no grant under this subpart shall exceed $500,000 in any one fiscal year.

"SEC. 2144. PLAN.

"Each eligible partnership desiring assistance under this subpart shall develop a plan for the program to be assisted under this subpart. Such plan shall—

"(1) identify clearly how such plan will support an overall systemic reform strategy giving special attention to the role of teacher preparation for new standards and assessment;

"(2) describe the eligible partnership's instructional objectives and how the professional development activities will support such objectives;

"(3) specify the organizational arrangements and delivery strategies to be used, such as teacher centers, professional development schools, teacher networks, academic alliances, as well as the curriculum for teachers;

"(4) specify the commitments the local educational agencies, teacher's union, institutions of higher education or any other entity participating in such partnership are prepared to make, not only to support program activities such as release time, contractual flexibility, support for interns or student teachers if applicable, but also to sustain the central aspects of the plan after the expiration of the grant; and

"(5) describe how the activities described under this subpart will lead to districtwide policy and budget changes.

"SEC. 2145. TECHNICAL ASSISTANCE.

"The Secretary is authorized to enter into an arrangement with an intermediary organization to enable such organization to provide technical assistance to eligible partnerships receiving assistance under this subpart.

"SEC. 2146. MATCHING FUNDS.

"The Secretary shall give special priority to awarding grants under this subpart to eligible partnerships that demonstrate such partnership's ability to raise matching funds from private sources.

"Subpart 4—General Provisions

"SEC. 2151. REPORTING AND ACCOUNTABILITY.

"(a) STATES.—Each State that receives funds under this part shall submit a report to the Secretary every three years, beginning with fiscal year 1997, on the State's progress toward the outcome performance indicators identified in such State's State plan, as well as on the effectiveness of State and local activities assisted 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, beginning with fiscal year 1997, regarding the progress of such agency toward outcome performance indicators identified in such agency's local plan, as well as on the effectiveness of such agency's activities under this part.

"(c) FEDERAL EVALUATION.—The Secretary shall report to the President and the Congress on the effectiveness of programs and activities assisted under this part in accordance with section 10701.

"SEC. 2152. DEFINITIONS.

"As used in this part—

"(1) the term 'core academic subjects' means subjects such as English, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography;

"(2) the term 'sustained and intensive high-quality professional development' means professional development activities that—

"(A) are tied to challenging State content standards, challenging State student performance standards, voluntary national content standards or voluntary national student performance standards;

"(B) reflect up-to-date research in teaching and learning and include integrated content and pedagogical components appropriate for students with diverse learning needs;

"(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 identify as assessing progress toward the goal of ensuring that all teachers have the knowledge and skills necessary to assist their students to meet challenging State content standards and challenging State student performance standards in the core academic subjects, such as—

"(A) the degree to which licensure requirements are tied to challenging State content standards and challenging State student performance standards;

"(B) specific increases in the number of teachers who are certified by the National Board for Professional Teaching Standards or other nationally recognized professional teacher enhancement organizations;

"(C) pass rates on teacher examinations for initial and continuing certification or licensure;

"(D) specific increases in the number of elementary and secondary teachers with strong content backgrounds in the core academic subjects; and

"(E) specific increases in the number of teachers licensed in each core academic subject; and

"(4) the term 'prevention', when used with respect to strategies, includes activities conducted to—

"(A) detect and overcome early manifestations of learning, health and social, and behavioral, problems that may impede later student learning and school achievement;

"(B) prevent students from failing to achieve commensurate with their abilities; and

"(C) alleviate the need, or increase the probability of appropriate referrals, for special education services.

"PART B—NATIONAL WRITING PROJECT

"SEC. 2201. SHORT TITLE.

"This part may be cited as the 'National Writing Project Act'.

"SEC. 2202. FINDINGS.

"The Congress finds that—

"(1) the United States faces a crisis in writing in schools and in the workplace;

"(2) the writing problem has been magnified by the rapidly changing student populations in the Nation's schools and the growing number of students who are at risk because of limited English proficiency;

"(3) over the past 2 decades, universities and colleges across the country have reported increasing numbers of entering freshmen who are unable to write at a level equal to the demands of college work;

"(4) American businesses and corporations are concerned about the limited writing skills of entry-level workers, and a growing number of executives are reporting that advancement was denied to such executives due to inadequate writing abilities;

"(5) writing and reading are both fundamental to learning, yet writing has been historically

neglected in the schools and colleges, and most teachers in the United States elementary schools, secondary schools, and colleges have not been trained to teach writing;

"(6) since 1973, the only national program to address the writing problem in the Nation's schools has been the National Writing Project, a network of collaborative university-school programs whose goal is to improve the quality of student writing and the teaching of writing at all grade levels and to extend the uses of writing as a learning process through all disciplines;

"(7) the National Writing Project offers summer and school year inservice teacher training programs and a dissemination network to inform and teach teachers of developments in the field of writing;

"(8) the National Writing Project is a nationally recognized and honored nonprofit organization that recognizes that there are teachers in every region of the United States who have developed successful methods for teaching writing and that such teachers can be trained and encouraged to train other teachers;

"(9) the National Writing Project has become a model for programs to improve teaching in such other fields as mathematics, science, history, literature, performing arts, and foreign languages;

"(10) the National Writing Project teacher-teaching-teachers program identifies and promotes what is working in the classrooms of the Nation's best teachers;

"(11) the National Writing Project teacher-teaching-teachers project is a positive program that celebrates good teaching practices and good teachers and through its work with schools increases the Nation's corps of successful classroom teachers;

"(12) evaluations of the National Writing Project document the positive impact the project has had on improving the teaching of writing, student performance, and student thinking and learning ability;

"(13) the National Writing Project programs offer career-long education to teachers, and teachers participating in the National Writing Project receive graduate academic credit;

"(14) each year over 100,000 teachers voluntarily seek training in National Writing Project intensive summer institutes and workshops and school-year inservice programs through one of the 154 regional sites located in 45 States, the Commonwealth of Puerto Rico, and in four sites that serve United States teachers teaching in United States dependent and independent schools;

"(15) 250 National Writing Project sites are needed to establish regional sites to serve all teachers;

"(16) private foundation resources, although generous in the past, are inadequate to fund all of the National Writing Project sites needed and the future of the program is in jeopardy without secure financial support;

"(17) independent evaluation studies have found the National Writing Project to be highly cost-effective compared to other professional development programs for teachers; and

"(18) during 1991, the first year of Federal support for the National Writing Project, the National Writing Project matched the $1,951,975 in Federal support with $9,485,504 in matching funds from State, local, and other sources.

"SEC. 2203. NATIONAL WRITING PROJECT.

"(a) AUTHORIZATION.—The Secretary is authorized to make a grant to the National Writing Project (hereafter in this section referred to as the 'grantee'), a nonprofit educational organization which has as its primary purpose the improvement of the quality of student writing and learning, and the teaching of writing as a learning process in the Nation's classrooms—

"(1) to support and promote the establishment of teacher training programs, including the dissemination of effective practices and research findings regarding the teaching of writing and administrative activities;

"(2) to support classroom research on effective teaching practice and to document student performance;

"(3) to coordinate activities assisted under this section with activities assisted under part A; and

"(4) to pay the Federal share of the cost of such programs.

"(b) REQUIREMENTS OF GRANT.—The grant shall provide that—

"(1) the grantee will enter into contracts with institutions of higher education or other nonprofit educational providers (hereafter in this section referred to as 'contractors') under which the contractors will agree to establish, operate, and provide the non-Federal share of the cost of teacher training programs in effective approaches and processes for the teaching of writing;

"(2) funds made available by the Secretary to the grantee pursuant to any contract entered into under this section will be used to pay the Federal share of the cost of establishing and operating teacher training programs as provided in paragraph (1); and

"(3) the grantee will meet such other conditions and standards as the Secretary determines to be necessary to assure compliance with the provisions of this section and will provide such technical assistance as may be necessary to carry out the provisions of this section.

"(c) TEACHER TRAINING PROGRAMS.—The teacher training programs authorized in subsection (a) shall—

"(1) be conducted during the school year and during the summer months;

"(2) train teachers who teach grades kindergarten through college;

"(3) select teachers to become members of a National Writing Project teacher network whose members will conduct writing workshops for other teachers in the area served by each National Writing Project site; and

"(4) encourage teachers from all disciplines to participate in such teacher training programs.

"(d) FEDERAL SHARE.—

"(1) IN GENERAL.—Except as provided in paragraph (2) or (3) and for purposes of subsection (a), the term 'Federal share' means, with respect to the costs of teacher training programs authorized in subsection (a), 50 percent of such costs to the contractor.

"(2) WAIVER.—The Secretary may waive the provisions of paragraph (1) on a case-by-case basis if the National Advisory Board described in subsection (f) determines, on the basis of financial need, that such waiver is necessary.

"(3) MAXIMUM.—The Federal share of the costs of teacher training programs conducted pursuant to subsection (a) may not exceed $40,000 for any one contractor, or $200,000 for a statewide program administered by any one contractor in at least five sites throughout the State.

"(e) CLASSROOM TEACHER GRANTS.—

"(1) IN GENERAL.—The National Writing Project may reserve an amount not to exceed 5 percent of the amount appropriated pursuant to the authority of this section to make grants, on a competitive basis, to elementary and secondary school teachers to enable such teachers to—

"(A) conduct classroom research;

"(B) publish models of student writing;

"(C) conduct research regarding effective practices to improve the teaching of writing; and

"(D) conduct other activities to improve the teaching and uses of writing.

"(2) SUPPLEMENT AND NOT SUPPLANT.—Grants awarded pursuant to paragraph (1) shall be used to supplement and not supplant State and local funds available for the purposes set forth in paragraph (1).

"(3) MAXIMUM GRANT AMOUNT.—Each grant awarded pursuant to this subsection shall not exceed $2,000.

"(f) NATIONAL ADVISORY BOARD.—

"(1) ESTABLISHMENT.—The National Writing Project shall establish and operate a National Advisory Board.

"(2) COMPOSITION.—The National Advisory Board established pursuant to paragraph (1) shall consist of—

"(A) national educational leaders;

"(B) leaders in the field of writing; and

"(C) such other individuals as the National Writing Project deems necessary.

"(3) DUTIES.—The National Advisory Board established pursuant to paragraph (1) shall—

"(A) advise the National Writing Project on national issues related to student writing and the teaching of writing;

"(B) review the activities and programs of the National Writing Project; and

"(C) support the continued development of the National Writing Project.

"(g) EVALUATION.—The Secretary shall conduct an independent evaluation by grant or contract of the teacher training programs administered pursuant to this Act in accordance with section 10701. Such evaluation shall specify the amount of funds expended by the National Writing Project and each contractor receiving assistance under this section for administrative costs. The results of such evaluation shall be made available to the appropriate committees of the Congress.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the grant to the National Writing Project, $4,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out the provisions of this section.

"PART C—SUPPORT AND ASSISTANCE FOR ESEA PROGRAMS

"Subpart 1—Comprehensive Regional Centers

"SEC. 2301. FINDINGS.

"The Congress finds that—

"(1) high-quality technical assistance can enhance the improvements in teaching and learning achieved through the implementation of programs assisted under this Act;

"(2) comprehensive technical assistance is an essential ingredient of the overall strategy of the Improving America's Schools Act of 1994 to improve programs and to provide all children opportunities to meet challenging State content standards and challenging State student performance standards;

"(3) States, local educational agencies, and schools serving students with special needs, such as students with limited-English proficiency and students with disabilities, 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 content standards and challenging State student performance 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 meet challenging State content standards and challenging State student performance standards, as such schools and systems implement programs under this Act;

"(7) comprehensive technical assistance will provide one-stop shopping to help States, local educational agencies, participating colleges and universities, and schools integrate Federal, State, local education and pupil services programs in ways that contribute to improving schools and entire school systems; and

"(8) technical assistance in support of programs assisted 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.

"SEC. 2302. PURPOSE.

"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;

"(2) implementing school reform programs; and

"(3) coordinating such programs with other Federal, State, and local education activities, so that all students are provided opportunities to meet challenging State content standards and challenging State student performance standards.

"SEC. 2303. PROGRAM AUTHORIZED.

"(a) COMPREHENSIVE REGIONAL CENTERS.—Notwithstanding section 6205, the Secretary is authorized to establish one center in each of the Department's ten regions, and one center at the Pacific Regional Education Laboratory in Honolulu, Hawaii, and may establish field offices for each such center, in order to provide comprehensive technical assistance to States, local educational agencies, schools, and other recipients of funds under this Act in the 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 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, community-based organizations, and others who are recipients of funds under this Act.

"SEC. 2304. ELIGIBLE ENTITIES.

"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 such agencies and organizations.

"SEC. 2305. COMPREHENSIVE REGIONAL CENTERS.

"Each comprehensive regional center established under section 2303(a) shall—

"(1) maintain staff expertise in at least all of the following areas:

"(A) instruction, curriculum improvement, school reform, pupil services, and other aspects of title I;

"(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, pupil services personnel, other school staff, and administrators to help students meet challenging State content standards and challenging State student 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;

"(I) the special needs of students living in rural areas and the special needs of local educational agencies serving rural areas; and

"(J) program evaluation;

"(2) ensure that technical assistance staff have sufficient training, knowledge, and expertise in how to integrate and coordinate programs assisted under this Act, as well as integrating and coordinating programs assisted under this Act 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-effective strategies possible;

"(5) provide information and assistance regarding exemplary and promising practices;

"(6) work collaboratively, and coordinate the services such center provides, with the general reform assistance provided by the regional educational laboratories and the National Diffusion Network State Facilitators 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.

"SEC. 2306. INFORMATION COLLECTION AND EVALUATION.

"The Secretary shall evaluate activities assisted under this part, and shall report to the President and the Congress on the effectiveness of such activities by January 1, 1998.

"SEC. 2307. TRANSITION.

"(a) IN GENERAL.—The Secretary shall use funds appropriated to carry out this part for at least fiscal years 1995 and 1996 in order to ensure an orderly transition and phase-in of the comprehensive regional centers assisted under this subpart.

"(b) EXTENSION OF PREVIOUS CENTERS.—In accordance with subsection (a), and notwithstanding any other provisions of law, the Secretary shall use funds appropriated to carry out this part to draw on the expertise of staff and services from existing categorical assistance centers assisted under this Act (as such Act was in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994) and, where appropriate and feasible, to continue to support, through grants or the extension of awards, such centers in order to ensure that services will not be interrupted, curtailed, or substantially diminished.

"SEC. 2308. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this subpart, there are authorized to be appropriated $70,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"Subpart 2—National Diffusion Network

"SEC. 2311. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—In order to increase the effectiveness of the comprehensive regional centers established under subpart 1 and to promote school reform, the Secretary shall carry out a State-based outreach, consultation, and dissemination program through the National Diffusion Network and its State Facilitators. To carry out such program, the Secretary shall make one or more awards in each State to public educational agencies or public or private nonprofit educational organizations or institutions to assist State and local educational agencies, schools, and other appropriate educational entities in that State to identify and implement exemplary or promising educational programs and practices.

"(b) STATE FACILITATOR ACTIVITIES.—The National Diffusion Network State Facilitators for each State shall—

"(1) identify educational programs and practices for possible dissemination throughout the State and Nation;

"(2) identify needs for assistance throughout the State, including educational technology needs;

"(3) provide professional development and technical assistance services;

"(4) promote and facilitate teacher networks throughout the State; and

"(5) provide such other outreach, coordination, and dissemination services as may be necessary to achieve the purposes of this subpart.

"(c) COORDINATION AND ADMINISTRATION.—

"(1) COORDINATION.—The National Diffusion Network State Facilitators shall work in close cooperation, and coordinate their activities, with the comprehensive regional centers established under subpart 1.

"(2) ADMINISTRATION.—The National Diffusion Network State Facilitators program shall be administered by the Office of Reform Assistance and Dissemination established under section 941(b) of the Educational Research, Development, Dissemination, and Improvement Act of 1994.

"(d) NATIONAL DIFFUSION NETWORK EFFECTIVE PROGRAMS AND PROMISING PRACTICES SYSTEM.—The Secretary shall develop a system of validating effective programs and promising practices for dissemination through the National Diffusion Network. Such system may include exemplary programs funded through any office of the Department, the National Science Foundation, or other Federal agencies. Such system shall be coordinated, aligned with, and administered by the Office of Reform Assistance and Dissemination established under section 941(b) of the Educational Research, Development, Dissemination, and Improvement Act of 1994. The Secretary shall give priority to identifying, validating, and disseminating effective schoolwide projects, programs addressing the needs of high poverty schools, and programs with the capacity to offer high-quality, sustained technical assistance. The Office of Educational Research and Improvement Office of Reform Assistance and Dissemination shall also administer a grant program for the purpose of dissemination and the provision of technical assistance regarding such system.

"SEC. 2312. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this subpart, there are authorized to be appropriated $25,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"Subpart 3—Eisenhower Regional Mathematics and Science Education Consortiums

"SEC. 2321. PROGRAM ESTABLISHED.

"(a) IN GENERAL.—

"(1) GRANTS AUTHORIZED.—The Secretary, in consultation with the Director of the National Science Foundation, is authorized to award grants or contracts to eligible entities to enable such entities to establish and operate regional mathematics and science education consortia for the purpose of—

"(A) disseminating exemplary mathematics and science education instructional materials; and

"(B) providing technical assistance for the implementation of teaching methods and assessment tools for use by elementary and secondary school students, teachers and administrators.

"(2) NUMBER.—The Secretary shall, in accordance with the provisions of this section, award

at least 1 grant or contract to an eligible entity in each region.

"(3) SPECIAL RULE.—In any fiscal year, if the amount made available pursuant to section 2328 is less than $4,500,000, then the Secretary may waive the provisions of paragraph (2) and award grants or contracts of sufficient size, scope and quality to carry out this section.

"(4) DESIGNATION.—Each regional consortium assisted under this section shall be known as an 'Eisenhower regional consortium'.

"(b) GRANT TERM AND REVIEW.—Grants or contracts under this subpart shall be awarded for a period of not more than 5 years and shall be reviewed before the end of the 30-month period beginning on the date the grant or contract is awarded. Grants or contracts under this subpart shall be awarded before the end of the 12-month period beginning on the date of the enactment of an Act making appropriations to carry out the provisions of this subpart.

"(c) AMOUNT.—In awarding grants or contracts under this subpart, the Secretary shall assure that there is a relatively equal distribution of the funds made available among the regions, but the Secretary may award additional funds to a regional consortium on the basis of population and geographical conditions of the region being served.

"SEC. 2322. USE OF FUNDS.

"Funds provided under this subpart may be used by a regional consortium, under the direction of a regional board established pursuant to section 2324, to—

"(1) work cooperatively with the other regional consortiums and the Eisenhower National Clearinghouse for Science and Mathematics Education established under section 2123 to more effectively accomplish the activities described in this section;

"(2) assist, train and provide technical assistance to classroom teachers, administrators, and other educators to identify, implement, assess or adapt the instructional materials, teaching methods and assessment tools described in paragraph (1);

"(3) provide for the training of classroom teachers to enable such teachers to instruct other teachers, administrators, and educators in the use of the instructional materials, teaching methods and assessment tools described in paragraph (1) in the classroom;

"(4) when necessary, provide financial assistance to enable teachers and other educators to attend and participate in the activities of the regional consortium;

"(5) implement programs and activities designed to meet the needs of groups that are underrepresented in, and underserved by, mathematics and science education;

"(6) assist State and local educational agencies in identifying science equipment needs and help such agencies or consortia thereof assess the need for and desirability of regional mathematics and science academies;

"(7) develop and disseminate early childhood education mathematics and science instructional materials;

"(8) disseminate information regarding informal mathematics and science education activities and programs offered by Federal agencies and private or public agencies and institutions within the region;

"(9) collect data on activities assisted under this subpart in order to evaluate the effectiveness of the activities of the regional consortiums;

"(10) identify exemplary teaching practices and materials from within the region and communicate such practices and materials to the Eisenhower National Clearinghouse for Mathematics and Science Education;

"(11) communicate, on a regular basis, with entities within the region who are delivering services to students and teachers of mathematics and science;

"(12) assist in the development and evaluation of State and regional plans and activities that hold promise of bringing about systemic reform in student performance in mathematics and science; and

"(13) increase the use of informal education entities (such as science technology centers, museums, libraries, Saturday academies, and 4H programs) for educational purposes to expand student knowledge and understanding.

"SEC. 2323. APPLICATION AND REVIEW.

"(a) IN GENERAL.—Each eligible entity desiring a grant or contract under this subpart shall submit an application to the Secretary at such time, in such manner, and accompanied by such additional information as the Secretary may reasonably require. Each such application shall—

"(1) demonstrate that the eligible entity has demonstrated expertise in the fields of mathematics and science education;

"(2) demonstrate that the eligible entity shall implement and disseminate mathematics and science education instructional materials, teaching methods, and assessment tools through a consortium of the region's mathematics and science education organizations and agencies;

"(3) demonstrate that the eligible entity shall carry out the functions of the regional consortium;

"(4) demonstrate that emphasis will be given to programs and activities designed to meet the needs of groups that are underrepresented in, and underserved by, mathematics and science education;

"(5) demonstrate that the business community in the region served by the regional consortium will play an integral role in designing and supporting the regional consortium's work;

"(6) demonstrate that the eligible entity will consider the resources of existing Star Schools consortia established pursuant to the Star Schools Program Assistance Act in carrying out the provisions of this subpart, where appropriate; and

"(7) assure that the entity will conduct its activities and supervise its personnel in a manner that effectively ensures compliance with the copyright laws of the United States under title 17, United States Code.

"(b) APPROVAL OF APPLICATION.—

"(1) IN GENERAL.—The Secretary shall approve or disapprove applications submitted pursuant to subsection (a) in accordance with the criteria and procedures established under paragraph (2).

"(2) PROCEDURES AND CRITERIA.—The Secretary shall develop procedures and criteria designed to ensure that grants or contracts are awarded on the basis of merit as determined by the competitive peer review process described in paragraph (3).

"(3) NATIONAL PANEL.—(A) The Secretary, in consultation with the Director, shall establish a national panel, or to the extent necessary, panels, to submit to the Secretary recommendations for awards of grants or contracts under this subpart. The Secretary shall appoint the members of such panel or panels.

"(B) Each panel appointed under subparagraph (A) shall include participation, to the extent feasible, from each region.

"SEC. 2324. REGIONAL BOARDS.

"(a) IN GENERAL.—Each eligible entity receiving a grant or contract under this subpart shall establish a regional board to oversee the administration and establishment of program priorities for the regional consortium established by such eligible entity. Such regional board shall be broadly representative of the agencies and organizations participating in the regional consortium.

"(b) PROHIBITION ON USE OF FEDERAL FUNDS.—No Federal funds may be used for the establishment or operation of a regional board required by subsection (a), except that at the discretion of a regional board, Federal funds may be used to provide assistance such as travel and accommodations for board members who could not otherwise afford to participate as members of the board.

"SEC. 2325. PAYMENTS; FEDERAL SHARE; NON-FEDERAL SHARE.

"(a) PAYMENTS.—The Secretary shall pay to each eligible entity having an application approved under section 2323 the Federal share of the cost of the activities described in the application.

"(b) FEDERAL SHARE.—For the purpose of subsection (a), the Federal share shall be 80 percent.

"(c) NON-FEDERAL SHARE.—The non-Federal share of the cost of activities described in the application submitted pursuant to this section may be in cash or in kind, fairly evaluated. At least 10 percent of such non-Federal share shall be from sources other than the Federal Government or State or local government.

"SEC. 2326. EVALUATION.

"(a) EVALUATION REQUIRED.—The Secretary, through the Office of Educational Research and Improvement and in accordance with section 10701, shall collect sufficient data on, and evaluate the effectiveness of, the activities of each regional consortium.

"(b) ASSESSMENT.—The evaluations described in paragraph (1) shall include an assessment of the effectiveness of the regional consortium in meeting the needs of the schools, teachers, administrators and students in the region.

"(c) REPORT.—At the end of each grant or contract period, the Secretary shall submit to the Congress a report on the effectiveness of the programs conducted at each regional consortium.

"SEC. 2327. DEFINITIONS.

"For purposes of this subpart:

"(1) The term 'eligible entity' means—

"(A) a private nonprofit organization of demonstrated effectiveness;

"(B) an institution of higher education;

"(C) an elementary or secondary school;

"(D) a State or local educational agency;

"(E) a regional educational laboratory in consortium with the research and development center established under section 931(c)(1)(B)(i) of the Educational Research, Development, Dissemination, and Improvement Act of 1994; or

"(F) any combination of the entities described in subparagraphs (A) through (E),

with demonstrated expertise in mathematics and science education.

"(2) The terms 'mathematics' and 'science' include the technology education associated with such mathematics and science, respectively.

"(3) The term 'region' means a region of the United States served by a regional education laboratory that is supported by the Secretary pursuant to section 405(d)(4)(A)(i) of the General Education Provisions Act (as such section was in existence on the day preceding the date of enactment of the Goals 2000: Educate America Act.

"(4) The term 'regional consortium' means each regional mathematics and science education consortium established pursuant to section 2311.

"(5) The term 'State agency for higher education' means the State board of higher education or other agency or officer primarily responsible for the State supervision of higher education, or, if there is no such officer or agency, an officer or agency designated for the purpose of this title by the Governor or by State law.

"SEC. 2328. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $23,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this subpart.

"PART D—TERRITORIAL TEACHER TRAINING PROGRAM

"SEC. 2401. TERRITORIAL TEACHER TRAINING PROGRAM.

"There are authorized to be appropriated $2,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, for the purpose of assisting teacher training programs in Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau. From the sums appropriated pursuant to this section the Secretary shall make grants and enter into contracts for the purpose of providing training to teachers in schools in Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau. The Secretary may make grants to or contracts with any organization considered qualified to provide training for teachers in such schools and shall allot such sums among such territories on the basis of the need for such training.

"PART E—TELECOMMUNICATIONS DEMONSTRATION PROJECT FOR MATHEMATICS

"SEC. 2501. PROJECT AUTHORIZED.

"The Secretary is authorized to make grants to a nonprofit telecommunications entity, or partnership of such entities, for the purpose of carrying out a national telecommunications-based demonstration project to improve the teaching of mathematics. The demonstration project authorized by this part shall be designed to assist elementary and secondary school teachers in preparing all students for achieving State content standards.

"SEC. 2502. APPLICATION REQUIRED.

"(a) IN GENERAL.—Each nonprofit telecommunications entity, or partnership of such entities, desiring a grant under this part shall submit an application to the Secretary. Each such application shall—

"(1) demonstrate that the applicant will use the existing publicly funded telecommunications infrastructure to deliver video, voice and data in an integrated service to train teachers in the use of new standards-based curricula materials and learning technologies;

"(2) assure that the project for which assistance is sought will be conducted in cooperation with appropriate State educational agencies, local educational agencies, State or local nonprofit public telecommunications entities, and a national mathematics education professional association that has developed content standards;

"(3) assure that a significant portion of the benefits available for elementary and secondary schools from the project for which assistance is sought will be available to schools of local educational agencies which have a high percentage of children counted for the purpose of part A of title I; and

"(4) contain such additional assurances as the Secretary may reasonably require.

"(b) APPROVAL OF APPLICATIONS; NUMBER OF DEMONSTRATION SITES.—In approving applications under this section, the Secretary shall assure that the demonstration project authorized by this subpart is conducted at elementary and secondary school sites in at least 15 States.

"SEC. 2503. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part, $5,000,000 for the fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years.

"TITLE III—TECHNOLOGY FOR EDUCATION

"SEC. 3001. SHORT TITLE.

"This title may be cited as the 'Technology for Education Act of 1994'.

"PART A—TECHNOLOGY FOR EDUCATION FOR ALL STUDENTS

"SEC. 3111. FINDINGS.

"The Congress finds that—

"(1) technology applications can help propel our Nation's school systems into very immediate and dramatic reform, without which our Nation will not meet the National Education Goals by the target year 2000;

"(2) creative uses of technology can reshape our Nation's outdated method of providing education and empower teachers to create an environment where students can be challenged through rigorous, rich classroom instruction at a pace that suits the learning style of each student;

"(3) the acquisition and use of technology in education throughout the United States has been inhibited by—

"(A) the limited exposure of students and teachers to the power of technology as a cost-effective tool to improve student learning and achievement;

"(B) the inability of many State and local educational agencies to invest in and support needed technologies;

"(C) the lack of appropriate electrical and telephone connections in the classroom; and

"(D) the limited availability of technology-enhanced curriculum, professional development and administrative support resources and services in the educational marketplace;

"(4) advancements in technology offer new opportunities to promote partnerships among teachers, administrators, students, parents, communities, and industry in the quest for knowledge and the process of learning;

"(5) technology, when used as an essential tool in the learning process, will help cultivate and maintain a technologically literate citizenry and internationally competitive work force;

"(6) the Department of Education, consistent with the overall national technology policy established by the President, must assume a vital leadership and coordinating role in developing the national vision and strategy to infuse advanced technology throughout all educational programs;

"(7) Federal support can ease the burden at the State and local levels by enabling the acquisition of advanced technology and initiating the development of teacher training and support as well as new educational products;

"(8) leadership at the Federal level should consider guidelines to ensure that educational technology is accessible to all users with maximum interoperability nationwide;

"(9) policies at the Federal, State, and local levels concerning technology in education must address disparities in the availability of technology to different groups of students and make it a priority to serve those students in greatest need;

"(10) continuing professional development for teachers and administrators requires ongoing exposure to advancements in technology in order to keep such teachers and administrators excited and knowledgeable about the unfolding opportunities for the classroom; and

"(11) the increasing use of new technologies and telecommunications systems in business has increased the gap between schooling and work force preparation, and underscores the need for technology policies at the Federal, State, tribal, and local levels that address preparation for school-to-work transitions.

"SEC. 3112. STATEMENT OF PURPOSE.

"It is the purpose of this part—

"(1) to promote equal access for all students to educational opportunities through advances in technology, including the information infrastructure, in order to achieve the National Education Goals by the year 2000;

"(2) to provide funding that will assist activities undertaken by the State and local school districts to promote and provide equipment, teacher training, and technical support;

"(3) to support technical assistance, professional development, information and resource dissemination, in order to help States, local school districts, and teachers successfully integrate technology into kindergarten through 12th grade classrooms;

"(4) to support the development of educational and instructional programming in core subject areas, which programming shall address the National Education Goals;

"(5) to offer opportunities for creative partnerships within the marketplace in order to develop state-of-the-art educational technology products that promote the use of advanced technologies in the classroom;

"(6) to avoid duplication and the development of incompatible systems by strengthening and building upon existing telecommunications infrastructures dedicated to educational purposes; and

"(7) to ensure that uses of educational technology are consistent with the overall national technology policy established by the President.

"SEC. 3113. DEFINITIONS.

"For the purpose of this part—

"(1) the term 'adult education' has the same meaning given such term by section 312 of the Adult Education Act;

"(2) the term 'all students' means students from a broad range of backgrounds and circumstances, including disadvantaged students, students with diverse racial, ethnic, and cultural backgrounds, students with disabilities, students with limited-English proficiency, students who have dropped out of school, and academically talented students;

"(3) the term 'information infrastructure' means a network of communication systems designed to exchange information among all citizens and residents of the United States;

"(4) the term 'instructional programming' means the full range of audio and video data, text, graphics, or additional state-of-the-art communications, including multimedia based resources distributed through interactive, command and control, or passive methods for the purpose of education and instruction;

"(5) the terms 'interoperable' and 'interoperability' refer to the ability to exchange easily data with, and connect to, other hardware and software in order to provide the greatest accessibility for all students and other users;

"(6) the term 'local educational agency' includes an elementary or secondary school funded by the Bureau of Indian Affairs, except that such schools shall not be subject to the jurisdiction of any State educational agency other than the Bureau of Indian Affairs;

"(7) the term 'Office' means the Office of Educational Technology;

"(8) the term 'public telecommunications entity' has the same meaning given to such term by section 397(12) of the Communications Act of 1934;

"(9) the term 'State educational agency' includes the Bureau of Indian Affairs for purposes of serving schools funded by the Bureau of Indian Affairs in accordance with this part; and

"(10) the term 'technology' means state-of-the-art technology products and services, such as closed circuit television systems, educational television and radio programs and services, cable

television, satellite, copper and fiber optic transmission, computer, video and audio laser and CD-ROM discs, and video and audio tapes.

"Subpart 1—National Programs in Technology for Education

"SEC. 3121. PURPOSES.

"It is the purpose of this subpart to promote achievement of the National Education Goals and—

"(1) to provide leadership at the Federal level, through the Department, by developing a national vision and strategy—

"(A) to infuse technology and technology planning into all educational programs and training functions carried out within school systems and other educational settings at the State, tribal, and local levels;

"(B) to coordinate technology activities for education among the related Federal and State departments or agencies, industry leaders, and interested educational and parental organizations;

"(C) to establish working guidelines to ensure maximum interoperability nationwide and ease of access for the emerging technologies so that no school system will be excluded from the technological revolution; and

"(D) to ensure that Federal technology-related policies and programs facilitate the use of technology in education;

"(2) to promote awareness of the potential of technology for improving teaching and learning;

"(3) to support State and local efforts to increase the effective use of technology for education;

"(4) to demonstrate 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;

"(5) to ensure the availability and dissemination 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;

"(6) to promote high-quality professional development opportunities for teachers, pupil-services personnel and administrators regarding the integration of technology into instruction and administration;

"(7) to support development, production, and distribution of technology enhanced curriculum, and instruction and administrative support resources and services;

"(8) to promote the effective uses of technology in existing Federal education programs, such as part A of title I and vocational education programs; and

"(9) to monitor, and disseminate information regarding, advancements in technology to encourage the development of effective educational uses of technology.

"SEC. 3122. FEDERAL LEADERSHIP.

"(a) ACTIVITIES AUTHORIZED.—

"(1) IN GENERAL.—In order to provide Federal leadership that promotes higher student achievement through the use of technology in education and to achieve the purposes of this subpart, the Secretary, in consultation with the Office of Science and Technology Policy, the National Science Foundation, the United States National Commission on Libraries and Information Sciences, the Department of Commerce, the Department of Energy, the National Aeronautics and Space Administration, the Bureau of Indian Affairs, and other appropriate Federal departments or agencies, may carry out activities designed to achieve the purposes of this subpart.

"(2) TRANSFER OF FUNDS.—For the purpose of carrying out coordinated or joint activities to achieve the purposes of this subpart, the Secretary may accept funds from, or transfer funds to, other Federal departments or agencies.

"(b) NATIONAL LONG-RANGE TECHNOLOGY PLAN.—

"(1) IN GENERAL.—The Secretary shall develop and publish within 12 months of the date of enactment of the Improving America's Schools Act of 1994, and update when the Secretary determines appropriate, a national long-range plan that supports the overall national technology policy and carries out the purposes of this subpart.

"(2) PLAN REQUIREMENTS.—The Secretary shall—

"(A) develop the national long-range plan in consultation with other Federal departments or agencies, State and local education practitioners and policymakers, experts in technology and the applications of technology to education, representatives of distance learning consortia, representatives of telecommunications partnerships receiving assistance under the Star Schools Act, and providers of technology services and products;

"(B) transmit such plan to the President and to the appropriate committees of the Congress; and

"(C) publish such plan in a form that is readily accessible to the public.

"(3) CONTENTS OF THE PLAN.—The national long-range plan shall describe the Secretary's activities to promote the purposes of this subpart, including—

"(A) how the Secretary will encourage the effective use of technology to provide all students the opportunity to achieve State content standards and State student performance standards, especially through programs administered by the Department;

"(B) joint activities in support of the overall national technology policy with other Federal departments or agencies, such as the Office of Science and Technology Policy, the National Endowment for the Humanities, the National Endowment for the Arts, the National Institute for Literacy, the National Aeronautics and Space Administration, the National Science Foundation, the Bureau of Indian Affairs, and the Departments of Commerce, Energy, Health and Human Services, and Labor—

"(i) 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

"(ii) to ensure that the policies and programs of such departments or agencies facilitate the use of technology for educational purposes, to the extent feasible;

"(C) 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;

"(D) how the Secretary will promote—

"(i) higher achievement of all students through the integration of technology into the curriculum;

"(ii) increased access to the benefits of technology for teaching and learning for schools with a high number or percentage of children from low-income families;

"(iii) the use of technology to assist in the implementation of State systemic reform strategies;

"(iv) the application of technological advances to use in education;

"(v) increased access to high quality adult and family education services through the use of technology for instruction and professional development; and

"(vi) increased opportunities for the professional development of teachers in the use of new technologies;

"(E) how the Secretary will determine, in consultation with appropriate individuals, organizations, industries, and agencies, the feasibility and desirability of establishing guidelines to facilitate an easy exchange of data and effective use of technology in education;

"(F) how the Secretary will promote the exchange of information among States, local educational agencies, schools, consortia, and other entities concerning the effective use of technology in education;

"(G) how the Secretary will utilize the outcomes of the evaluation undertaken pursuant to section 3206(c)(2) to promote the purposes of this subpart; and

"(H) the Secretary's long-range measurable goals and objectives relating to the purposes of this subpart.

"(c) ASSISTANCE.—The Secretary shall provide assistance to the States to enable such States to plan effectively for the use of technology in all schools throughout the State in accordance with the purpose and requirements of section 317 of the Goals 2000: Educate America Act.

"(d) USES OF FUNDS.—

"(1) IN GENERAL.—The Secretary shall use funds made available to carry out this section for activities designed to carry out the purpose of this subpart, including—

"(A) providing assistance to technical assistance providers to enable such providers to improve substantially the services such providers offer to educators regarding the uses of technology for education, including professional development;

"(B) consulting with representatives of industry, elementary and secondary education, adult education, higher education, and appropriate experts in technology and the educational applications of technology, in carrying out the activities assisted under this subpart;

"(C) research on, and the development of, guidelines to facilitate maximum interoperability, efficiency and easy exchange of data for effective use of technology in education;

"(D) research on, and the development of, applications for education of the most advanced and newly emerging technologies;

"(E) 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;

"(F) the development and evaluation of software and other products, including multimedia television programming, that incorporate advances in technology and help achieve the National Education Goals, State content standards and State student performance standards;

"(G) the development, demonstration, and evaluation of model strategies for preparing teachers and other personnel to use technology effectively to improve teaching and learning;

"(H) the development of model programs that demonstrate the educational effectiveness of technology in urban and rural areas and economically distressed communities;

"(I) research on, and the evaluation of, the effectiveness and benefits of technology in education, giving priority to research on, and evaluation of, such effectiveness and benefits in elementary and secondary schools;

"(J) a biennial assessment of, and report to the public regarding, the uses of technology in elementary and secondary education throughout the United States upon which private businesses and Federal, State, tribal, and local governments may rely for decisionmaking about the need for, and provision of, appropriate technologies in schools, which assessment and report shall use, to the extent possible, existing information and resources;

"(K) conferences on, and dissemination of information regarding, the uses of technology in education;

"(L) the development of model strategies to promote gender equity in the use of technology;

"(M) encouraging collaboration between the Department and other Federal agencies in the development, implementation, evaluation and funding of applications of technology for education, as appropriate; and

"(N) such other activities as the Secretary determines will meet the purposes of this subpart.

"(2) SPECIAL RULES.—

"(A) The Secretary shall carry out the activities described in paragraph (1) directly or by grant or contract.

"(B) Each grant or contract under this section shall be awarded—

"(i) on a competitive basis; and

"(ii) pursuant to a peer review process.

"(e) NON-FEDERAL SHARE.—

"(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Secretary may require any recipient of a grant or contract under this section to share in the cost of the activities assisted under such grant or contract, which non-Federal 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) INCREASE.—The Secretary may increase the non-Federal share that is required of a recipient of a grant or contract under this section after the first year such recipient receives funds under such grant or contract.

"(3) MAXIMUM.—The non-Federal share required under this section shall not exceed 50 percent of the cost of the activities assisted pursuant to a grant or contract under this section.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section.

"SEC. 3123. REGIONAL TECHNICAL SUPPORT AND PROFESSIONAL DEVELOPMENT.

"(a) GRANTS AUTHORIZED.—

"(1) AUTHORITY.—The Secretary, through the Office of Educational Technology, shall make grants, on a competitive basis, to regional educational technology assistance consortia in accordance with the provisions of this section. In awarding grants under this section, the Secretary shall ensure that each geographic region of the United States shall be served by such a consortium.

"(2) REQUIREMENTS.—Each consortium receiving a grant under this section shall—

"(A) be composed of State educational agencies, institutions of higher education, nonprofit organizations, or a combination thereof;

"(B) in cooperation with State and local educational agencies, develop a regional program that addresses professional development, technical assistance, and information resource dissemination, with special emphasis on meeting the documented needs of educators and learners in the region; and

"(C) foster regional cooperation and resource and coursework sharing.

"(3) SPECIAL RULE.—Each consortium receiving a grant under this section shall use not less than 80 percent of the grant funds to carry out paragraph (2) of subsection (b).

"(b) FUNCTIONS.—

"(1) TECHNICAL ASSISTANCE.—Each consortium receiving a grant under this section shall—

"(A) collaborate with State educational agencies and local educational agencies requesting collaboration, particularly in the development of strategies for assisting those schools with the highest numbers or percentages of disadvantaged students with little or no access to technology in the classroom;

"(B) provide information, in coordination with information available from the Secretary, to State educational agencies, local educational agencies, schools and adult education programs, on the types and features of various educational technology equipment and software available, evaluate and make recommendations on equipment and software that support the National Education Goals and are suited for a school's particular needs, and compile and share information regarding creative and effective applications of technology in the classroom in order to support the purposes of this subpart;

"(C) collaborate with such State educational agencies, local educational agencies, or schools requesting to participate in the tailoring of software programs and other supporting materials to meet State content standards or State student performance standards that may be developed; and

"(D) provide technical assistance to facilitate use of the electronic dissemination networks by State and local educational agencies and schools throughout the region.

"(2) PROFESSIONAL DEVELOPMENT.—Each consortium receiving a grant under this section shall—

"(A) develop and implement, in collaboration with State educational agencies and institutions of higher education, technology-specific, ongoing professional development, such as—

"(i) intensive school year and summer workshops that use teachers to train other teachers; and

"(ii) distance educational professional development, including—

"(I) interactive training telecourses using researchers, educators, and telecommunications personnel who have experience in developing, implementing, or operating educational and instructional technology as a learning tool;

"(II) onsite courses teaching teachers to use educational and instructional technology and to develop their own instructional materials for effectively incorporating technology and programming in their own classrooms;

"(III) methods for successful integration of instructional technology into the curriculum in order to improve student learning and achievement;

"(IV) video conferences and seminars which offer professional development through peer interaction with experts as well as other teachers using technologies in their classrooms; and

"(V) mobile education technology and training resources;

"(B) develop training resources that—

"(i) are relevant to the needs of the region and schools within the region;

"(ii) are relevant to the needs of adult literacy staff and volunteers, including onsite courses on how to—

"(I) use instructional technology; and

"(II) develop instructional materials for adult learning; and

"(iii) are aligned with the needs of teachers and administrators in the region;

"(C) establish a repository of professional development and technical assistance resources;

"(D) identify and link technical assistance providers to State and local educational agencies, as needed;

"(E) provide followup to ensure that training, professional development, and technical assistance meet the needs of educators, parents and students served by the region;

"(F) assist colleges and universities within the region to develop and implement preservice training programs for students enrolled in teacher education programs; and

"(G) assist local educational agencies and schools in working with community members and parents to develop support from communities and parents for educational technology programs and projects.

"(3) INFORMATION AND RESOURCE DISSEMINATION.—Each consortium receiving a grant under this section shall—

"(A) assist State and local educational agencies in the identification and procurement of financial, technological and human resources needed to implement technology plans;

"(B) provide outreach and, at the request of a State or local educational agency, work with such agency to assist in the development and validation of instructionally based technology education resources; and

"(C) coordinate activities and establish partnerships with organizations and institutions of higher education that represent the interests of the region as such interests pertain to the application of technology in teaching, learning, instructional management, dissemination, collection and distribution of educational statistics, and the transfer of student information.

"(4) COORDINATION.—Each consortium receiving a grant under this section shall work collaboratively, and coordinate the services the consortium provides, with appropriate entities assisted in whole or in part by the Department.

"(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $50,000,000 for the fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section.

"SEC. 3124. EDUCATIONAL TECHNOLOGY PRODUCT DEVELOPMENT.

"(a) PURPOSE.—It is the purpose of this section to—

"(1) support development of curriculum-based learning resources using state-of-the-art technologies and techniques designed to improve student learning; and

"(2) support development of long-term comprehensive instructional programming and associated support resources that ensure maximum access by all educational institutions.

"(b) FEDERAL ASSISTANCE AUTHORIZED.—

"(1) AUTHORITY.—The Secretary, through the Office of Educational Technology, shall award grants, on a competitive basis, to eligible consortia to pay the Federal share of the cost of developing, producing, and distributing products consisting of curriculum-based learning resources, services, and instructional programming for teachers and students, which incorporate state-of-the-art applications of advanced technology, including educational radio and television.

"(2) ELIGIBLE CONSORTIUM.—For the purpose of this subsection the term 'eligible consortium' means a consortium—

"(A) that shall include—

"(i) a State or local educational agency; and

"(ii) a business, industry or telecommunications entity; and

"(B) that may include—

"(i) a public or private nonprofit organization; or

"(ii) a postsecondary institution.

"(3) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to applications describing products that are developed—

"(A) so that the product may be adapted and applied nationally at a reasonable cost over a broad technology platform;

"(B) to raise the achievement levels of all students, particularly students who are not realizing their potential;

"(C) in consultation with classroom teachers;

"(D) through consultation and collaboration with appropriate education entities in designing the product to ensure relevance to the voluntary national content standards, the voluntary national student performance standards and State curriculum frameworks; and

"(E) so that the product can be adapted for use by adults in need of literacy services, including English as a second language and preparation for a secondary school diploma or its recognized equivalent.

"(4) MATCHING REQUIREMENT.—The Secretary may require any recipient of a grant or contract

under this subpart to share in the cost of the activities assisted under such grant or contract, which non-Federal 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.

"(5) REQUIREMENTS FOR FEDERAL ASSISTANCE.—Each eligible consortium desiring Federal assistance under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may prescribe. Each application shall include—

"(A) a description of how the product will improve the achievement levels of students;

"(B) a description of how the activities assisted under this section will promote professional development of teachers and administrators in the uses and applications of the product, including the development of training materials;

"(C) a description of design, development, field testing, evaluation, and distribution of products, where appropriate;

"(D) an assurance that the product shall effectively serve a significant number or percentage of economically disadvantaged students;

"(E) plans for dissemination of products to a wide audience of learners;

"(F) a description of how the product can be adapted for use by students with disabilities including provisions for closed captioning or descriptive video, where appropriate;

"(G) a description of how ownership and rights to the use and marketing of any product developed by the consortium, including intellectual property rights, will be allocated among consortium participants; and

"(H) a description of the contributions, including services and funds, to be made by each member of the consortium, and how any revenues derived from the sale of any product developed by the consortium shall be distributed.

"(c) CONSUMER REPORT.—The Secretary shall disseminate information about products developed pursuant to provisions of this section to State and local educational agencies, and other organizations or individuals that the Secretary determines to be appropriate, through print and electronic media that are accessible to the education community at large.

"(d) PROCEEDS.—The Secretary shall not prohibit an eligible consortium or any of the members of such consortium from receiving financial benefits from the distribution of any products resulting from the assistance received under this section. Notwithstanding any other provision of law, any profits or royalties received by a State educational agency, local educational agency, or other nonprofit member of an eligible consortium receiving assistance under this section shall be used to support further development of curriculum-based learning resources, services, and programming or to provide access to such products for a wider audience.

"(e) AUTHORIZATION OF FUNDS.—There are authorized to be appropriated $50,000,000 for the fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section.

"SEC. 3125. RESEARCH ON EDUCATIONAL APPLICATIONS OF ADVANCED TECHNOLOGIES.

"(a) PURPOSE.—It is the purpose of this section to—

"(1) provide direction and support for the conduct of research on advanced educational technologies; and

"(2) provide support for long-term, comprehensive educational applications of advanced high performance computer and communication technologies and video technologies in support of the core subjects of the National Education Goals.

"(b) GENERAL AUTHORITY.—The Secretary, consistent with the overall national technology policy established by the President, and in cooperation with other Federal departments and agencies, is authorized to support research on educational applications of advanced learning technologies.

"(c) GRANTS AUTHORIZED.—The Secretary, through the Office of Educational Technology, shall award grants to or enter into contracts for research projects intended to develop educational applications of advanced technologies.

"(d) APPLICATION.—Each entity desiring assistance under this section shall submit to the Secretary an application at such time, in such manner and accompanied by such information as the Secretary may reasonably require. Each such application shall—

"(1) define clearly the scope and content of the subject matter of the research and the relevance of the advanced technology to such content;

"(2) describe the potential market for both the hardware and software developed under this section; and

"(3) assess the applications of the advanced technology in a way that will validate the technology's impact on student learning and achievement.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $20,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section.

"SEC. 3126. HIGH PERFORMANCE COMPUTING AND TELECOMMUNICATIONS NETWORKS FOR EDUCATION.

"(a) PURPOSE.—It is the purpose of this section to support the development, demonstration, and evaluation of the educational aspects of high performance computing and communication technologies and of the national information infrastructure, including the use of high performance computing and communication and the national information infrastructure in—

"(1) providing professional development for teachers and other educators, as appropriate;

"(2) enhancing academic curricula for elementary and secondary school students in order to provide such students with opportunities to meet challenging State student performance standards;

"(3) facilitating communications among schools, local educational agencies, parents of students, and local communities;

"(4) facilitating an effective transition from secondary school to employment; and

"(5) other such areas of education as the Secretary deems appropriate.

"(b) AUTHORITY.—

"(1) IN GENERAL.—(A) The Secretary, consistent with the overall national technology policy established by the President, and in cooperation with other Federal departments and agencies, shall support the development of an electronic network program for the dissemination of educational information throughout the United States, including information about effective technology-enhanced programs, resources and services.

"(B) In carrying out subparagraph (A) the Secretary shall—

"(i) to the extent possible, coordinate activities assisted under this section with other dissemination activities assisted by the Department in order to—

"(I) avoid duplication; and

"(II) utilize the existing resources of the Department;

"(ii) consult with educators, State and local educational agencies, telecommunications providers, and other appropriate education entities throughout the United States to determine information requirements and policies for the effective dissemination of information;

"(iii) provide access to the existing Department of Energy FEDIX/MOLIS Information System regarding information about excess equipment (computers and supporting materials) within the Federal Government that are available for transfer to elementary and secondary schools; and

"(iv) make use of existing networks or developing networks, to the extent possible.

"(2) REQUIREMENTS; SPECIFICATIONS; AND PROTOTYPE OPERATIONS.—The Secretary is authorized to—

"(A) identify educational high performance computing and telecommunications network requirements;

"(B) develop specifications for the implementation of such requirements within any national telecommunications network;

"(C) establish prototype operations on existing networks to validate and further develop the educational specifications which will facilitate the use of such networks by kindergarten through 12th grade students, teachers, librarians, administrators, and parents;

"(D) represent the needs and interests of elementary and secondary schools in the Federal planning and development of a national information infrastructure; and

"(E) identify policy issues, such as communication rate structures, intellectual property rights, certification and recertification of teachers, and issues related to how technology fits into the school environment, that affect the ability of the public schools to make effective use of the emerging information infrastructure.

"(c) TYPES OF GRANTS.—The Secretary, through the Office of Educational Technology, shall award the following types of grants:

"(1) REQUIREMENTS GRANTS.—The Secretary shall solicit proposals for and award grants to 1 or more entities for the identification of educational high performance computing and telecommunications network requirements. The solicitation shall request proposals to—

"(A) identify and describe existing and planned educational high performance computing and telecommunications network efforts;

"(B) identify potential uses of such networks in kindergarten through 12th grade education by schools throughout the United States;

"(C) assess impediments to the development of such networks in kindergarten through 12th grade education, such as—

"(i) technological impediments;

"(ii) availability of technology-enhanced curriculum, instruction, and administrative support resources and services in schools; and

"(iii) parent, student, teacher and administrator attitudes toward technology-enhanced education;

"(D) assess the anticipated costs and benefits to be derived from such network access in kindergarten through 12th grade education and recommend priorities for development of such network; and

"(E) identify the range of possible educational applications of, and potential sources of funding for, both networks and information resources and databases that exist or are being developed by other Federal departments or agencies.

"(2) SPECIFICATIONS GRANTS.—The Secretary shall solicit proposals for and award grants to 1 or more entities for the design and development of educational specifications which may be used to ensure educational access to any national educational high performance computing and telecommunications network. The solicitation shall request proposals to—

"(A) incorporate—

"(i) the findings of the grant recipients under paragraph (1); and

"(ii) the priorities recommended for such networks by the Secretary consistent with the overall national technology policy established by the President;

"(B) provide for design alternatives and specifications that address—

"(i) linkage of schools and communities with each other, with central resource centers, and with Federal and State agencies over existing or planned telecommunications networks;

"(ii) uses of alternative connectivity modes, such as fiber optics, satellites, and land-based broadcasting;

"(iii) integrated uses of two-way interactive voice, video, and data communications;

"(iv) uses of interactive multimedia;

"(v) system capacity, such as maximum telecommunications traffic in a variety of use modes;

"(vi) availability of needed technologies;

"(vii) availability of support services; and

"(viii) assessment of the impact of proposed educational access specifications on existing or planned telecommunications networks; and

"(C) provide comprehensive specifications which will ensure educational access to any national educational high performance computing and telecommunications network as the primary deliverable product of the specifications grants described in this paragraph.

"(3) PROTOTYPE DEVELOPMENT GRANTS.—The Secretary shall solicit proposals for and award grants to 1 or more entities for prototype operations on existing networks in order to validate and further develop the educational specifications which will facilitate use of existing or planned educational high performance computing and telecommunications networks by kindergarten through 12th grade students, teachers, librarians, administrators, and parents. The solicitation shall request proposals to—

"(A) incorporate the design limits of the comprehensive educational high performance computing and telecommunications network specifications developed by grant recipients under paragraph (2);

"(B) support prototype operations for at least 1 year in a minimum of 5 test sites which are selected to represent a variety of economic, social, urban and rural settings;

"(C) provide for inservice training and technical assistance during the period of prototype operations;

"(D) provide provisions for the identification and correction of operational problems during the period of prototype operations (including design flaws);

"(E) include a comprehensive evaluation of all aspects of the prototype, including—

"(i) design flaws;

"(ii) training requirements, including resources and strategies for initial and on-going training;

"(iii) technical support requirements;

"(iv) financing constraints;

"(v) availability and utility of information resources and services accessed during the prototype operations period;

"(vi) factors which enhanced or impeded prototype operations; and

"(vii) an overall assessment of the impact of such technology on the educational process; and

"(F) provide recommended revisions of the Secretary's educational high performance computing and telecommunications network specifications based on findings of the comprehensive evaluation of prototype operations.

"(d) TIMELINE.—The Secretary, through the Office of Educational Technology, shall award grants under this section as follows:

"(1) REQUIREMENT GRANTS.—The Secretary shall award requirement grants under subsection (c)(1) within 6 months of the date of enactment of the Improving America's Schools Act of 1994.

"(2) DEVELOPMENT OF DESIGN SPECIFICATIONS.—The Secretary shall award grants under subsection (c)(2) within 18 months of the date of enactment of the Improving America's Schools Act of 1994.

"(3) PROTOTYPE OPERATIONS.—The Secretary shall award grants under subsection (c)(3) within 30 months of the date of enactment of the Improving America's Schools Act of 1994.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $7,500,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section.

"SEC. 3127. STUDY, EVALUATION AND REPORT OF FUNDING ALTERNATIVES.

"The Secretary, through the Office of Educational Technology, shall conduct a study to evaluate, and report to the Congress on, the feasibility of several alternative models for providing sustained and adequate funding for schools throughout the United States so that such schools are able to acquire and maintain technology-enhanced curriculum, instruction, and administrative support resources and services. Such report shall be submitted to the Congress not later than 1 year after the date of enactment of the Improving America's Schools Act of 1994.

"Subpart 2—State and Local Programs for School Technology Resources, Technical Support, and Professional Development

"SEC. 3131. STATEMENT OF PURPOSE.

"It is the purpose of this subpart to provide Federal assistance in the form of grants to support—

"(1) the acquisition of equipment and supporting resources, training, and maintenance of technology; and

"(2) regional consortia to enable such consortia to provide professional development and technical assistance that fosters integration of technology into the kindergarten through 12th grade classrooms, libraries, and school library media centers.

"SEC. 3132. SCHOOL TECHNOLOGY RESOURCE GRANTS.

"(a) GRANTS AUTHORIZED.—

"(1) AUTHORITY.—The Secretary, through the Office of Educational Technology, shall award grants to State educational agencies having a systemic statewide plan that meets such criteria as the Secretary may establish in order to enable such agencies to provide assistance to local educational agencies that have the highest numbers or percentages of children in poverty and demonstrate the greatest need for technology, in order to enable such local educational agencies, for the benefit of school sites served by such local educational agencies, to—

"(A) purchase quality technology resources;

"(B) install various linkages necessary to acquire connectivity;

"(C) integrate technology into the curriculum in order to improve student learning and achievement;

"(D) provide teachers and library media personnel with training or access to training;

"(E) provide administrative and technical support and services that improve student learning through enriched technology-enhanced resources, including library media resources;

"(F) promote the sharing, distribution, and application of educational technologies that are determined to be effective in individual schools;

"(G) assist schools in promoting parent involvement;

"(H) assist the community in providing literacy-related services; and

"(I) establish partnerships with private educational providers whose comprehensive technology systems address the need of children in poverty.

"(2) AMOUNT.—(A) Except as provided in subparagraphs (B) and (C), the Secretary shall award grants under this section to each State educational agency for a fiscal year in an amount which bears the same relationship to the amount appropriated pursuant to the authority of subsection (b) for such year as the amount such State received under part A of title I for such year bears to the amount received for such year under such part by all States.

"(B) No State educational agency shall receive a grant pursuant to subparagraph (A) in any fiscal year in an amount which is less than one-half of 1 percent of the amount appropriated pursuant to the authority of subsection (b) for such year.

"(C) If the sum of the amounts appropriated pursuant to the authority of section 3132(c) is equal to or less than $50,000,000 for any fiscal year, then the Secretary shall award grants under this section for such year on a competitive basis to local educational agencies, either separately or in cooperation with a local educational agency or a State educational agency, which submit to the Secretary an application, containing the information described in paragraphs (1) through (3) of subsection (e), that the Secretary approves. In awarding such grants, the Secretary shall give priority to applications from local educational agencies with the highest number or percentage of disadvantaged students or the greatest need for educational technology.

"(3) IDENTIFICATION OF LOCAL EDUCATIONAL AGENCIES; TECHNICAL ASSISTANCE.—Each State educational agency receiving a grant under this section shall—

"(A) identify the local educational agencies served by the State educational agency that—

"(i) have the highest number or percentage of children in poverty; and

"(ii) demonstrate to such State educational agency the greatest need for technical assistance in developing the application described in subsection (d); and

"(B) offer such technical assistance to such local educational agencies.

"(4) LIMITATION ON STATE COSTS.—Not more than 5 percent of grant funds awarded to a State educational agency under this section for any fiscal year may be used by the State or State educational agency for administrative costs or technical assistance.

"(b) SELECTION OF GRANTS.—Each State educational agency, in awarding grants under this section, shall—

"(1) ensure that each grant such agency awards to a local educational agency shall be of sufficient duration, and of sufficient size, scope, and quality, to carry out the purposes of this title effectively; and

"(2) award grants to local educational agencies on a competitive basis.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $200,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section.

"(d) LOCAL USES OF GRANT FUNDS.—Each local educational agency receiving assistance under this section may use such assistance—

"(1) to acquire connectivity linkages, resources, and services, including the acquisition of hardware and software, for use by teachers, students and library media personnel in the classroom or in school library media centers, in order to improve student learning by supporting the instructional program offered by such agency to ensure that students in schools will have meaningful access on a regular basis to such linkages, resources and services;

"(2) for ongoing professional development in the integration of quality educational technologies into school curriculum and long-term planning for implementing educational technologies; and

"(3) to acquire connectivity with wide area networks for purposes of accessing information and educational programming sources.

"(e) LOCAL APPLICATIONS.—Each local educational agency desiring assistance from a State

educational agency under this section shall submit an application consistent with the objectives of the systemic statewide plan to such agency at such time and in such manner as such agency may prescribe. Such application, at a minimum, shall—

"(1) include a strategic, long-range (3- to 5-year), plan that includes—

"(A) a description of the type of technologies to be acquired, including specific provisions for interoperability among components of such technologies and, to the extent practicable, with existing technologies;

"(B) an explanation of how the acquired technologies will be integrated into the curriculum to help the local educational agency enhance teaching, training, and student achievement;

"(C) an explanation of how programs will be developed in collaboration with existing adult literacy services providers to maximize the use of such technologies;

"(D)(i) a description of how the local educational agency will ensure ongoing, sustained professional development for teachers, administrators, and school library media personnel served by the local educational agency to further the use of technology in the classroom or library media center; and

"(ii) a list of the source or sources of ongoing training and technical assistance available to schools, teachers and administrators served by the local educational agency, such as State technology offices, intermediate educational support units, regional educational laboratories or institutions of higher education;

"(E) a description of the supporting resources, such as services, software and print resources, which will be acquired to ensure successful and effective use of technologies acquired under this section;

"(F) the projected timetable for implementing such plan in schools;

"(G) the projected cost of technologies to be acquired and related expenses needed to implement such plan; and

"(H) a description of how the local educational agency will coordinate the technology provided pursuant to this subpart with other grant funds available for technology from State and local sources;

"(2) describe how the local educational agency will involve parents, public libraries, business leaders and community leaders in the development of such plan;

"(3) describe how the acquired instructionally based technologies will help the local educational agency—

"(A) promote equity in education in order to support State content standards and State student performance standards that may be developed; and

"(B) provide access for teachers, parents and students to the best teaching practices and curriculum resources through technology; and

"(4) describe a process for the ongoing evaluation of how technologies acquired under this section—

"(A) will be integrated into the school curriculum; and

"(B) will affect student achievement and progress toward meeting the National Education Goals and any State content standards and State student performance standards that may be developed.

"(f) COORDINATION OF APPLICATION REQUIREMENTS.—If a local educational agency submitting an application for assistance under this section has developed a comprehensive education improvement plan, in conjunction with requirements under this Act or the Goals 2000: Educate America Act, the State educational agency may approve such plan, or a component of such plan, notwithstanding the requirements of subsection (e) if the State educational agency determines that such approval would further the purposes of this section.

"Subpart 3—Special Rule Applicable to Appropriations

"SEC. 3141. SPECIAL RULE.

"(a) APPROPRIATION OF LESS THAN $50,000,000.—Notwithstanding any other provision of law, for any fiscal year for which the sum of the amounts appropriated pursuant to the authority of sections 3122(f), 3123(b)(5), 3124(e), 3125(e), 3126(e), and 3132(c) is less than $50,000,000, the Secretary shall aggregate such amounts and make available—

"(1) 50 percent of such aggregate amount to carry out subpart 1 for such year; and

"(2) 50 percent of such aggregate amount to carry out subpart 2 for such year.

"(b) APPROPRIATION EQUAL TO OR GREATER THAN $50,000,000.—Notwithstanding any other provision of law, for any fiscal year for which the sum of the amounts appropriated pursuant to the authority of sections 3122(f), 3123(b)(5), 3124(e), 3125(e), 3126(e), and 3132(c) is equal to or greater than $50,000,000, the Secretary shall aggregate such amounts and make available—

"(1) the sum of $25,000,000 plus 35 percent of such aggregate amount in excess of $50,000,000 to carry out subpart 1 for such year; and

"(2) the sum of $25,000,000 plus 65 percent of such aggregate amount in excess of $50,000,000 to carry out subpart 2 for such year.

"PART B—STAR SCHOOLS PROGRAM

"SEC. 3201. SHORT TITLE.

"This part may be cited as the 'Star Schools Act'.

"SEC. 3202. PURPOSE.

"It is the purpose of this part to encourage improved instruction in mathematics, science, and foreign languages as well as other subjects, such as literacy skills and vocational education, and to serve underserved populations, including the disadvantaged, illiterate, limited-English proficient, and disabled, through a star schools program under which grants are made to eligible telecommunication partnerships to enable such partnerships to—

"(1) develop, construct, acquire, maintain and operate telecommunications audio and visual facilities and equipment;

"(2) develop and acquire educational and instructional programming; and

"(3) obtain technical assistance for the use of such facilities and instructional programming.

"SEC. 3203. GRANTS AUTHORIZED.

"(a) AUTHORITY.—The Secretary, through the Office of Educational Technology, is authorized to make grants, in accordance with the provisions of this part, to eligible telecommunications partnerships to pay the Federal share of the cost of—

"(1) the development, construction, acquisition, maintenance and operation of telecommunications facilities and equipment;

"(2) the development and acquisition of live, interactive instructional programming;

"(3) the development and acquisition of preservice and inservice teacher training programs based on established research regarding teacher-to-teacher mentoring, effective skill transfer, and ongoing, in-class instruction;

"(4) the establishment of teleconferencing facilities and resources for making interactive training available to teachers;

"(5) obtaining technical assistance; and

"(6) the coordination of the design and connectivity of telecommunications networks to reach the greatest number of schools.

"(b) DURATION.—

"(1) IN GENERAL.—The Secretary shall award grants pursuant to subsection (a) for a period of 5 years.

"(2) RENEWAL.—Grants awarded pursuant to subsection (a) may be renewed for 1 additional 5-year period.

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated $35,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this part.

"(2) AVAILABILITY.—Funds appropriated pursuant to the authority of subsection (a) shall remain available until expended.

"(d) LIMITATIONS.—

"(1) AMOUNT.—A grant made to an eligible telecommunications partnership under subsection (a) shall not exceed $5,000,000 in any 1 fiscal year.

"(2) RESERVATIONS.—

"(A) INSTRUCTIONAL PROGRAMMING.—Not less than 25 percent of the funds available to the Secretary in any fiscal year under this part shall be used for the cost of instructional programming.

"(B) FACILITIES AND EQUIPMENT.—Not less than 25 percent of the funds available to the Secretary in any fiscal year under this part shall be used for telecommunications facilities and equipment.

"(3) SPECIAL RULE.—Not less than 50 percent of the funds available in any fiscal year under this part shall be used for the cost of facilities, equipment, teacher training or retraining, technical assistance, or programming, for local educational agencies which are eligible to receive assistance under part A of title I of the Elementary and Secondary Education Act of 1965.

"(e) FEDERAL SHARE.—

"(1) IN GENERAL.—The Federal share for any fiscal year shall be not more than 75 percent.

"(2) WAIVER.—The Secretary may reduce or waive the requirements of the non-Federal share required under paragraph (1) for good cause, as determined by the Secretary.

"(f) COORDINATION.—The Department, the National Science Foundation, the Department of Agriculture, the Department of Commerce, and any other Federal department or agency operating a telecommunications network for educational purposes, shall coordinate the activities assisted under this part with the activities of such department or agency relating to a telecommunications network for educational purposes.

"(g) CLOSED CAPTIONING AND DESCRIPTIVE VIDEO.—Each entity receiving funds under this part is encouraged to provide—

"(1) closed captioning of the verbal content of such program, where appropriate, to be broadcast by way of line 21 of the vertical blanking interval, or by way of comparable successor technologies; and

"(2) descriptive video of the visual content of such program, as appropriate.

"SEC. 3204. ELIGIBLE TELECOMMUNICATIONS PARTNERSHIPS.

"(a) IN GENERAL.—In order to be eligible for a grant under this part, an eligible telecommunications partnership shall consist of—

"(1) a public agency or corporation established for the purposes of developing and operating telecommunications services to enhance educational opportunities provided by educational institutions, teacher training centers, and other entities, except that any such agency or corporation shall represent the interest of elementary and secondary schools which are eligible for assistance under part A of title I; or

"(2) a partnership that will provide telecommunications services and which includes 3 or more of the following entities, at least 1 of which shall be an agency described in subparagraph (A) or (B):

"(A) a local educational agency serving a significant number of elementary and secondary schools that are eligible for assistance under part A of title I or elementary and secondary schools operated for Indian children by the Department of the Interior under section 1121(c);

"(B) a State educational agency;

"(C) an institution of higher education or a State higher education agency;

"(D) a teacher training center or academy which—

"(i) provides teacher preservice and inservice training; and

"(ii) receives Federal financial assistance or has been approved by a State agency;

"(E)(i) a public or private entity with experience and expertise in the planning and operation of a telecommunications service, including entities involved in telecommunications through satellite, cable, telephone or computers; or

"(ii) a public broadcasting entity with such experience; or

"(F) a public or private elementary or secondary school.

"(b) SPECIAL RULE.—An eligible telecommunications partnership shall be organized on a statewide or multistate basis.

"SEC. 3205. APPLICATIONS.

"(a) APPLICATIONS REQUIRED.—Each eligible telecommunications partnership which desires to receive a grant under section 3203 shall submit an application to the Secretary, at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

"(b) CONTENTS OF THE APPLICATION.—Each application submitted pursuant to subsection (a) shall—

"(1) describe the telecommunications facilities and equipment and technical assistance for which assistance is sought, which may include—

"(A) the design, development, construction, acquisition, maintenance and operation of State or multistate educational telecommunications networks and technology resource centers;

"(B) microwave, fiber optics, cable, and satellite transmission equipment or any combination thereof;

"(C) reception facilities;

"(D) satellite time;

"(E) production facilities;

"(F) other telecommunications equipment capable of serving a wide geographic area;

"(G) the provision of training services to instructors who will be using the facilities and equipment for which assistance is sought, including training in using such facilities and equipment and training in integrating programs into the classroom curriculum; and

"(H) the development of educational programming for use on a telecommunications network;

"(2) in the case of an application for assistance for instructional programming, describe the types of programming which will be developed to enhance instruction and training and provide assurances that such programming will be designed in consultation with professionals (including classroom teachers) who are experts in the applicable subject matter and grade level;

"(3) demonstrate that the eligible telecommunications partnership has engaged in sufficient survey and analysis of the area to be served to ensure that the services offered by the eligible telecommunications partnership will increase the availability of courses of instruction in mathematics, science, and foreign languages, as well as other subjects to be offered;

"(4) describe the training policies for teachers and other school personnel to be implemented to ensure the effective use of telecommunications facilities and equipment for which assistance is sought;

"(5) provide assurances that the financial interest of the United States in the telecommunications facilities and equipment will be protected for the useful life of such facilities and equipment;

"(6) provide assurances that a significant portion of any facilities and equipment, technical assistance, and programming for which assistance is sought for elementary and secondary schools will be made available to schools or local educational agencies that have a high number or percentage of children eligible to be counted under part A of title I;

"(7) describe the manner in which traditionally underserved students, such as students who are disadvantaged, limited-English proficient, disabled, or illiterate, will participate in the benefits of the telecommunications facilities, equipment, technical assistance, and programming assisted under this part;

"(8) provide assurances that the applicant will use the funds provided under this part to supplement and not supplant funds otherwise available for the purposes of this part;

"(9) if any member of the consortia is receiving assistance under section 3122, describe how funds received under this part will be coordinated with funds received for educational technology in the classroom under such section;

"(10) describe the activities or services for which assistance is sought, including activities and services such as—

"(A) providing facilities, equipment, training, services, and technical assistance described in paragraphs (1), (2), (4) and (7);

"(B) making programs accessible to individuals with disabilities through mechanisms such as closed captioning and descriptive video services;

"(C) linking networks together, for example, around an issue of national importance, such as national elections;

"(D) sharing curriculum resources between networks and development of program guides which demonstrate cooperative, cross-network listing of programs for specific curriculum areas;

"(E) providing teacher and student support services including classroom and training support materials which permit student and teacher involvement in the live interactive distance learning telecasts;

"(F) incorporating community resources, such as libraries and museums, into instructional programs;

"(G) providing teacher training to early childhood development and Head Start teachers and staff;

"(H) providing teacher training to vocational education teachers and staff;

"(I) providing teacher training on proposed or established voluntary national content standards in mathematics and science and other disciplines as such standards are developed;

"(J) providing programs for adults to maximize the use of telecommunications facilities and equipment; and

"(K) providing parent education programs during and after the regular school day which reinforce the student's course of study and actively involve parents in the learning process; and

"(11) include such additional assurances as the Secretary may reasonably require.

"(c) APPROVAL OF APPLICATION; PRIORITY.—The Secretary, in approving applications under this section, shall give priority to applications which demonstrate that—

"(1) a concentration and quality of mathematics, science, and foreign languages resources which, by their distribution through the eligible telecommunications partnership, will offer significant new educational opportunities to network participants, particularly to traditionally underserved populations and areas with scarce resources and limited access to courses in mathematics, science, and foreign languages;

"(2) the eligible telecommunications partnership has secured the direct cooperation and involvement of public and private educational institutions, State and local government, and industry in planning the network and ensuring that there is not needless duplication of existing information infrastructure;

"(3) the eligible telecommunications partnership will serve the broadest range of institutions, including in the case of elementary and secondary schools, those elementary and secondary schools having a significant number of students eligible to be counted under part A of title I, programs providing instruction outside of the school setting, institutions of higher education, teacher training centers, research institutes, and private industry;

"(4) a significant number of educational institutions have agreed to participate or will participate in the use of the telecommunications system for which assistance is sought;

"(5) the eligible telecommunications partnership will have substantial academic and teaching capabilities, including the capability of training, retraining, and inservice upgrading of teaching skills and the capability to provide professional development leading to comprehensive effective instructional strategies, outcomes-based curriculum and parenting practices;

"(6) the eligible telecommunications partnership will—

"(A) provide a comprehensive range of courses for educators to teach instructional strategies for students with different skill levels;

"(B) provide training to participating educators in ways to integrate telecommunications courses into existing school curriculum; and

"(C) provide instruction for students, teachers, and parents;

"(7) the eligible telecommunications partnership will serve a multistate area;

"(8) the eligible telecommunications partnership will give priority to the provision of equipment and linkages to isolated areas;

"(9) a telecommunications entity (such as a satellite, cable, telephone, computer, or public or private television stations) will participate in the partnership and will donate equipment or in kind services for telecommunications linkages; and

"(10) the eligible telecommunications partnership will, in providing services with assistance under this part, meet the needs of groups of individuals traditionally excluded from careers in mathematics and science because of discrimination, inaccessibility, or economically disadvantaged backgrounds.

"(d) GEOGRAPHIC DISTRIBUTION.—In approving applications under this section, the Secretary shall assure an equitable geographic distribution of grants under this part.

"SEC. 3206. LEADERSHIP AND EVALUATION ACTIVITIES.

"(a) RESERVATION.—From the amount appropriated pursuant to the authority of section 3203(c)(1) in each fiscal year, the Secretary may reserve not more than 5 percent of such amount 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.—

"(1) LEADERSHIP.—Funds reserved for leadership activities under subsection (a) 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) EVALUATION.—Funds reserved for evaluation activities under subsection (a) may be used to conduct independent evaluations of the activities assisted under this part and of distance learning in general, including—

"(A) analyses of distance learning efforts, including such efforts that are assisted under this

part and such efforts that are not assisted under this part; and

"(B) comparisons of the effects, including student outcomes, of different technologies in distance learning efforts.

"(3) PEER REVIEW.—Funds reserved for peer review activities under subsection (a) may be used for peer review of—

"(A) applications for grants under this part; and

"(B) activities assisted under this part.

"SEC. 3207. ADMINISTRATIVE PROVISIONS.

"(a) CONTINUING ELIGIBILITY.—

"(1) IN GENERAL.—In order to be eligible to receive a grant under section 3203 for a second 5-year grant period an eligible telecommunications partnership shall demonstrate in the application submitted pursuant to section 3205 that such partnership will—

"(A) continue to provide services in the subject areas and geographic areas assisted with funds received under this part for the previous 5-year grant period; and

"(B) use all grant funds received under this part for the second 5-year grant period to provide expanded services by—

"(i) increasing the number of students, schools or school districts served by the courses of instruction assisted under this part in the previous fiscal year;

"(ii) providing new courses of instruction; and

"(iii) serving new populations of underserved individuals, such as children or adults who are disadvantaged, have limited-English proficiency, are disabled, are illiterate, or lack secondary school diplomas or their recognized equivalent.

"(2) SPECIAL RULES.—Grant funds received pursuant to the application of paragraph (1) shall be used to supplement and not supplant services provided by the recipient under this part in the previous fiscal year.

"(b) FEDERAL ACTIVITIES.—The Secretary may assist grant recipients under section 3203 in acquiring satellite time, where appropriate, as economically as possible.

"SEC. 3208. OTHER ASSISTANCE.

"(a) SPECIAL STATEWIDE NETWORK.—

"(1) IN GENERAL.—The Secretary, through the Office of Educational Technology, may provide assistance to a statewide telecommunications network under this subsection if such network—

"(A) provides 2-way full motion interactive video and audio communications;

"(B) links together public colleges and universities and secondary schools throughout the State; and

"(C) meets any other requirements determined appropriate by the Secretary.

"(2) STATE CONTRIBUTION.—A statewide telecommunications network assisted under paragraph (1) shall contribute, either directly or through private contributions, non-Federal funds equal to not less than 50 percent of the cost of such network.

"(b) SPECIAL LOCAL NETWORK.—

"(1) IN GENERAL.—The Secretary may provide assistance, on a competitive basis, to a local educational agency or consortium thereof to enable such agency or consortium to establish a high technology demonstration program.

"(2) PROGRAM REQUIREMENTS.—A high technology demonstration program assisted under paragraph (1) shall—

"(A) include 2-way full motion interactive video, audio and text communications;

"(B) link together elementary and secondary schools, colleges, and universities;

"(C) provide parent participation and family programs;

"(D) include a staff development program; and

"(E) have a significant contribution and participation from business and industry.

"(3) SPECIAL RULE.—Each high technology demonstration program assisted under paragraph (1) shall be of sufficient size and scope to have an effect on meeting the National Education Goals.

"(4) MATCHING REQUIREMENT.—A local educational agency or consortium receiving a grant under paragraph (1) shall provide, either directly or through private contributions, non-Federal matching funds equal to not less than 50 percent of the amount of the grant.

"(c) TELECOMMUNICATIONS PROGRAMS FOR CONTINUING EDUCATION.—

"(1) AUTHORITY.—The Secretary is authorized to award grants, on a competitive basis, to eligible telecommunications partnerships to enable such partnerships to develop and operate one or more programs which provide on-line access to educational resources in support of continuing education and curriculum requirements relevant to achieving a secondary school diploma or its equivalent. The program authorized by this section shall be designed to advance adult literacy, secondary school completion and the acquisition of specified competency by the end of the 12th grade, as envisioned by the Goals 2000: Educate America Act.

"(2) APPLICATION.—Each eligible telecommunications partnership desiring a grant under this section shall submit an application to the Secretary. Each such application shall—

"(A) demonstrate that the applicant will use publicly funded or free public telecommunications infrastructure to deliver video, voice and data in an integrated service to support and assist in the acquisition of a secondary school diploma or its equivalent;

"(B) assure that the content of the materials to be delivered is consistent with the accreditation requirements of the State for which such materials are used;

"(C) incorporate, to the extent feasible, materials developed in the Federal departments and agencies and under appropriate federally funded projects and programs;

"(D) assure that the applicant has the technological and substantive experience to carry out the program; and

"(E) contain such additional assurances as the Secretary may reasonably require.

"SEC. 3209. DEFINITIONS.

"As used in this part—

"(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, training courses, and resources used in such instruction and training, which have been prepared in audio and visual form on tape, disc, film, live, and presented by means of telecommunications devices;

"(3) the term 'public broadcasting entity' has the same meaning given that term by section 397 of the Communications Act of 1934; and

"(4) the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, the Republic of Palau, and the Commonwealth of the Northern Mariana Islands.

"PART C—READY-TO-LEARN TELEVISION

"SEC. 3301. READY-TO-LEARN.

"(a) IN GENERAL.—The Secretary is authorized to enter into contracts, cooperative agreements, or grants with entities described in section 3302(b) to develop, produce, and distribute educational and instructional video programming for preschool and elementary school children and their parents in order to facilitate the achievement of the National Education Goals.

"(b) AVAILABILITY.—In making such contracts, cooperative agreements, or grants, the Secretary shall ensure that recipients make programming widely available with support materials as appropriate to young children, their parents, child care workers, and Head Start providers to increase the effective use of such programming.

"SEC. 3302. EDUCATIONAL PROGRAMMING.

"(a) AWARDS.—The Secretary shall award contracts, cooperative agreements, or grants to eligible entities to—

"(1) facilitate the development directly or through contracts with producers of children and family educational television programming, educational programming for preschool and elementary school children, and accompanying support materials and services that promote the effective use of such programming; and

"(2) contract with entities (such as public broadcasting entities and those funded under the Star Schools Act) in order that programs developed under this section are disseminated and distributed to the widest possible audience appropriate to be served by the programming by the most appropriate distribution technologies.

"(b) ELIGIBLE ENTITIES.—To be eligible to receive a contract, cooperative agreement, or grant under subsection (a), an entity shall be—

"(1) a nonprofit entity (including a public telecommunications entity) able to demonstrate a capacity for the development and distribution of educational and instructional television programming of high quality for preschool and elementary school children; and

"(2) able to demonstrate a capacity to contract with the producers of children's television programming for the purpose of developing educational television programming of high quality for preschool and elementary school children.

"(c) CULTURAL EXPERIENCES.—Programming developed under this section shall reflect the recognition of diverse cultural experiences and the needs and experiences of both boys and girls in engaging and preparing young children for schooling.

"SEC. 3303. DUTIES OF SECRETARY.

"The Secretary is authorized—

"(1) to establish and administer a Special Projects of National Significance program to award contracts, cooperative agreements, or grants to public and nonprofit private entities, or local public television stations or such public television stations that are part of a consortium with one or more State educational agencies, local educational agencies, local schools, institutions of higher education, or community-based organizations of demonstrated effectiveness, for the purpose of—

"(A) addressing the learning needs of young children in limited-English proficient households, and developing appropriate educational and instructional television programming to foster the school readiness of such children;

"(B) developing programming and support materials to increase family literacy skills among parents to assist parents in teaching their children and utilizing educational television programming to promote school readiness; and

"(C) identifying, supporting, and enhancing the effective use and outreach of innovative programs that promote school readiness;

"(2) to establish within the Department a clearinghouse to compile and provide information, referrals and model program materials and programming obtained or developed under this part to parents, child care providers, and other appropriate individuals or entities to assist such individuals and entities in accessing programs and projects under this part; and

"(3) to develop and disseminate training materials, including—

"(A) interactive programs and programs adaptable to distance learning technologies that are designed to enhance knowledge of children's

social and cognitive skill development and positive adult-child interactions; and

"(B) support materials to promote the effective use of materials developed under paragraph (2); among parents, Head Start providers, in-home and center based day care providers, early childhood development personnel, and elementary school teachers, public libraries, and after school program personnel caring for preschool and elementary school children;

"(4) coordinate activities with the Secretary of Health and Human Services in order to—

"(A) maximize the utilization of quality educational programming by preschool and elementary school children, and make such programming widely available to federally funded programs serving such populations; and

"(B) provide information to recipients of funds under Federal programs that have major training components for early childhood development, including Head Start, Even Start, and State training activities funded under the Child Care Development Block Grant Act of 1990 regarding the availability and utilization of materials developed under paragraph (3) to enhance parent and child care provider skills in early childhood development and education.

"SEC. 3304. APPLICATIONS.

"Each eligible entity desiring a contract, cooperative agreement, or grant under section 3301 or 3303 shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"SEC. 3305. REPORTS AND EVALUATION.

"(a) ANNUAL REPORT TO SECRETARY.—An entity receiving funds under section 3301 shall prepare and submit to the Secretary an annual report which contains such information as the Secretary may require. At a minimum, the report shall describe the program activities undertaken with funds received under this section, including—

"(1) the programming that has been developed directly or indirectly by the entity, and the target population of the programs developed;

"(2) the support materials that have been developed to accompany the programming, and the method by which such materials are distributed to consumers and users of the programming;

"(3) the means by which programming developed under this section has been distributed, including the distance learning technologies that have been utilized to make programming available and the geographic distribution achieved through such technologies; and

"(4) the initiatives undertaken by the entity to develop public-private partnerships to secure non-Federal support for the development and distribution and broadcast of educational and instructional programming.

"(b) REPORT TO CONGRESS.—The Secretary shall prepare and submit to the relevant committees of Congress a biannual report which includes—

"(1) a summary of the information made available under section 3302(a); and

"(2) a description of the training materials made available under section 3303(3), the manner in which outreach has been conducted to inform parents and child care providers of the availability of such materials, and the manner in which such materials have been distributed in accordance with such section.

"SEC. 3306. ADMINISTRATIVE COSTS.

"With respect to the implementation of section 3302, entities receiving a contract, cooperative agreement, or grant from the Secretary may use not more than 5 percent of the amounts received under such section for the normal and customary expenses of administering the contract, cooperative agreement, or grant.

"SEC. 3307. DEFINITION.

"For the purposes of this part, the term 'distance learning' means the transmission of educational or instructional programming to geographically dispersed individuals and groups via telecommunications.

"SEC. 3308. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this part, $30,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years. Not less than 60 percent of the amounts appropriated under this subsection for each fiscal year shall be used to carry out section 3302.

"(b) SPECIAL PROJECTS.—Of the amount appropriated under subsection (1) for each fiscal year, at least 10 percent of such amount shall be utilized in each such fiscal year for activities under section 3303(1)(C).

"PART D—ELEMENTARY MATHEMATICS AND SCIENCE EQUIPMENT PROGRAM

"SEC. 3401. SHORT TITLE.

"This part may be cited as the 'Elementary Mathematics and Science Equipment Act'.

"SEC. 3402. STATEMENT OF PURPOSE.

"It is the purpose of this part to raise the quality of instruction in mathematics and science in the Nation's elementary schools by providing equipment and materials necessary for hands-on instruction through assistance to State and local educational agencies.

"SEC. 3403. PROGRAM AUTHORIZED.

"The Secretary is authorized to make allotments to State educational agencies under section 3404 to enable such agencies to award grants to local educational agencies for the purpose of providing equipment and materials to elementary schools to improve mathematics and science education in such schools.

"SEC. 3404. ALLOTMENTS OF FUNDS.

"(a) IN GENERAL.—From the amount appropriated under section 3410 for any fiscal year, the Secretary shall reserve—

"(1) not more than one-half of 1 percent for allotment among Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau according to their respective needs for assistance under this part; and

"(2) one-half of 1 percent for programs for Indian students served by schools funded by the Secretary of the Interior which are consistent with the purposes of this part.

"(b) ALLOTMENT.—

"(1) IN GENERAL.—The remainder of the amount so appropriated (after meeting requirements in subsection (a)) shall be allotted among State educational agencies so that—

"(A) one-half of such remainder shall be distributed by allotting to each State educational agency an amount which bears the same ratio to such one-half of such remainder as the number of children aged 5 to 17, inclusive, in the State bears to the number of such children in all States; and

"(B) one-half of such remainder shall be distributed according to each State's share of allocations under part A of title I.

"(2) MINIMUM.—Except as provided in paragraph (3), no State educational agency shall receive an allotment under this subsection for any fiscal year in an amount that is—

"(A) less than one-half of 1 percent of the amount made available under this subsection for such fiscal year; or

"(B) less than the amount allotted to such State for fiscal year 1988 under title II of the Education for Economic Security Act.

"(3) RATABLE REDUCTIONS.—(A) If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all State educational agencies are eligible to receive under paragraph (2)(B) for such year, the Secretary shall ratably reduce the allotment to such agencies for such year.

"(B) If additional funds become available for making payments under paragraph (2)(B) for such fiscal year, allotments that were reduced under subparagraph (A) shall be increased on the same basis as such allotments were reduced.

"(c) REALLOTMENT OF UNUSED FUNDS.—The amount of any State educational agency's allotment under subsection (b) for any fiscal year to carry out this part which the Secretary determines will not be required for that fiscal year to carry out this part shall be available for reallotment from time to time, on such dates during that year as the Secretary may determine, to other State educational agencies in proportion to the original allotments to those State educational agencies under subsection (b) for that year but with such proportionate amount for any of those other State educational agencies being reduced to the extent it exceeds the sum the Secretary estimates that the State educational agency needs and will be able to use for that year, and the total of those reductions shall be similarly reallotted among the State educational agencies whose proportionate amounts were not so reduced. Any amounts reallotted to a State educational agency under this subsection during a year shall be deemed a part of the State educational agency's allotment under subsection (b) for that year.

"(d) DEFINITION.—For the purposes of this part the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(e) DATA.—The number of children aged 5 to 17, inclusive, in the State and in all States shall be determined by the Secretary on the basis of the most recent satisfactory data available to the Secretary.

"SEC. 3405. STATE APPLICATION.

"(a) APPLICATION.—Each State educational agency desiring to receive an allotment under this part shall file an application with the Secretary which covers a period of 5 fiscal years. Such application shall be filed at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

"(b) CONTENTS OF APPLICATION.—Each application described in subsection (a) shall—

"(1) provide assurances that—

"(A) the State educational agency shall use the allotment provided under this part to award grants to local educational agencies within the State to enable such local educational agencies to provide assistance to schools served by such agency to carry out the purpose of this part;

"(B) the State educational agency will provide such fiscal control and funds accounting as the Secretary may require;

"(C) every public elementary school in the State is eligible to receive assistance under this part once over the 5-year duration of the program assisted under this part;

"(D) funds provided under this part will supplement, not supplant, State and local funds made available for activities authorized under this part;

"(E) during the 5-year period described in the application, the State educational agency will evaluate its standards and programs for teacher preparation and inservice professional development for elementary mathematics and science;

"(F) the State educational agency will take into account the needs for greater access to and participation in mathematics and science by students and teachers from historically underrepresented groups, including females, minorities, individuals with limited-English proficiency, the economically disadvantaged, and individuals with disabilities; and

"(G) that the needs of teachers and students in areas with high concentrations of low-income students and sparsely populated areas will be given priority in awarding assistance under this part;

"(2) provide, if appropriate, a description of how funds paid under this part will be coordinated with State and local funds and other Federal resources, particularly with respect to programs for the professional development and inservice training of elementary school teachers in science and mathematics; and

"(3) describe procedures—

"(A) for submitting applications for programs described in section 3406 for distribution of assistance under this part within the State; and

"(B) for approval of applications by the State educational agency, including appropriate procedures to assure that such agency will not disapprove an application without notice and opportunity for a hearing.

"(c) STATE ADMINISTRATION.—Not more than 5 percent of the funds allotted to each State educational agency under this part shall be used for the administrative costs of such agency associated with carrying out the program assisted under this part.

"SEC. 3406. LOCAL APPLICATION.

"(a) APPLICATION.—A local educational agency that desires to receive a grant under this part shall submit an application to the State educational agency. Each such application shall contain assurances that each school served by the local educational agency shall be eligible for assistance under this part only once.

"(b) CONTENTS OF APPLICATION.—Each application described in subsection (a) shall—

"(1) describe how the local educational agency plans to set priorities on the use and distribution among schools of grant funds received under this part to meet the purpose of this part;

"(2) include assurances that the local educational agency has made every effort to match on a dollar-for-dollar basis from private or public sources the funds received under this part, except that no such application shall be penalized or denied assistance under this part based on failure to provide such matching funds;

"(3) describe, if applicable, how funds under this part will be coordinated with State, local, and other Federal resources, especially with respect to programs for the professional development and inservice training of elementary school teachers in science and mathematics; and

"(4) describe the process which will be used to determine different levels of assistance to be awarded to schools with different needs.

"(c) PRIORITY.—In awarding grants under this part, the State educational agency shall give priority to applications that—

"(1) assign highest priority to providing assistance to schools which—

"(A) are most seriously underequipped; or

"(B) serve large numbers or percentages of economically disadvantaged students;

"(2) are attentive to the needs of underrepresented groups in science and mathematics;

"(3) demonstrate how science and mathematics equipment will be part of a comprehensive plan of curriculum planning or implementation and teacher training supporting hands-on laboratory activities; and

"(4) assign priority to providing equipment and materials for students in grades 1 through 6.

"SEC. 3407. PROGRAM REQUIREMENTS.

"(a) COORDINATION.—Each State educational agency receiving an allotment under this part shall—

"(1) disseminate information to school districts and schools, including private nonprofit elementary schools, regarding the program assisted under this part;

"(2) evaluate applications of local educational agencies;

"(3) award grants to local educational agencies based on the priorities described in section 3406(c); and

"(4) evaluate local educational agencies' end-of-year summaries and submit such evaluation to the Secretary.

"(b) LIMITATIONS ON USE OF FUNDS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), grant funds and matching funds under this part only shall be used to purchase science equipment, science materials, or mathematical manipulative materials and shall not be used for computers, computer peripherals, software, textbooks, or staff development costs.

"(2) CAPITAL IMPROVEMENTS.—Grant funds under this part may not be used for capital improvements. Not more than 50 percent of any matching funds provided by the local educational agency may be used for capital improvements of classroom science facilities to support the hands-on instruction that this part is intended to support, such as the installation of electrical outlets, plumbing, lab tables or counters, or ventilation mechanisms.

"SEC. 3408. FEDERAL ADMINISTRATION.

"(a) TECHNICAL ASSISTANCE AND EVALUATION PROCEDURES.—The Secretary shall provide technical assistance and, in consultation with State and local representatives of the program assisted under this part, shall develop procedures for State and local evaluations of the programs assisted under this part.

"(b) REPORT.—The Secretary shall report to the Congress each year on the program assisted under this part in accordance with section 10701.

"SEC. 3409. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $30,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this part.

"PART E—ELEMENTARY AND SECONDARY SCHOOL LIBRARY MEDIA RESOURCES PROGRAM

"SEC. 3501. PROGRAM AUTHORIZED.

"The Secretary shall award grants or make allocations for the acquisition of school library media resources for the use of students, library media specialists, and teachers in elementary and secondary schools in accordance with this part.

"SEC. 3502. FUNDING REQUIREMENTS.

"(a) IN GENERAL.—From the amount appropriated to carry out part A in each fiscal year, the Secretary shall make available at least 10 percent but not more than 20 percent of such amount to make awards in accordance with subsection (b) to States having a plan approved under section 3503.

"(b) SPECIAL RULE.—

"(1) AMOUNTS BELOW $50,000,000.—If the amount made available under subsection (a) for a fiscal year is less than $50,000,000, then the Secretary shall award grants to States, on a competitive basis, taking into account such factors as age and condition of existing school library media collections and the relative economic need of the students to be served.

"(2) AMOUNTS EQUAL TO OR EXCEEDING $50,000,000.—If the amount made available under subsection (a) for a fiscal year equals or exceeds $50,000,000, then the Secretary shall allocate to each State an amount which bears the same relationship to such amount as the amount such State received under title II for such year bears to the amount all States received under such title for such year.

"SEC. 3503. STATE PLANS.

"In order for a State to receive a grant or an allocation of funds under this part for any fiscal year, such State shall have in effect for such fiscal year a State plan. Such plan shall—

"(1) designate the State educational agency as the State agency responsible for the administration of the program assisted under this part;

"(2) set forth a program under which funds paid to the State in accordance with section 3502 will be expended solely for—

"(A) acquisition of school library media resources, including books and foreign language resources, for the use of students, school library media specialists, and teachers in elementary and secondary schools in the United States; and

"(B) administration of the State plan, including development and revision of standards, relating to school library media resources, except that the amount used for administration of the State plan in any fiscal year shall not exceed 3 percent of the amount available to such State under section 3502 for such fiscal year; and

"(3) set forth criteria to be used in allotting funds for school library media resources among the local educational agencies of the State, which allotment shall take into consideration the relative need of the students, school media specialists, and teachers to be served.

"SEC. 3504. DISTRIBUTION OF ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.

"From the funds made available under section 3502 to a State in each fiscal year, such State shall distribute not less than 97 percent of such funds for such year to local educational agencies within such State on the same basis as allocations are made available to States under section 2122.

"PART F—BUDDY SYSTEM COMPUTER EDUCATION

"SEC. 3601. SHORT TITLE.

"This part may be cited as the 'Buddy System Computer Education Act'.

"SEC. 3602. PURPOSE.

"It is the purpose of this part to award demonstration grants to develop and expand public-private partnership programs which extend the learning experience, via computers, beyond the classroom environment in order to—

"(1) enhance learning by providing students with the technological tools and guidance necessary to develop skills critical to educational growth and success in the workplace, including—

"(A) mastery of fundamental computer technology and applications;

"(B) improved written and visual communication skills;

"(C) improved critical thinking and problem solving abilities; and

"(D) improved ability to work in a collaborative, teamwork-driven environment;

"(2) encourage parental involvement in education and total family use and understanding of computers and telecommunications through at-home applications; and

"(3) establish foundations for lifelong learning through improvement in education skills and student motivation and attitudes.

"SEC. 3603. GRANT AUTHORIZATION.

"(a) GRANT PROGRAM.—

"(1) IN GENERAL.—The Secretary shall conduct a program of awarding a grant to each of 3 States to enable such States to create a computer-based education project for children in grades 4 through 6 in accordance with the requirements of section 3604.

"(2) AWARD BASIS.—The Secretary shall award grants under this part on a competitive basis.

"(3) PREFERENCE.—In awarding grants under this part, the Secretary shall give preference to applications—

"(A) from States that have a demonstrated ability or commitment to computer-based technology education; and

"(B) describing projects that serve school districts which serve a large number or percentage of economically disadvantaged students.

"(b) SITE SELECTION AND PROJECT IMPLEMENTATION.—Site selection and implementation of the computer-based education projects assisted under this part shall take place not later than 9 months after funds are appropriated to carry

out this part pursuant to the authority of section 3608.

"SEC. 3604. PROGRAM REQUIREMENTS.

"Each State receiving a grant to conduct a computer-based education project under this part shall—

"(1) provide a continuous 3-year computer-based education project to 2 consecutive groups of 4th, 5th, and 6th grade elementary school students during the period commencing with each such group's entry into 4th grade and ending the summer following each such group's completion of 6th grade;

"(2) ensure that each student in each of the classes participating in the project shall participate in the project;

"(3) conduct such project in not more than 7 public elementary schools within the State; and

"(4) ensure that each student participating in the project shall have access to a computer—

"(A) at school during the school year; and

"(B) at home during the school year and summer.

"SEC. 3605. APPLICATIONS.

"(a) APPLICATION REQUIRED.—In order to receive a grant under this part, the State educational agency shall submit an application to the Secretary in such form and containing such information as the Secretary may reasonably require. Such application shall include an assurance from the State educational agency that the State educational agency has made every effort to match on a dollar-for-dollar basis from private or public sources the funds received under this part, except that no such application shall be penalized or denied assistance under this part on the basis of the failure to provide such matching funds.

"(b) APPLICATION PERIOD.—States shall be eligible to submit applications for assistance under this part during a 3-month period determined by the Secretary.

"SEC. 3606. USE OF FUNDS.

"Grant funds under this part shall be used to provide hardware and software components to all sites, and training for classroom teachers as well as parents, administrators and technical personnel.

"SEC. 3607. EVALUATION.

"The Secretary shall evaluate the demonstration program assisted under this part and shall report to the Congress regarding the overall effectiveness of such program.

"SEC. 3608. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $5,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this part.

"TITLE IV—MAGNET SCHOOLS ASSISTANCE

"SEC. 4101. FINDINGS.

"The Congress finds that—

"(1) magnet schools are a significant part of our Nation's effort to achieve voluntary desegregation in our Nation's schools;

"(2) the use of magnet schools has increased dramatically since the date of enactment of the Magnet Schools Assistance program, with approximately 1,400,000 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 the Magnet Schools Assistance 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—

"(i) magnet students from other students in the school; and

"(ii) students by racial characteristics;

"(B) school districts can maximize their effectiveness in achieving the purposes of the Magnet Schools Assistance program if such districts have more flexibility in the administration of such program in order 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) consistent with desegregation guidelines, school districts must seek to enable participation in magnet school programs by students who reside in the neighborhoods where the programs operate; 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 the Federal Government's 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 such students' education;

"(B) ensure that all students have equitable access to quality education that will prepare such students 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 effective and innovative magnet schools that contribute to State and local systemic reform.

"SEC. 4102. STATEMENT OF PURPOSE.

"The purpose of this title 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 State content standards and challenging State student 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.

"SEC. 4103. PROGRAM AUTHORIZED.

"The Secretary, in accordance with this title, is authorized to make grants to local educational agencies, and consortia of such agencies where appropriate, to carry out the purpose of this title for magnet schools that are—

"(1) part of an approved desegregation plan; and

"(2) designed to bring students from different social, economic, ethnic, and racial backgrounds together.

"SEC. 4104. DEFINITION.

"For the purpose of this title, the term 'magnet school' means a public school or public education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

"SEC. 4105. ELIGIBILITY.

"A local educational agency, or consortium of such agencies where appropriate, is eligible to receive assistance under this title to carry out the purposes of this title if such agency or consortium—

"(1) is implementing a plan undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, 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 such local educational agency or consortium of such agencies under this part, adopt and implement a plan that has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 for the desegregation of minority-group-segregated children or faculty in such schools.

"SEC. 4106. APPLICATIONS AND REQUIREMENTS.

"(a) APPLICATIONS.—An eligible local educational agency or consortium of such agencies desiring to receive assistance under this title 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.—Each such application shall include—

"(1) a description of—

"(A) how assistance made available under this title 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 seeks to increase student achievement in the instructional area or areas offered by the school;

"(C) how an applicant will continue the magnet school project after assistance under this title may no longer be available, including, if applicable, an explanation of why magnet schools established or supported by the applicant with funds under this title cannot be continued without the use of funds under this part;

"(D) how funds under this title will be used to implement services and activities that are consistent with—

"(i) the State plan described in section 1111; and

"(ii) the local educational agency's plan described in section 1112; 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 title for the purposes specified in section 4102;

"(B) employ State certified or licensed teachers in the courses of instruction assisted under this title to teach or supervise others who are teaching the subject matter of the courses of instruction;

"(C) not engage in discrimination based on race, religion, color, national origin, sex, or disability in—

"(i) the hiring, promotion, or assignment of employees of the agency or other personnel for whom the agency has any administrative responsibility;

"(ii) the assignment of students to schools, or to courses of instruction within the school, of such agency, except to carry out the approved plan; and

"(iii) designing or operating 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.

"SEC. 4107. PRIORITY.

"In approving applications under this title, the Secretary shall give priority to applicants that—

"(1) demonstrate the greatest need for assistance, based on the expense or difficulty of effectively carrying out an approved desegregation plan and the projects for which assistance is sought;

"(2) propose to carry out new magnet school projects, or significantly revise existing magnet school projects, which include revisions to enable a magnet school to implement effective educational approaches that are consistent with the State's and the local educational agency's State or local improvement plans, if any;

"(3) propose to select students to attend magnet school projects on the basis of multiple criteria which may include a lottery, rather than solely academic examination; and

"(4) propose to draw on comprehensive community involvement plans.

"SEC. 4108. USE OF FUNDS.

"(a) IN GENERAL.—Grant funds made available under this title may be used by an eligible local educational agency or consortium of such agencies—

"(1) for planning and promotional activities directly related to the development, expansion, continuation, or enhancement of academic programs and services offered at magnet schools;

"(2) for the acquisition of books, materials, and equipment, including computers and the maintenance and operation thereof, necessary for the conduct of programs in magnet schools;

"(3) for the payment of, or subsidization of the compensation of, elementary and secondary school teachers who are certified or licensed by the State, and instructional staff, where applicable, 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 title.

"(b) SPECIAL RULE.—Grant funds under this title may be used in accordance with paragraphs (2) and (3) of subsection (a), only if the activities described in such paragraphs are directly related to improving the students' reading skills or knowledge of mathematics, science, history, geography, English, foreign languages, art, or music, or to improving vocational skills.

"SEC. 4109. PROHIBITIONS.

"Grants under this title may not be used for transportation, or for any activity that does not augment academic improvement.

"SEC. 4110. LIMITATION ON PAYMENTS.

"(a) DURATION OF AWARDS.—A grant under this title shall be awarded for a period that shall not exceed four fiscal years.

"(b) LIMITATION ON PLANNING FUNDS.—

"(1) IN GENERAL.—A local educational agency may expend for planning not more than 50 percent of the funds received under this title for the first year of the project, 25 percent of such funds for the second such year, and 10 percent of such funds for the third such year.

"(2) SPECIAL RULE.—A local educational agency shall not expend funds under this title for planning after the third year of a project assisted under this title.

"(c) FEDERAL SHARE.—

"(1) IN GENERAL.—The Federal share of the cost of any project assisted under this title shall not exceed 100 percent for the first and second years of the project, 90 percent for the third such year, and 70 percent for the fourth or any subsequent such year including any year for which a grant is renewed pursuant to a new grant competition under this title.

"(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of any project assisted under this title may be in cash or in kind, including planned equipment or services, fairly valued, and may include other Federal education funds.

"(d) LIMITATION ON GRANTS.—No local educational agency or consortium receiving a grant under this section shall receive more than $4,000,000 under this part in any one fiscal year.

"(e) AWARD REQUIREMENT.—To the extent practicable, for any fiscal year, the Secretary shall award grants to local educational agencies or consortia under this title not later than June 30 of the applicable fiscal year.

"SEC. 4111. INNOVATIVE PROGRAMS.

"(a) IN GENERAL.—From amounts reserved under section 4112(d) for each fiscal year, the Secretary shall award grants to local educational agencies described in section 4105 to enable such agencies to conduct innovative programs that—

"(1) carry out the purpose of this part; and

"(2) involve strategies other than magnet schools, such as neighborhood or community model schools—

"(A) organized around a special emphasis, theme or concept; and

"(B) involving extensive parent and community involvement.

"(b) APPLICABILITY.—Sections 4103, 4106, 4107, and 4108, shall not apply to grants awarded under subsection (a).

"(c) APPLICATIONS.—Each local educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

"SEC. 4112. AUTHORIZATION OF APPROPRIATIONS; RESERVATION.

"(a) AUTHORIZATION.—For the purpose of carrying out this title, there are authorized to be appropriated $120,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) AVAILABILITY OF FUNDS FOR GRANTS TO AGENCIES NOT PREVIOUSLY ASSISTED.—In any fiscal year for which the amount appropriated pursuant to subsection (a) exceeds $75,000,000, the Secretary shall give priority to using such amounts in excess of $75,000,000 to award grants to local educational agencies or consortia that did not receive a grant under this part in the preceding fiscal year.

"(c) EVALUATIONS.—

"(1) IN GENERAL.—The Secretary may reserve not more than two percent of the funds appropriated under subsection (a) for any fiscal year to carry out evaluations of projects assisted under this part.

"(2) CONTENTS.—Each evaluation described in paragraph (1), at a minimum, shall address—

"(A) how and the extent to which magnet school programs lead to educational quality and improvement;

"(B) the extent to which magnet school programs enhance student access to quality education;

"(C) the extent to which magnet school programs lead to the elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority students; and

"(D) the extent to which magnet school programs differ from other school programs in terms of the organizational characteristics and resource allocations of such magnet school programs.

"(d) INNOVATIVE PROGRAMS.—The Secretary shall reserve not more than 5 percent of the funds appropriated under subsection (a) for each fiscal year to award grants under section 4111.

"TITLE V—BETTER SCHOOLS FOR AMERICA

"PART A—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES

"SEC. 5101. FINDINGS.

"The Congress finds as follows:

"(1) The seventh National Education Goal provides that by the year 2000, all schools in America will be free of drugs and violence and the unauthorized presence of firearms and alcohol, 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 the physical and mental well-being of such students, 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 3,000,000 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.

"(4) Violence that is linked to prejudice and intolerance victimizes entire communities leading to more violence and discrimination.

"(5) Violence and drug abuse have numerous personal and societal roots, and character education is an important component of any comprehensive strategy to address the serious problems of violence and drug abuse.

"(6) 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 such students' communities and the Nation, which can ill afford to lose such students' skills, talents, and vitality.

"(7) Alcohol and tobacco are widely used by young people. Such use can, and does, have adverse consequences for young people, 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 alcohol and tobacco as well.

"(8) Every day approximately 3,000 children start smoking. Thirty percent of all secondary school seniors are smokers. Half of all new smokers begin smoking before the age of 14, 90 percent of such smokers begin before the age of 21, and the average age of the first use of smokeless tobacco is under the age of 10. Use of tobacco products has been linked to serious health problems. Drug education and prevention programs that include tobacco have been effective in reducing teenage use of tobacco.

"(9) 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.

"(10) Students must take greater responsibility for their own well-being, health, and safety if schools and communities are to achieve the goals of providing a safe, disciplined, and drug-free learning environment.

"SEC. 5102. PURPOSE.

"The purpose of this title is to support programs to meet the seventh National Educational Goal by preventing violence in and around schools and by strengthening programs that prevent the illegal use of alcohol, tobacco, 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 nonprofit agencies and organizations for programs of drug and violence prevention, early intervention, rehabilitation referral, and education for school dropouts and other high-risk youth;

"(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; and

"(5) public and private nonprofit 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.

"SEC. 5103. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $660,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this part, of which not more than 10 percent shall be available in each fiscal year to carry out subpart 2.

"Subpart 1—State Grants for Drug and Violence Prevention Programs

"SEC. 5111. RESERVATIONS AND ALLOTMENTS.

"(a) RESERVATIONS.—From the amount made available to carry out this subpart for each fiscal year under section 5103, the Secretary—

"(1) shall reserve 1 percent of such amount for grants under this subpart to Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau, to be allotted in accordance with the Secretary's determination of their respective needs;

"(2) shall reserve 1 percent of such amount for the Secretary of the Interior to carry out programs under this part for Indian youth;

"(3) shall reserve 0.2 percent of such amount for programs for Native Hawaiians under section 5119; and

"(4) may reserve not more than $1,000,000 for the national impact evaluation required by section 5118(a).

"(b) STATE ALLOTMENTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall, for each fiscal year, allocate among the States—

"(A) one-half of the remainder not reserved under subsection (a) according to the ratio between the school-aged population of each State and the school-aged population of all the States; and

"(B) one-half of such remainder according to the ratio between the amount each State received under section 1122 for the preceding year (or, for fiscal year 1995 only, sections 1005 and 1006 of this Act as such sections were in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994) and the sum of such amounts received by all the States.

"(2) MINIMUM.—For any fiscal year, no State shall be allotted under this subsection an amount that is less than one-half of 1 percent of the total amount allotted to all the States under this subsection.

"(3) REALLOTMENT.—The Secretary may 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 by the Secretary in the same manner as allotments are made under paragraph (1).

"(4) DEFINITIONS.—For the purpose of this subsection—

"(A) the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico; and

"(B) the term 'local educational agency' includes intermediate school districts and consortia.

"SEC. 5112. STATE APPLICATIONS.

"(a) IN GENERAL.—In order to receive an allotment under section 5111 for any fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that—

"(1) 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;

"(2) contains assurances that the application was developed in consultation and coordination with appropriate State officials and others, including 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, the head of the State criminal justice planning agency, the head of the State child welfare agency, the head of the State board of education, or their designees, and representatives of parents, students, and community-based organizations; and

"(3) contains a description of the procedures the State educational agency will use to review applications from local educational agencies under section 5115.

"(b) STATE EDUCATIONAL AGENCY FUNDS.—A State's application under this section shall also contain a comprehensive plan for the use of funds under section 5113(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 such agency 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 5116;

"(3) a description of how the State educational agency will use funds such agency reserves under section 5113(b);

"(4) a description of how the State educational agency will coordinate such agency's activities under this subpart with the chief executive officer's drug and violence prevention programs under this subpart and with the prevention efforts of other State agencies; and

"(5) an explanation of the criteria the State educational agency will use to identify which local educational agencies receive supplemental funds under section 5113(d)(2)(A)(ii) and how the supplemental funds will be allocated among those local educational agencies.

"(c) GOVERNOR'S FUNDS.—A State's application under this section shall also contain a comprehensive plan for the use of funds under section 5114(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 such officer's activities under this part with the State educational agency and other State agencies and organizations involved with drug and violence prevention efforts;

"(3) a description of how funds reserved under section 5114(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 5114(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.

"(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 subpart that are consistent with the requirements of this section and contain such information as the Secretary may specify in regulations. The purpose of such interim application and plan shall be to afford the State the opportunity to fully develop and review such State's application and comprehensive plan otherwise required by this section. A State may not receive a grant under this subpart for a fiscal year subsequent to fiscal year 1995 unless the Secretary has approved such State's application and comprehensive plan in accordance with this subpart.

"SEC. 5113. STATE AND LOCAL EDUCATIONAL AGENCY PROGRAMS.

"(a) USE OF FUNDS.—An amount equal to 80 percent of the total amount allocated to a State under section 5111 for each fiscal year shall be used by the State educational agency and its local educational agencies for drug and violence prevention activities in accordance with this section.

"(b) STATE LEVEL PROGRAMS.—

"(1) IN GENERAL.—A State educational agency shall use not more than 5 percent of the amount available under subsection (a) for activities such as—

"(A) training and technical assistance concerning drug and violence prevention for local and intermediate educational agencies, including teachers, administrators, coaches and athletic directors, other staff, parents, students, community leaders, health service providers, local law enforcement officials, and judicial officials;

"(B) the development, identification, dissemination and evaluation of the most readily available, accurate, and up-to-date curriculum materials, for consideration by local educational agencies;

"(C) making available to local educational agencies cost effective programs for youth violence and drug abuse prevention;

"(D) demonstration projects in drug and violence prevention;

"(E) training, technical assistance, and demonstration projects to address violence associated with prejudice and intolerance;

"(F) financial assistance to enhance resources available for drug and violence prevention in areas serving large numbers of economically disadvantaged children or sparsely populated areas, or to meet other special needs consistent with the purposes of this subpart; and

"(G) evaluation activities required by this subpart.

"(2) SPECIAL RULE.—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 not more than 5 percent of the amount made available under subsection (a) for the administrative costs of carrying out such agency's responsibilities under this subpart.

"(d) LOCAL EDUCATIONAL AGENCY PROGRAMS.—

"(1) IN GENERAL.—A State educational agency shall distribute not less than 90 percent of the amount made available under subsection (a) for each fiscal year to local educational agencies in accordance with this subsection.

"(2) DISTRIBUTION.—(A) 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 nonprofit elementary and secondary schools within the boundaries of such agencies; 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 subpart.

"(B)(i) A State educational agency shall distribute funds under subparagraph (A)(ii) to not more than 10 percent of the local educational agencies in the State, 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 incidence of violence associated with prejudice and intolerance;

"(VI) high rates of referrals of youths to drug and alcohol abuse treatment and rehabilitation programs;

"(VII) high rates of referrals of youths to juvenile court;

"(VIII) high rates of expulsions and suspensions of students from schools; and

"(IX) high rates of reported cases of child abuse and domestic violence.

"(e) REALLOCATION OF FUNDS.—If a local educational agency chooses not to apply to receive the amount allocated to such agency under subsection (d), or if such agency's application under section 5115 is disapproved by the State educational agency, the State educational agency shall reallocate such amount to one or more of the local educational agencies determined by the State educational agency under subsection (d)(2)(B) to have the greatest need for additional funds.

"SEC. 5114. GOVERNOR'S PROGRAMS.

"(a) USE OF FUNDS.—

"(1) IN GENERAL.—An amount equal to 20 percent of the total amount allocated to a State under section 5111 for each fiscal year shall be used by the chief executive officer of such State for drug and violence prevention programs and activities in accordance with this section.

"(2) ADMINISTRATIVE COSTS.—A chief executive officer may use not more than 5 percent of the amount reserved under subsection (a)(1) for the administrative costs incurred in carrying out the duties of such officer under this section.

"(b) PROGRAMS AUTHORIZED.—

"(1) IN GENERAL.—A chief executive officer shall use funds made available 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 and consortia thereof. In making such grants and contracts, a chief executive officer shall give priority to programs and activities described in subsection (c) for—

"(A) children and youth who are not normally served by State or local educational agencies; or

"(B) populations that need special services or additional resources (such as preschoolers, youth in juvenile detention facilities, runaway or homeless children and youth, pregnant and parenting teenagers, and school dropouts).

"(2) PEER REVIEW.—Grants or contracts awarded under this subsection shall be subject to a peer review process.

"(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, comprehensive health education, early intervention, pupil services, or rehabilitation referral;

"(3) developing and implementing comprehensive, community-based drug and violence prevention programs that link community resources with schools and integrate services involving education, vocational and job skills training and placement, law enforcement, health, mental health, community service, mentoring, and other appropriate services;

"(4) planning and implementing drug and violence prevention activities that coordinate the efforts of State agencies with efforts of the State educational agency and its local educational agencies;

"(5) activities to protect students traveling to and from school;

"(6) before-and-after school recreational, instructional, cultural, and artistic programs that encourage drug- and violence-free lifestyles;

"(7) professional development workshops for teachers and curricula that promote the awareness of and sensitivity to alternatives to violence through courses of study that include related issues of intolerance and hatred in history;

"(8) developing and implementing activities to prevent and reduce violence associated with prejudice and intolerance;

"(9) developing and implementing strategies to prevent illegal gang activity;

"(10) coordinating and conducting community-wide violence and safety assessments and surveys;

"(11) age appropriate programs to prevent child abuse;

"(12) activities such as community service and service-learning projects; and

"(13) evaluating programs and activities assisted under this section.

"SEC. 5115. LOCAL APPLICATIONS.

"(a) APPLICATION REQUIRED.—

"(1) IN GENERAL.—In order to be eligible to receive a distribution under section 5113(d) for any fiscal year, a local educational agency shall submit, at such time as the State educational agency requires, an application to the State educational agency for approval. Such an application shall be amended, as necessary, to reflect changes in the local educational agency's program.

"(2) DEVELOPMENT.—(A) A local educational agency shall develop its application under subsection (a)(1) in consultation with a local or substate regional advisory council that includes, to the extent possible, representatives of local government, business, parents, students, teachers, pupil services personnel, appropriate State agencies, private schools, the medical profession, law enforcement, community-based organizations, and other groups with interest and expertise in drug and violence prevention.

"(B) In addition to assisting the local educational agency to develop an application under this section, the advisory council established or designated under paragraph (2)(A) shall, on an ongoing basis—

"(i) disseminate information about drug and violence prevention programs, projects, and activities conducted within the boundaries of the local educational agency;

"(ii) advise the local educational agency on how best to coordinate such agency's activities under this subpart with other related programs, projects, and activities and the agencies that administer such programs, projects, and activities; and

"(iii) review program evaluations and other relevant material and make recommendations to the local educational agency on how to improve such agency's drug and violence prevention programs.

"(b) CONTENTS OF APPLICATIONS.—An application under this section shall contain—

"(1) a description of the current alcohol, tobacco, and other drug problems as well as the violence, safety, prejudice, 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);

"(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 5112;

"(B) the local educational agency's measurable goals for drug and violence prevention, and a description of how such agency will assess and publicly report progress toward attaining these goals;

"(C) how the local educational agency will use its distribution under this subpart;

"(D) how the local educational agency will coordinate such agency's programs and projects with community-wide efforts to achieve such agency's goals for drug and violence prevention; and

"(E) how the local educational agency will coordinate such agency's programs and 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) IN GENERAL.—A State educational agency shall use a peer review process in reviewing local applications under this section.

"(2) CONSIDERATIONS.—(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 such plan is consistent with, and supports, the State's application under section 5112 and the State's plan under section 1111.

"(B) A State educational agency may disapprove a local educational agency application under this section in whole or in part and may withhold, limit, or place restrictions on the use of funds distributed 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 section 1111.

"SEC. 5116. LOCAL DRUG AND VIOLENCE PREVENTION PROGRAMS.

"(a) PROGRAM REQUIREMENTS.—A local educational agency shall use funds received under this subpart to adopt and carry out a comprehensive drug and violence prevention program which shall—

"(1) be designed, for all students and employees, to—

"(A) prevent the use, possession, and distribution of tobacco, alcohol and illegal drugs by students and to prevent the illegal use, possession, and distribution of such substances by employees;

"(B) prevent violence and promote school safety; and

"(C) create a disciplined environment conducive to learning; and

"(2) include 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, goals, and programs under this subpart.

"(b) AUTHORIZED ACTIVITIES.—A comprehensive drug and violence prevention program carried out under this subpart may include—

"(1) age-appropriate, developmentally based drug prevention and comprehensive health education programs for all students, from the preschool level through grade 12, that address the legal, social, personal and health consequences of the use of illegal drugs, promote a sense of individual responsibility, and provide information about effective techniques for resisting peer pressure to use illegal drugs;

"(2) programs of drug prevention, comprehensive health education, early intervention, pupil services, mentoring, or rehabilitation referral, which emphasize students' sense of individual responsibility and which may include—

"(A) the dissemination of information about drug prevention;

"(B) the professional development of school personnel, parents, students, law enforcement officials, judicial officials, health service providers and community leaders in prevention, education, early intervention, pupil services or rehabilitation referral; and

"(C) the implementation of strategies, including strategies to integrate the delivery of services from a variety of providers, to combat illegal alcohol, tobacco and 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 and service-learning projects, that are designed to increase students' sense of community;

"(3) age-appropriate, developmentally based violence prevention and education programs for all students, from the preschool level through grade 12, that address the legal, health, personal, and social consequences of violent and disruptive behavior, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, and that include activities designed to help students develop a sense of individual responsibility and respect for the rights of others, and to resolve conflicts without violence;

"(4) violence prevention programs for school-aged youth, which emphasize students' sense of individual responsibility and may include—

"(A) the dissemination of information about school safety and discipline;

"(B) the professional development of school personnel, parents, students, law enforcement officials, judicial officials, and community leaders in designing and implementing strategies to prevent school violence;

"(C) the implementation of strategies, such as conflict resolution and peer mediation, and the use of mentoring programs, to combat school violence and other forms of disruptive behavior, such as sexual harassment and abuse;

"(D) the development and implementation of character education programs that are tailored by communities, parents and schools, and based on the tenets of democracy, self discipline, and personal and civic responsibility, and guided by the principles of community and national laws, in order to reduce the problems of violence and drug abuse; and

"(E) comprehensive, community-wide strategies to prevent or reduce illegal gang activities;

"(5) supporting 'safe zones of passage' for students between home and school through such measures as Drug- and Weapon-Free School Zones, enhanced law enforcement, and neighborhood patrols;

"(6) acquiring and installing metal detectors and hiring security personnel;

"(7) reimbursing law enforcement authorities for their personnel who participate in school violence prevention activities;

"(8) professional development workshops for teachers and other staff and curricula that promote the awareness of and sensitivity to alternatives to violence through courses of study that include related issues of intolerance and hatred in history;

"(9) the promotion of before-and-after school recreational, instructional, cultural, and artistic programs in supervised community settings;

"(10) drug abuse resistance education programs, designed to teach students to recognize and resist pressures to use alcohol or other drugs, which may include activities such as classroom instruction by uniformed law enforcement officers, resistance techniques, resistance to peer pressure and gang pressure, and provision for parental involvement; and

"(11) the evaluation of any of the activities authorized under this subsection.

"(c) LIMITATIONS.—

"(1) IN GENERAL.—Not more than 10 percent of the funds made available to a local educational agency under this subpart may be used to carry out the activities described in paragraphs (5), (6), and (7) of subsection (b).

"(2) SPECIAL RULE.—A local educational agency shall only be able to use funds received under this subpart for activities described in paragraphs (5), (6), and (7), of subsection (b) if funding for such activities is not received from other Federal agencies.

"SEC. 5117. EVALUATION AND REPORTING.

"(a) NATIONAL IMPACT EVALUATION.—

"(1) BIENNIAL 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 assisted under this subpart and of other recent and new initiatives to combat violence in schools and submit a report of the findings of such evaluation to the President and the Congress.

"(2) DATA COLLECTION.—

"(A) COLLECTION.—The Secretary shall collect data to determine the frequency, seriousness, and incidence of violence in elementary and secondary schools in the States. The Secretary shall collect the data using, wherever appropriate, data submitted by the States pursuant to subsection (b)(2)(B).

"(B) REPORT.—Not later than January 1, 1998, the Secretary shall submit to the Congress a report on the data collected under this subsection, together with such recommendations as the Secretary determines appropriate, including estimated costs for implementing any recommendation.

"(b) STATE REPORT.—

"(1) IN GENERAL.—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 5114 and section 5113(b) and local programs under section 5113(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 subsections (b)(1) and (c)(1) of section 5112.

"(2) SPECIAL RULE.—The report required by this subsection shall be—

"(A) in the form specified by the Secretary;

"(B) based on the State's 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.

"SEC. 5118. PROGRAMS FOR HAWAIIAN NATIVES.

"(a) GENERAL AUTHORITY.—From the funds made available pursuant to section 5111(a)(3) to carry out this section, the Secretary shall make grants to or enter into cooperative agreements or contracts with organizations primarily serving and representing Hawaiian natives which are recognized by the Governor of the State of Hawaii to plan, conduct, and administer programs, or portions thereof, which are authorized by and consistent with the provisions of this title for the benefit of Hawaiian natives.

"(b) DEFINITION OF 'HAWAIIAN NATIVE'.—For the purposes of this section, the term 'Hawaiian native' means any individual any of whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

"Subpart 2—National Programs

"SEC. 5121. FEDERAL ACTIVITIES.

"(a) PROGRAM AUTHORIZED.—From funds made available to carry out this subpart under section 5103, the Secretary, in consultation with the Secretary of Health and Human Services, the Director of the Office of National Drug Control Policy, Chair of the Ounce of Prevention Council, 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 nonprofit organizations and individuals, or through agreements with other Federal agencies, and shall coordinate such programs with other appropriate Federal activities. Such programs may include—

"(1) the development and demonstration of innovative strategies for 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 toward improving programs and activities under this part;

"(4) program evaluations in accordance with section 10701 that address issues not addressed under section 5117(a);

"(5) direct services to schools and school systems afflicted 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) the development of education and training programs, curricula, instructional materials, and professional training and development for preventing and reducing the incidence of crimes and conflicts motivated by hate in localities most directly affected by hate crimes;

"(8) developing and disseminating drug and violence prevention materials, including model curricula; and

"(9) other activities that meet unmet national needs related to the purposes of this part.

"(b) PEER REVIEW.—The Secretary shall use a peer review process in reviewing applications for funds under this section.

"SEC. 5122. GRANTS TO INSTITUTIONS OF HIGHER EDUCATION.

"(a) IN GENERAL.—From funds made available to carry out this subpart under section 5103, 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 in the activities assisted under this section of private and public institutions of higher education (including community and junior colleges), institutions of limited enrollment, and institutions in different geographic regions.

"Subpart 3—General Provisions

"SEC. 5131. DEFINITIONS.

"For the purposes of this part, 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 the use of controlled, illegal, addictive, or harmful substances, including inhalants and anabolic steroids;

"(B) prevention, early intervention, smoking cessation activities, or education, related to the use of tobacco; and

"(C) with respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, on school premises, going to and from school, and at school-sponsored activities, through the creation and maintenance of a school environment that is free of weapons and fosters individual responsibility and respect for the rights of others.

"(2) The term 'hate crime' means a crime as described in section 1(b) of the Hate Crime Statistics Act of 1990.

"(3) 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.

"(4) The term 'school-aged population' means the population aged five through 17, as determined by the Secretary on the basis of the most recent satisfactory data available from the Department of Commerce.

"(5) 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.

"SEC. 5132. MATERIALS.

"(a) 'WRONG AND HARMFUL' MESSAGE.—Drug prevention programs supported under this part shall convey a clear and consistent message that the illegal use of alcohol and other drugs is wrong and harmful.

"(b) CURRICULUM.—The Secretary shall not prescribe the use of specific curricula for programs supported under this part, but may evaluate the effectiveness of such curricula and other strategies in drug and violence prevention.

"SEC. 5133. PROHIBITED USES OF FUNDS.

"No funds under this part may be used for—

"(1) construction (except for minor remodeling needed to accomplish the purposes of this part); and

"(2) medical services, except for pupil services or referral to treatment for students who are victims of or witnesses to crime or who use alcohol, tobacco, or other drugs.

"PART B—ASSISTANCE TO ADDRESS SCHOOL DROPOUT PROBLEMS

"SEC. 5201. SHORT TITLE.

"This part may be cited as the 'School Dropout Assistance Act'.

"SEC. 5202. PURPOSE.

"The purpose of this part is to reduce the number of children who do not complete their elementary and secondary education by providing grants to local educational agencies to establish—

"(1) effective programs to identify potential student dropouts, including pregnant and parenting teenagers, and prevent such students from dropping out of school;

"(2) effective programs to identify and encourage children who have already dropped out to reenter school and complete their elementary and secondary education;

"(3) effective early intervention programs designed to identify at-risk students in elementary and secondary schools; and

"(4) model systems for collecting and reporting information to local school officials on the number, ages, sex, race or ethnicity, and grade levels of the children not completing their elementary and secondary education and the reasons why such children have dropped out of school.

"SEC. 5203. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

"(a) ALLOTMENT TO CATEGORIES OF LOCAL EDUCATIONAL AGENCIES.—From the amount appropriated under section 5208 for any fiscal year, the Secretary shall first reserve not more than $2,000,000 for the purposes of evaluating programs carried out with assistance under this part in accordance with section 10701. From the remaining amount, the Secretary shall allot the following percentages to each of the following categories of local educational agencies:

"(1) Local educational agencies administering schools with a total enrollment of 100,000 or more elementary and secondary school students shall be allotted 25 percent of such remaining amount.

"(2) Local educational agencies administering schools with a total enrollment of at least 20,000 but less than 100,000 elementary and secondary school students shall be allotted 40 percent of such remaining amount.

"(3) Local educational agencies administering schools with a total enrollment of less than 20,000 elementary and secondary school students shall be allotted 30 percent of such remaining amount. Grants may be made under this paragraph to educational service agencies and consortia of not more than 5 local educational agencies in any case in which the total enrollment of the largest such local educational agency is less than 20,000 elementary and secondary students. Such agencies and consortia may also apply in conjunction with the State educational agency. Not less than 20 percent of funds available under this paragraph shall be awarded to local educational agencies administering schools with a total enrollment of less than 2,000 elementary and secondary school students.

"(4) Community-based organizations shall be allotted 5 percent of such remaining amount. Grants under this category shall be made after consultation between the community-based organization and the local educational agency that is to benefit from such a grant.

"(b) SPECIAL CONSIDERATION.—

"(1) IN GENERAL.—The Secretary shall give special consideration to awarding funds available for each category described in paragraphs (1), (2), and (3) of subsection (a) to local educational agencies participating in an educational partnership.

"(2) EDUCATIONAL PARTNERSHIPS.—Educational partnerships under this subsection shall include—

"(A) a local educational agency; and

"(B) a business concern or business organization, community-based organization, nonprofit private organization, institution of higher education, State educational agency, State or local public agency, private industry council (established under the Job Training Partnership Act), museum, library, or educational television or broadcasting station.

"(c) AWARD OF GRANT.—From the amount allotted for any fiscal year to a category of local educational agencies under subsection (a), the Secretary shall award as many grants as practicable within each such category to local educational agencies and educational partnerships whose applications have been approved by the Secretary for such fiscal year under section 5204 and whose applications propose a program of sufficient size, scope, and quality to be effective. Any local educational agency, educational partnership, or community-based organization that has received a grant under this part shall be eligible for additional funds subject to the requirements under this part. The grants shall be made under such terms and conditions as the Secretary shall prescribe consistent with the provisions of this part.

"(d) USE OF FUNDS WHEN NOT FULLY ALLOTTED TO CATEGORIES UNDER SUBSECTION (a).—

"(1) IN GENERAL.—Whenever the Secretary determines that the full amount of the sums allotted under any category set forth under subsection (a) will not be required for applications of the local educational agencies in the case of categories described in paragraphs (1) through (3) of subsection (a), the Secretary shall make the amount not so required available to another

category under subsection (a). In carrying out the provisions of this subsection, the Secretary shall assure that the transfer of amounts from one category to another is made to a category in which there is the greatest need for funds.

"(2) PEER REVIEW.—In order to transfer funds under this subsection, the Secretary shall use a peer review process to determine that such excess funds are not needed to fund projects in particular categories and shall prepare a list of the categories in which funds were not fully expended and the reasons therefor, and make such list available to local educational agencies and educational partnerships, upon request. The Secretary may use the peer review process to determine grant recipients of funds transferred in accordance with this subsection.

"(e) FEDERAL SHARE.—

"(1) FEDERAL SHARE.—The Federal share of a grant under this part may not exceed—

"(A) 90 percent of the total cost of a project for the first year for which the project receives assistance under this part; and

"(B) 75 percent of such cost in each such succeeding fiscal year.

"(2) REMAINING COSTS.—The remaining cost of a project that receives assistance under this part may be paid from any source other than funds made available under this part, except that not more than 10 percent of the remaining cost in any fiscal year may be provided from Federal sources other than this part.

"(3) NON-FEDERAL SHARE.—The share of payments from sources other than funds made available under this part may be in cash or in kind fairly evaluated, including plant, equipment or services.

"SEC. 5204. APPLICATION.

"(a) APPLICATION REQUIRED.—

"(1) IN GENERAL.—A grant under this part may be made only to a local educational agency or an educational partnership which submits an application to the Secretary containing such information as may be required by the Secretary by regulation.

"(2) DURATION.—Each such application shall be for a 3-year period.

"(b) CONTENTS.—Each such application shall—

"(1) provide documentation of—

"(A) the number of children who were enrolled in the schools of the applicant for the 5 academic years prior to the date application is made who have not completed their elementary or secondary education and who are classified as school dropouts; and

"(B) the percentage that such number of children is of the total school-age population in the applicant's schools;

"(2) include a plan for the development and implementation of a school dropout information collection and reporting system for documenting the extent and nature of the dropout problem, which system shall collect and cross tabulate data, where feasible, by sex according to race or ethnicity and socioeconomic status;

"(3) include a plan for coordinated activities involving at least 1 secondary school and its feeder junior high or middle schools and elementary schools for local educational agencies that have feeder systems;

"(4) when applicable, describe how programs assisted under this part will be coordinated with, and not duplicate, programs assisted under title I;

"(5) include a description of how the program assisted under this part is consistent with the second National Education Goal and other Federal programs as appropriate; and

"(6) contain such other information as the Secretary considers necessary to determine the nature of the local needs, the quality of the proposed project, and the capability of the applicant to carry out the project.

"(c) PRIORITY.—The Secretary shall, in approving applications under this section, give priority to applications which both show the replication of successful programs conducted in other local educational agencies or the expansion of successful programs within a local educational agency and reflect very high numbers or very high percentages of school dropouts in the schools of the applicant in each category described in section 5203(a).

"(d) SPECIAL CONSIDERATION.—The Secretary shall give additional special consideration to applications that include—

"(1) provisions which emphasize early intervention services designed to identify at-risk students in elementary or early secondary schools; and

"(2) provisions for significant parental involvement.

"(e) GRANTS FOR NEW GRANTEES.—In awarding grants under this part the Secretary shall utilize only those priorities and special considerations described in subsections (c) and (d).

"SEC. 5205. AUTHORIZED ACTIVITIES.

"Grants under this part shall be used to carry out plans set forth in applications approved under section 5204. In addition, grants may be used for educational, occupational, and basic skills testing services and activities, including, but not limited to—

"(1) the establishment of systemwide or school-level policies, procedures, and plans for dropout prevention and school reentry;

"(2) the development and implementation of activities, including extended day or summer programs, designed to address poor achievement, basic skills deficiencies, language deficiencies, or course failures, in order to assist students at risk of dropping out of school and students reentering school;

"(3) the establishment or expansion of work-study, apprentice, or internship programs;

"(4) the use of resources of the community, including contracting with public or private entities or community-based organizations of demonstrated performance, to provide services to the grant recipient or the target population;

"(5) the evaluation and revision of program placement of students at risk;

"(6) the evaluation of program effectiveness of dropout programs;

"(7) the development and implementation of programs for traditionally underserved groups of students;

"(8) the implementation of activities which will improve student motivation and the school learning environment;

"(9) the provision of training for school personnel on strategies and techniques designed to—

"(A) identify children at risk of dropping out;

"(B) intervene in the instructional program with support and remedial services;

"(C) develop realistic expectations for student performance; and

"(D) improve student-staff interactions;

"(10) the study of the relationship between drugs and dropouts and between youth gangs and dropouts, and the coordination of dropout prevention and reentry programs with appropriate drug prevention and community organizations for the prevention of youth gangs;

"(11) the study of the relationship between disabling conditions and student dropouts;

"(12) the study of the relationship between the dropout rate for gifted and talented students compared to the dropout rate for the general student enrollment;

"(13) the use of educational telecommunications and broadcasting technologies and educational materials designed to extend, motivate, and reinforce school, community, and home dropout prevention and reentry activities;

"(14) the development and implementation of efforts to identify and address factors in a student's decision to drop out of school that are related to gender and family roles;

"(15) the provision of other educational, occupational and testing services and activities which directly relate to the purpose of this part;

"(16) activities which offer jobs and college admissions for successful completion of the program for which assistance is sought;

"(17) summer employment programs;

"(18) occupational training programs;

"(19) career opportunity and skills counseling;

"(20) job placement services;

"(21) the development of skill employment competency testing programs;

"(22) special school staff training projects; and

"(23) mentoring programs.

"SEC. 5206. DISTRIBUTION OF ASSISTANCE; LIMITATION ON COSTS.

"(a) DISTRIBUTION OF ASSISTANCE.—The Secretary shall ensure that, to the extent practicable, in approving grant applications under this part—

"(1) grants are equitably distributed on a geographic basis within each category set forth in section 5203(a);

"(2) the amount of a grant to a local educational agency for a fiscal year is proportionate to the extent and severity of the local school dropout problem;

"(3) not less than 30 percent of the amount available for grants in each fiscal year is used for activities relating to school dropout prevention; and

"(4) not less than 30 percent of the amount available for grants in each fiscal year is used for activities relating to persuading school dropouts to return to school and assisting former school dropouts with specialized services once school dropouts return to school.

"(b) ADMINISTRATIVE COSTS.—Not more than 5 percent of any grant made under this part may be used for administrative costs.

"SEC. 5207. REPORTS.

"(a) ANNUAL REPORTS.—The Secretary shall submit to the Congress a report by January 1 of each year, beginning on January 1, 1995, which sets forth the progress of the Commissioner of Education Statistics, established under section 14003(b), to implement a definition and data collection process for school dropouts in elementary and secondary schools, including statistical information for the number and percentage of elementary and secondary school students by race and ethnic origin who drop out of school each year including dropouts—

"(1) throughout the Nation by rural and urban location as defined by the Secretary; and

"(2) in each of the individual States and the District of Columbia.

"(b) RECOMMENDATIONS.—The report under subsection (a) shall also contain recommendations on ways in which the Federal Government, States and localities can further support the implementation of an effective methodology to accurately measure dropout and retention rates on the national, State, and local levels.

"SEC. 5208. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $50,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this part.

"TITLE VI—INDIAN EDUCATION

"SEC. 6001. FINDINGS.

"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 standards and student performance standards and build on Indian culture and the Indian community;

"(B) assist local educational agencies, Indian tribes, and other entities and individuals in providing Indian students the opportunity to achieve such standards; and

"(C) meet the special educational and culturally related academic needs of American Indian and Alaska Native students;

"(2) since the date of enactment of the initial Indian Education Act in 1972, the level of involvement of Indian parents in the planning, development, and implementation of educational programs that affect such parents and their children has increased significantly, and schools should continue to foster such involvement;

"(3) although the number of Indian teachers, administrators, and university professors has increased since 1972, teacher training programs are not recruiting, training, or retraining a sufficient number of Indian individuals as educators to meet the needs of a growing Indian student population in elementary, secondary, vocational, adult, and higher education;

"(4) the dropout rate for Indian students is unacceptably high, for example, nine percent of Indian students who were eighth graders in 1988 had already dropped out of school by 1990;

"(5) during the period from 1980 to 1990, the percentage of Indian individuals living at or below the poverty level increased from 24 percent to 31 percent, and the readiness of Indian children to learn is hampered by the high incidence of poverty, unemployment, and health problems among Indian children and their families; and

"(6) research related specifically to the education of Indian children and adults is very limited, and much of the research is of poor quality or is focused on limited local or regional issues.

"SEC. 6002. PURPOSE.

"(a) PURPOSE.—It is the purpose of this title to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities to meet the special educational and culturally related academic needs of American Indians and Alaska Natives, so that such students can achieve to the same challenging State performance standards expected of all students.

"(b) PROGRAMS.—This title carries out the purpose described in subsection (a) by authorizing programs of direct assistance for—

"(1) meeting the special educational and culturally related academic needs of American Indians and Alaska Natives;

"(2) the education of Indian children and adults;

"(3) the training of Indian persons as educators and counselors, and in other professions serving Indian people; and

"(4) research, evaluation, data collection, and technical assistance.

"PART A—FORMULA GRANTS TO LOCAL EDUCATIONAL AGENCIES

"SEC. 6101. PURPOSE.

"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 such programs—

"(1) are based on challenging State content standards and State student performance standards that are used for all students; and

"(2) are designed to assist Indian students meet those standards and assist the Nation in reaching the National Education Goals.

"SEC. 6102. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

"(a) IN GENERAL.—A local educational agency shall be eligible for a grant under this part for any fiscal year if the number of Indian children who are eligible under section 6106 and were enrolled in the schools of such agency and to whom the agency provided a free public education, during the preceding fiscal year—

"(1) was at least 10; or

"(2) constituted not less than 25 percent of the total number of individuals enrolled in the schools of such agency.

"(b) INDIAN TRIBES.—If a local educational agency that is eligible for a grant under this part does not apply for such grant, an Indian tribe that has children who are served by such local educational agency may apply for such grant.

"SEC. 6103. AMOUNT OF GRANTS.

"(a) AMOUNT OF GRANT AWARDS.—

"(1) IN GENERAL.—Except as provided in subsection (b) and paragraph (2), the Secretary shall allocate to each local educational agency with respect to which the Secretary has approved an application under this part an amount equal to the product of—

"(A) the number of Indian children who are eligible under section 6106 and served by such agency; and

"(B) the greater of—

"(i) the average per-pupil expenditure of the State in which such agency is located; or

"(ii) 80 percent of the average per-pupil expenditure in the United States.

"(2) REDUCTION.—The Secretary shall reduce the amount of each allocation determined under paragraph (1) in accordance with subsection (e).

"(b) MINIMUM GRANT.—A local educational agency or an Indian tribe (as authorized under section 6102(b)) that is eligible for a grant under section 6102, and a school that is operated or supported by the Bureau of Indian Affairs that is eligible for a grant under subsection (d), that submits an application that is approved by the Secretary, shall, subject to appropriations, receive a grant under this part in an amount that is not less than $4,000.

"(c) DEFINITION.—For the purpose of this section, the average per-pupil expenditure of a State shall be an amount equal to—

"(1) the sum of the aggregate current expenditures of all the local educational agencies in the State, plus any direct current expenditures by the State for the operation of such agencies, without regard to the sources of funds from which such local or State expenditures were made, during the second fiscal year preceding the fiscal year for which the computation is made; divided by

"(2) the aggregate number of children who were included in average daily attendance for whom such agencies provided free public education during such preceding fiscal year.

"(d) SCHOOLS OPERATED OR SUPPORTED BY THE BUREAU OF INDIAN AFFAIRS.—

"(1) IN GENERAL.—In addition to the grants awarded under subsection (a), and subject to paragraph (2), the Secretary shall allocate to the Secretary of the Interior an amount equal to the product of—

"(A) the total number of Indian children enrolled in schools that are operated by—

"(i) the Bureau of Indian Affairs; or

"(ii) an Indian tribe, or an organization controlled or sanctioned by an Indian tribal government, for the children of such tribe under a contract with, or grant from, the Department of the Interior under the Indian Self-Determination Act or the Tribally Controlled Schools Act of 1988 (part B of title V of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988); and

"(B) the greater of—

"(i) the average per-pupil expenditure of the State in which the school is located; or

"(ii) 80 percent of the average per-pupil expenditure in the United States.

"(2) TRANSFER.— The Secretary shall transfer the amount determined under paragraph (1), subject to any reduction that may be necessary under subsection (e), to the Secretary of the Interior in accordance with, and subject to, section 10205.

"(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.

"SEC. 6104. APPLICATIONS.

"(a) APPLICATION REQUIRED.—Each 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 reasonably require.

"(b) COMPREHENSIVE PROGRAM REQUIRED.—Each application submitted under subsection (a) shall include a comprehensive program for meeting the needs of Indian children served by the local educational agency, including the language and cultural needs of the children, that—

"(1) provides programs and activities to meet the culturally related academic needs of American Indian and Alaska Native students;

"(2) explains how Federal, State, and local programs, especially programs under title I, will meet the needs of such children;

"(3) demonstrates how funds made available under this part will be used for activities described in section 6105;

"(4) describes the professional development opportunities that will be provided, as needed, to ensure that—

"(A) teachers and other school professionals who are new to the Indian community are prepared to work with Indian children; and

"(B) all teachers who will be involved in the program assisted under this part have been properly trained to carry out such program; and

"(5) describes how the local educational agency—

"(A) will periodically assess the progress of all Indian children enrolled in the schools of the local educational agency, including Indian children who do not participate in programs assisted under this part, in meeting the goals described in paragraph (2);

"(B) will provide the results of each assessment referred to in subparagraph (A) to—

"(i) the committee of parents described in subsection (c)(4); and

"(ii) the community served by the local educational agency; and

"(C) is responding to findings of any previous assessments that are similar to the assessments described in subparagraph (A).

"(c) ASSURANCES.—Each application submitted under subparagraph (a) shall 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 the Federal funds made available under this part, such 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 functions of the Secretary under this part; and

"(B) determine the extent to which funds provided to the local educational agency under this part are effective in improving the educational achievement of Indian students served by such agency;

"(3) the program for which assistance is sought—

"(A) is based on a local assessment and prioritization of the special educational and culturally related academic needs of the American Indian and Alaska Native students for whom the local educational agency is providing an education;

"(B) will use the best available talents and resources, including individuals from the Indian community; and

"(C) was developed by such agency in open consultation with parents of Indian children and teachers, and, if appropriate, Indian students from secondary schools, including public hearings held by such agency to provide the individuals described in this subparagraph a full opportunity to understand the program and to offer recommendations regarding the program; and

"(4) the local educational agency developed the program with the participation and written approval of a committee—

"(A) that is composed of, and selected by—

"(i) Indian parents of Indian children in the schools of the local educational agency, and teachers; and

"(ii) if appropriate, Indian students attending secondary schools;

"(B) the membership of which is at least three-fourths Indian parents of Indian children;

"(C) that sets forth such policies and procedures, including policies and procedures relating to the hiring of personnel, as will ensure that the program for which assistance is sought will be operated and evaluated in consultation with, and with the involvement of, parents of the children, and representatives of the area, to be served;

"(D) with respect to an application describing a schoolwide program in accordance with section 6105(c), has—

"(i) reviewed the program; and

"(ii) determined that the program will not diminish the availability of culturally related activities for American Indians and Alaskan Native students; and

"(E) has adopted reasonable bylaws for the conduct of the activities of the committee and abides by such bylaws.

"SEC. 6105. AUTHORIZED SERVICES AND ACTIVITIES.

"(a) GENERAL REQUIREMENTS.—Each local educational agency that receives a grant under this part shall use the grant funds, in a manner consistent with the purpose specified in section 6101, for services and activities that—

"(1) are designed to carry out the comprehensive plan of the local educational agency for Indian students, and described in the application of the local educational agency submitted to the Secretary under section 6104(b);

"(2) are designed with special regard for the language and cultural needs of the Indian students; and

"(3) supplement and enrich the regular school program of such agency.

"(b) PARTICULAR ACTIVITIES.—The services and activities referred to in subsection (a) may include—

"(1) culturally related activities that support the program described in the application submitted by the local educational agency;

"(2) early childhood and family programs that emphasize school readiness;

"(3) enrichment programs that focus on problem-solving and cognitive skills development and directly support the attainment of challenging State content standards and State student performance standards;

"(4) integrated educational services in combination with other programs that meet the needs of Indian children and their families;

"(5) school-to-work transition activities to enable Indian students to participate in programs such as the programs supported by the School-to-Work Opportunities Act of 1994 and the Carl D. Perkins Vocational and Applied Technology Education Act, including programs for technical preparation, mentoring, and apprenticeship;

"(6) activities to educate individuals concerning substance abuse and to prevent substance abuse; and

"(7) the acquisition of equipment, but only if the acquisition of the equipment is essential to meet the purpose described in section 6101.

"(c) SCHOOLWIDE PROGRAMS.—Notwithstanding any other provision of law, a local educational agency may use funds made available to the agency under this part to support a schoolwide program under section 1114 if—

"(1) at least 50 percent of the enrollment of the school that is the subject of the schoolwide program is comprised of Indian children;

"(2) the committee composed of parents established pursuant to section 6104(c)(4) approves the use of the funds for the schoolwide program; and

"(3) the schoolwide program is consistent with the purpose described in section 6101.

"SEC. 6106. STUDENT ELIGIBILITY AND FORMS.

"(a) IN GENERAL.—The Secretary shall require that, as part of an application for a grant under this part, each applicant shall maintain a file, with respect to each Indian child for whom the local educational agency provides a free public education, that contains a form that sets forth information establishing the status of the child as an Indian child eligible for assistance under this part and that otherwise meets the requirements of subsection (b).

"(b) FORMS.—

"(1) IN GENERAL.—The form described in subsection (a) shall include—

"(A) either—

"(i)(I) the name of the tribe or band of Indians (as defined in section 6601(4)) with respect to which the child claims membership;

"(II) the enrollment number establishing the membership of the child (if readily available); and

"(III) the name and address of the organization that maintains updated and accurate membership data for such tribe or band of Indians; or

"(ii) if the child is not a member of a tribe or band of Indians, the name, the enrollment number (if readily available), and the organization (and address thereof) responsible for maintaining updated and accurate membership rolls of any parent or grandparent of the child from whom the child claims eligibility;

"(B) a statement of whether the tribe or band of Indians with respect to which the child, parent or grandparent of the child claims membership is federally recognized;

"(C) the name and address of the parent or legal guardian of the child;

"(D) a signature of the parent or legal guardian of the child that verifies the accuracy of the information supplied; and

"(E) any other information that the Secretary considers necessary to provide an accurate program profile.

"(2) MINIMUM INFORMATION.—In order for a child to be eligible to be counted for the purpose of computing the amount of a grant award made under section 6103, an eligibility form prepared pursuant to this section for a child shall include—

"(A) the name of the child;

"(B) the name of the tribe or band of Indians (as defined in section 6601(4)) with respect to which the child claims eligibility; and

"(C) the dated signature of the parent or guardian of the child.

"(3) FAILURE.—The failure of an applicant to furnish any information described in this subsection other than the information described in paragraph (2) with respect to any child shall have no bearing on the determination of whether the child is an eligible Indian child for the purposes of determining the amount of a grant award made under section 6103.

"(c) STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to affect a definition contained in section 6601.

"(d) FORMS AND STANDARDS OF PROOF.—The forms and the standards of proof (including the standard of good faith compliance) that were in use during the 1985–1986 academic year to establish the eligibility of a child for entitlement under the Indian Elementary and Secondary School Assistance Act shall be the forms and standards of proof used—

"(1) to establish such eligibility; and

"(2) to meet the requirements of subsection (a).

"(e) DOCUMENTATION.—For purposes of determining whether a child is eligible to be counted for the purpose of computing the amount of a grant under section 6103, the membership of the child, or any parent or grandparent of the child, in a tribe or band of Indians may be established by proof other than an enrollment number, notwithstanding the availability of an enrollment number for a member of such tribe, band, or group. Nothing in subsection (b) shall be construed to require the furnishing of an enrollment number.

"(f) MONITORING AND EVALUATION REVIEW.—

"(1) IN GENERAL.—(A) For each fiscal year, in order to provide such information as is necessary to carry out the responsibility of the Secretary to provide technical assistance under this part, the Secretary shall conduct a monitoring and evaluation review of a sampling of the recipients of grants under this part. The sampling conducted under this subparagraph shall take into account size of the local educational agency and the geographic location of such agency.

"(B) Notwithstanding any other provision of law, a local educational agency may not be held liable to the United States or be subject to any penalty, by reason of the findings of an audit that relates to the date of completion, or the date of submission, of any forms used to establish, before April 28, 1988, the eligibility of a child for entitlement under the Indian Elementary and Secondary School Assistance Act.

"(2) FALSE INFORMATION.—Any local educational agency that provides false information in an application for a grant under this subpart shall—

"(A) be ineligible to apply for any other grant under this part; and

"(B) be liable to the United States for any funds provided to the local educational agency that have not been expended.

"(3) EXCLUDED CHILDREN.—A student who provides false information for the form required under subsection (d) shall not be counted for the purpose of computing the amount of a grant under section 6103.

"(g) DISTRIBUTION.—For the purposes of the distribution of funds under this part to schools that receive funding from the Bureau of Indian Affairs pursuant to—

"(1) section 1130 of the Education Amendments of 1978; and

"(2) the Act of April 16, 1934 (48 Stat. 596, chapter 147),

the Secretary shall, in lieu of meeting the requirements of this section for counting Indian children, use a count of the number of students in such schools certified by the Bureau of Indian Affairs.

"SEC. 6107. PAYMENTS.

"(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary shall pay to each local

educational agency that submits an application that is approved by the Secretary under this part the amount determined under section 6103. The Secretary shall notify the local educational agency of the amount of the payment not later than June 1 of the year for which the Secretary makes the payment.

"(b) PAYMENTS TAKEN INTO ACCOUNT BY THE STATE.—The Secretary may not make a grant under this part to a local educational agency for a fiscal year if, for such fiscal year, the State in which the local educational agency is located takes into consideration payments made under this 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 the State aid, with respect to the free public education of children during such fiscal year or the preceding fiscal year.

"(c) REDUCTION OF PAYMENT FOR FAILURE TO MAINTAIN FISCAL EFFORT.—

"(1) IN GENERAL.—The Secretary may not pay a local educational agency the full amount of a grant award determined under section 6103 for any fiscal year unless the State educational agency notifies the Secretary, and the Secretary determines, that with respect to the provision of free public education by the local educational agency for the preceding fiscal year, the combined fiscal effort of the local educational agency, computed on either a per student or aggregate expenditure basis was not less than 90 percent of the amount of the combined fiscal effort, computed on the same basis, for the second preceding fiscal year.

"(2) FAILURE.—If, for any fiscal year, the Secretary determines that a local educational agency failed to maintain the fiscal effort of such agency at the level specified in 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 such agency's failure to maintain its fiscal effort at such 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) WAIVER.—(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 a manner that the Secretary determines will best carry out the purpose of this part, any amounts that—

"(1) based on estimates made by local educational agencies or other information, the Secretary determines will not be needed by such agencies to carry out approved programs under this part; or

"(2) otherwise become available for reallocation under this part.

"PART B—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

"SEC. 6201. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN.

"(a) PURPOSE.—

"(1) IN GENERAL.—It is the purpose of this section to support projects to develop, test, and demonstrate the effectiveness of services and programs to improve educational opportunities and achievement of Indian children.

"(2) COORDINATION.—The Secretary shall take such actions as are necessary to achieve the coordination of activities assisted under this part with—

"(A) other programs funded under this Act; and

"(B) other Federal programs operated for the benefit of American Indian and Alaska Native children.

"(b) ELIGIBLE ENTITIES.—For the purpose of this section, the term 'eligible entity' means a State educational agency, local educational agency, Indian tribe, Indian organization, federally supported elementary and secondary school for Indian students, Indian institution, including an Indian institutions of higher education, or a consortium of such institutions.

"(c) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—The Secretary shall award grants to eligible entities to enable such entities to carry out activities that meet the purpose specified in subsection (a)(1), including—

"(A) innovative programs related to the educational needs of educationally deprived children;

"(B) educational services that are not available to such children in sufficient quantity or quality, including remedial instruction, to raise the achievement of Indian children in one or more of the core academic subjects as such subjects are described in the third National Education Goal described in section 102(3) of the Goals 2000: Educate America Act;

"(C) bilingual and bicultural programs and projects;

"(D) special health and nutrition services, and other related activities, that address the special health, social, and psychological problems of Indian children;

"(E) special compensatory and other programs and projects designed to assist and encourage Indian children to enter, remain in, or reenter school, and to increase the rate of secondary school graduation;

"(F) comprehensive guidance, counseling, and testing services;

"(G) early childhood and kindergarten programs, including family-based preschool programs that emphasize school readiness and parental skills, and the provision of services to Indian children with disabilities;

"(H) partnership projects between local educational agencies and institutions of higher education that allow secondary school students to enroll in courses at the postsecondary level to aid such students in the transition from secondary school to postsecondary education;

"(I) partnership projects between schools and local businesses for school-to-work transition programs designed to provide Indian youth with the knowledge and skills the youth need to make an effective transition from school to a first job in a high-skill, high-wage career;

"(J) programs designed to encourage and assist Indian students to work toward, and gain entrance into, an institution of higher education; and

"(K) other services that meet the purpose described in subsection (a)(1).

"(2) PRESERVICE OR INSERVICE TRAINING.—Preservice or inservice training of professional and paraprofessional personnel may be a part of any program assisted under this section.

"(d) GRANT REQUIREMENTS AND APPLICATIONS.—

"(1) GRANT REQUIREMENTS.—(A) The Secretary may make multiyear grants under this section for the planning, development, pilot operation, or demonstration of any activity described in subsection (c) for a period not to exceed 5 years.

"(B) In making multiyear grants under this section, the Secretary shall give priority to applications that present a plan for combining two or more of the activities described in subsection (c) over a period of more than 1 year.

"(C) The Secretary shall make a grant payment to an eligible entity after the initial year of the multiyear grant only if the Secretary determines that the eligible entity has made substantial progress in carrying out the activities assisted under the grant in accordance with the application submitted under paragraph (2) and any subsequent modifications to such application.

"(D)(i) In addition to awarding the multiyear grants described in subparagraph (A), the Secretary may award grants to eligible entities for the dissemination of exemplary materials or programs assisted under this section.

"(ii) The Secretary may award a dissemination grant under this subparagraph if, prior to awarding the grant, the Secretary determines that the material or program to be disseminated has been adequately reviewed and has a demonstrated—

"(I) educational merit; and

"(II) the ability to be replicated.

"(2) APPLICATION.—(A) Any eligible entity that desires to receive a grant under this subsection shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

"(B) Each application submitted to the Secretary under subparagraph (A) shall contain—

"(i) a description of how parents of Indian children and representatives of Indian tribes have been, and will be, involved in developing and implementing the activities for which assistance is sought;

"(ii) assurances that the applicant will participate, at the request of the Secretary, in any national evaluation of activities assisted under this section; and

"(iii) such other assurances and information as the Secretary may reasonably require.

"SEC. 6202. PROFESSIONAL DEVELOPMENT.

"(a) PURPOSES.—The purposes of this section are—

"(1) to increase the number of qualified Indian individuals in professions that serve Indian people;

"(2) to provide training to qualified Indian individuals to enable such individuals to become teachers, administrators, teacher aides, social workers, and ancillary educational personnel; and

"(3) to improve the skills of qualified Indian individuals who serve in the capacities described in paragraph (2).

"(b) ELIGIBLE ENTITIES.—For the purpose of this section, the term 'eligible entity' means—

"(1) an institution of higher education, including an Indian institution of higher education;

"(2) a State or local educational agency, in consortium with an institutions of higher education; and

"(3) an Indian tribe or organization, in consortium with an institution of higher education.

"(c) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants to eligible entities having applications approved under this section to enable such entities to carry out the activities described in subsection (d).

"(d) AUTHORIZED ACTIVITIES.—

"(1) IN GENERAL.—Grant funds under this section shall be used to provide support and training for Indian individuals in a manner consistent with the purposes of this section. Such activities may include continuing programs, symposia, workshops, conferences, and direct financial support.

"(2) SPECIAL RULES.—(A) For education personnel, the training received pursuant to a grant under this section may be inservice or preservice training.

"(B) For individuals who are being trained to enter any field other than education, the training received pursuant to a grant under this section shall be in a program that results in a graduate degree.

"(e) APPLICATION.—

"(1) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner and accompanied by such information, as the Secretary may reasonably require.

"(2) PREFERENCE.—In awarding grants under this section, the Secretary shall give preference to applications describing programs that train Indian individuals.

"(f) SPECIAL RULE.—In making grants under this section, the Secretary—

"(1) shall consider the prior performance of the eligible entity; and

"(2) may not limit eligibility to receive a grant under this section on the basis of—

"(A) the number of previous grants the Secretary has awarded such entity; or

"(B) the length of any period during which such entity received such grants.

"(g) GRANT PERIOD.—Each grant under this section shall be awarded for a program of not more than 5 years.

"(h) SERVICE OBLIGATION.—

"(1) IN GENERAL.—The Secretary shall require, by regulation, that an individual who receives training pursuant to a grant made under this section—

"(A) perform work—

"(i) related to the training received under this section; and

"(ii) that benefits Indian people; or

"(B) repay all or a prorated part of the assistance received.

"(2) REPORTING.—The Secretary shall establish, by regulation, a reporting procedure under which a grant recipient under this section shall, not later than 12 months after the date of completion of the training, and periodically thereafter, provide information concerning the compliance of such recipient with the work requirement under paragraph (1).

"SEC. 6203. FELLOWSHIPS FOR INDIAN STUDENTS.

"(a) FELLOWSHIPS.—

"(1) AUTHORITY.—The Secretary is authorized to award fellowships to Indian students to enable such students to study in graduate and professional programs at institutions of higher education.

"(2) REQUIREMENTS.—The fellowships described in paragraph (1) shall be awarded to Indian students to enable such students to pursue a course of study—

"(A) of not more than 4 academic years; and

"(B) that leads—

"(i) toward a postbaccalaureate degree in medicine, clinical psychology, psychology, law, education, and related fields; or

"(ii) to an undergraduate or graduate degree in engineering, business administration, natural resources, and related fields.

"(b) STIPENDS.—The Secretary shall pay to Indian students awarded fellowships under subsection (a) such stipends (including allowances for subsistence of such students and dependents of such students) as the Secretary determines to be consistent with prevailing practices under comparable federally supported programs.

"(c) PAYMENTS TO INSTITUTIONS IN LIEU OF TUITION.—The Secretary shall pay to the institution of higher education at which the holder of a fellowship is pursuing a course of study, such amount as the Secretary determines to be necessary to cover the cost of education provided the fellowship recipient.

"(d) SPECIAL RULES.—

"(1) IN GENERAL.—If a fellowship awarded under subsection (a) is vacated prior to the end of the period for which the fellowship is awarded, the Secretary may award an additional fellowship for the unexpired portion of the period of the fellowship.

"(2) WRITTEN NOTICE.—Not later than 45 days before the commencement of an academic term, the Secretary shall provide to each individual who is awarded a fellowship under subsection (a) for such academic term written notice of—

"(A) the amount of the fellowship; and

"(B) any stipends or other payments that will be made under this section to, or for the benefit of, the individual for the academic term.

"(3) PRIORITY.—In awarding fellowships under subsection (a), the Secretary shall give priority to awarding not more than 10 percent of such fellowships to Indian students who are receiving training in guidance counseling with a specialty in the area of alcohol and substance abuse counseling and education.

"(e) SERVICE OBLIGATION.—

"(1) IN GENERAL.—The Secretary shall require, by regulation, that an individual who receives financial assistance under this section—

"(A) perform work—

"(i) related to the training for which the individual receives assistance under this section; and

"(ii) that benefits Indian people; or

"(B) repay all or a prorated portion of such assistance.

"(2) REPORTING PROCEDURE.—The Secretary shall establish, by regulation, a reporting procedure under which the recipient of training assistance under this section, not later than 12 months after the date of completion of the training and periodically thereafter, shall provide information concerning the compliance of such recipient with the work requirement under paragraph (1).

"(f) ADMINISTRATION OF FELLOWSHIPS.—The Secretary may administer the fellowships authorized under this section through a grant to, or contract or cooperative agreement with, an Indian organization with demonstrated qualifications to administer all facets of the program assisted under this section.

"SEC. 6204. GIFTED AND TALENTED.

"(a) PROGRAM AUTHORIZED.—The Secretary is authorized to—

"(1) establish two centers for gifted and talented Indian students at tribally controlled community colleges in accordance with this section; and

"(2) support demonstration projects described in subsection (c).

"(b) ELIGIBLE ENTITIES.—The Secretary shall make grants to, or enter into contracts, for the activities described in subsection (a), with—

"(1) two tribally controlled community colleges that—

"(A) are eligible for funding under the Tribally Controlled Community College Assistance Act of 1978; and

"(B) are accredited by a State or regional accrediting agency or organization; or

"(2) if the Secretary does not receive applications that the Secretary determines to be approvable from two colleges that meet the requirements of paragraph (1), the American Indian Higher Education Consortium.

"(c) USE OF FUNDS.—

"(1) IN GENERAL.—The grants made, or contracts entered into, by the Secretary under subsection (a) shall be used for—

"(A) the establishment of centers described in subsection (a); and

"(B) carrying out demonstration projects designed to—

"(i) address the special needs of Indian students in elementary and secondary schools who are gifted and talented; and

"(ii) provide such support services to the families of the students described in clause (i) as are needed to enable such students to benefit from the projects.

"(2) SUBCONTRACTS.—Each recipient of a grant or contract under subsection (a) may enter into a contract with any other entity, including the Children's Television Workshop, to carry out the demonstration project under this subsection.

"(3) DEMONSTRATION PROJECTS.—Demonstration projects assisted under subsection (a) may include—

"(A) the identification of the special needs of gifted and talented Indian students, particularly at the elementary school level, giving attention to—

"(i) the emotional and psychosocial needs of such students; and

"(ii) providing such support services to the families of such students as are needed to enable such students to benefit from the project;

"(B) the conduct of educational, psychosocial, and developmental activities that the Secretary determines holds a reasonable promise of resulting in substantial progress toward meeting the educational needs of such gifted and talented children, including—

"(i) demonstrating and exploring the use of Indian languages and exposure to Indian cultural traditions; and

"(ii) mentoring and apprenticeship programs;

"(C) the provision of technical assistance and the coordination of activities at schools that receive grants under subsection (d) with respect to the activities assisted under such grants, the evaluation of programs assisted under such grants, or the dissemination of such evaluations;

"(D) the use of public television in meeting the special educational needs of such gifted and talented children;

"(E) leadership programs designed to replicate programs for such children throughout the United States, including disseminating information derived from the demonstration projects conducted under subsection (a); and

"(F) appropriate research, evaluation, and related activities pertaining to the needs of such children and to the provision of such support services to the families of such children that are needed to enable such children to benefit from the project.

"(4) APPLICATION.—Each entity desiring a grant under subsection (a) shall submit an application to the Secretary at such time and in such manner as the Secretary may prescribe.

"(d) ADDITIONAL GRANTS.—

"(1) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, shall award 5 grants to schools funded by the Bureau of Indian Affairs (hereafter in this section referred to as 'Bureau schools') for program research and development and the development and dissemination of curriculum and teacher training material, regarding—

"(A) gifted and talented students;

"(B) college preparatory studies (including programs for Indian students with an interest in pursuing teaching careers);

"(C) students with special culturally related academic needs, including students with social, lingual, and cultural needs; or

"(D) mathematics and science education.

"(2) APPLICATIONS.—Each Bureau school desiring a grant under this subsection shall submit an application to the Secretary in such form and at such time as the Secretary may prescribe.

"(3) SPECIAL RULE.—Each application described in paragraph (2) shall be developed, and each grant under this subsection shall be administered, jointly by the supervisor of the Bureau school and the local educational agency serving such school.

"(4) REQUIREMENTS.—In awarding grants under paragraph (1), the Secretary shall achieve a mixture of the programs described in paragraph (1) that ensures that Indian students at all grade levels and in all geographic areas of the United States are able to participate in a program assisted under this subsection.

"(5) GRANT PERIOD.—Subject to the availability of appropriations, grants under paragraph (1) shall be awarded for a 3-year period and may be renewed by the Secretary for additional 3-year periods if the Secretary determines that the performance of the grant recipient has been satisfactory.

"(6) DISSEMINATION.—The dissemination of any materials developed from activities assisted under paragraph (1) shall be carried out in cooperation with entities that receive funds pursuant to subsection (b).

"(7) EVALUATION COSTS.—(A) The costs of evaluating any activities assisted under paragraph (1) shall be divided between the Bureau schools conducting such activities and the recipients of grants or contracts under subsection (b) who conduct demonstration projects under such subsection.

"(B) If no funds are provided under subsection (b) for—

"(i) the evaluation of activities assisted under paragraph (1);

"(ii) technical assistance and coordination with respect to such activities; or

"(iii) the dissemination of the evaluations referred to in clause (i),

then the Secretary shall make such grants, or enter into such contracts, as are necessary to provide for the evaluations, technical assistance, and coordination of such activities, and the dissemination of the evaluations.

"(e) INFORMATION NETWORK.—The Secretary shall encourage each recipient of a grant or contract under this section to work cooperatively as part of a national network to ensure that the information developed by the grant or contract recipient is readily available to the entire educational community of the United States.

"SEC. 6205. GRANTS FOR EVALUATION AND TECHNICAL ASSISTANCE.

"(a) IN GENERAL.—The Secretary may award grants to, and enter into contracts with, public agencies, State educational agencies in States in which more than 5,000 Indian children are enrolled in public elementary and secondary schools, Indian tribes, Indian institutions, Indian organizations, and private institutions and organizations, to establish, on a regional basis, information centers that shall—

"(1) evaluate programs that receive assistance under this title and evaluate other Indian education programs in order to—

"(A) determine the effectiveness of the programs in meeting the special educational and culturally related academic needs of Indian children and adults; and

"(B) conduct research to determine the needs described in subparagraph (A);

"(2) provide technical assistance in the form of materials and personnel resources, upon request, to local educational agencies and Indian tribes, Indian organizations, Indian institutions, and committees described in section 6104(c)(4) in evaluating and carrying out activities assisted under this title; and

"(3) disseminate information, upon request, to the entities described in paragraph (1) concerning all Federal education programs that affect the education of Indian children and adults, including information concerning successful models and programs designed to meet the special educational needs of Indian children.

"(b) PERIOD OF GRANT OR CONTRACT.—Each grant or contract under this section may be for a period of not more than 3 years, and may be renewed for an additional 3-year period if the Secretary annually reviews the performance of the grant recipient and determines that satisfactory progress has been made.

"(c) USE OF FUNDS.—The Secretary may award grants and enter into contracts with Indian tribes, institutions, and organizations, and public agencies and institutions for—

"(1) the dissemination, on a national basis, of information concerning education programs, services, and resources available to Indian children and adults, including evaluations of such programs, services, and resources; and

"(2) the evaluation of the effectiveness of federally assisted programs in which Indian children and adults may participate in achieving the purposes of such programs relating to Indian children and adults.

"(d) STATE AGENCY GRANTS AND CONTRACTS.—The Secretary shall award not more than 15 percent of the funds appropriated under subsection (g) for each fiscal year to State educational agencies.

"(e) APPLICATION.—

"(1) IN GENERAL.—Each entity desiring assistance under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(2) PRIORITY.—In approving applications under this section, the Secretary shall give priority to Indian educational agencies, organizations, and institutions.

"(3) APPROVAL.—The Secretary may approve an application under this section, only if the Secretary determines that the funds made available under this section will be used to supplement the level of funds from State, local, and other Federal sources that would, in the absence of Federal funds provided under this section, be made available by the State or local educational agency for the activities described in this section, and in no case will be used to supplant such funds.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Education $8,000,000 for each of the fiscal years 1995 through 1999 to carry out this section.

"SEC. 6206. GRANTS TO TRIBES FOR EDUCATION ADMINISTRATIVE PLANNING AND DEVELOPMENT.

"(a) IN GENERAL.—The Secretary may make grants to Indian tribes, and tribal organizations approved by Indian tribes, to plan and develop a centralized tribal administrative entity to—

"(1) coordinate all education programs operated by the tribe or within the territorial jurisdiction of the tribe;

"(2) develop education codes for schools within the territorial jurisdiction of the tribe;

"(3) provide support services and technical assistance to schools serving children of the tribe; and

"(4) perform child-find screening services for the preschool-aged children of the tribe to—

"(A) ensure placement in appropriate educational facilities; and

"(B) coordinate the provision of any needed special services for conditions such as disabilities and English language skill deficiencies.

"(b) PERIOD OF GRANT.—Each grant under this section may be awarded for a period of not more than 3 years, except that such grant may be renewed upon the termination of the initial period of the grant if the grant recipient demonstrates to the satisfaction of the Secretary that renewing the grant for an additional 3-year period is necessary to carry out the objectives of the grant described in subsection (c)(2)(A).

"(c) APPLICATION FOR GRANT.—

"(1) IN GENERAL.—Each Indian tribe and tribal organization desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, containing such information, and consistent with such criteria, as the Secretary may prescribe in regulations.

"(2) CONTENTS.—Each application described in paragraph (1) shall contain—

"(A) a statement describing the activities to be conducted, and the objectives to be achieved, under the grant; and

"(B) a description of the method to be used for evaluating the effectiveness of the activities for which assistance is sought and determining whether such objectives are achieved.

"(3) APPROVAL.—The Secretary may approve an application submitted by a tribe or tribal organization pursuant to this section only if the Secretary is satisfied that such application, including any documentation submitted with the application—

"(A) demonstrates that the applicant has consulted with other education entities, if any, within the territorial jurisdiction of the applicant who will be affected by the activities to be conducted under the grant;

"(B) provides for consultation with such other education entities in the operation and evaluation of the activities conducted under the grant; and

"(C) demonstrates that there will be adequate resources provided under this section or from other sources to complete the activities for which assistance is sought, except that the availability of such other resources shall not be a basis for disapproval of such application.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Education $3,000,000 for each of the fiscal years 1995 through 1999 to carry out this section.

"PART C—SPECIAL PROGRAMS RELATING TO ADULT EDUCATION FOR INDIANS

"SEC. 6301. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR ADULT INDIANS.

"(a) IN GENERAL.—The Secretary shall award grants to State and local educational agencies, and to Indian tribes, institutions, and organizations—

"(1) to support planning, pilot, and demonstration projects that are designed to test and demonstrate the effectiveness of programs for improving employment and educational opportunities for adult Indians;

"(2) to assist in the establishment and operation of programs that are designed to stimulate—

"(A) basic literacy opportunities for all nonliterate Indian adults; and

"(B) the provision of opportunities to all Indian adults to qualify for a secondary school diploma, or its recognized equivalent, in the shortest period of time feasible;

"(3) to support a major research and development program to develop more innovative and effective techniques for achieving literacy and secondary school equivalency for Indians;

"(4) to provide for basic surveys and evaluations to define accurately the extent of the problems of illiteracy and lack of secondary school completion among Indians; and

"(5) to encourage the dissemination of information and materials relating to, and the evaluation of, the effectiveness of education programs that may offer educational opportunities to Indian adults.

"(b) EDUCATIONAL SERVICES.—The Secretary may make grants to Indian tribes, institutions, and organizations to develop and establish educational services and programs specifically designed to improve educational opportunities for Indian adults.

"(c) INFORMATION AND EVALUATION.—The Secretary may make grants to, and enter into contracts with, public agencies and institutions and Indian tribes, institutions, and organizations, for—

"(1) the dissemination of information concerning educational programs, services, and resources available to Indian adults, including evaluations of the programs, services, and resources; and

"(2) the evaluation of federally assisted programs in which Indian adults may participate to determine the effectiveness of the programs in achieving the purposes of the programs with respect to Indian adults.

"(d) APPLICATIONS.—

"(1) IN GENERAL.—Each entity desiring a grant under this section shall submit to the Secretary an application at such time, in such manner, containing such information, and consistent with such criteria, as the Secretary may prescribe in regulations.

"(2) CONTENTS.—Each application described in paragraph (1) shall contain—

"(A) a statement describing the activities to be conducted, and the objectives to be achieved, under the grant; and

"(B) a description of the method to be used for evaluating the effectiveness of the activities for which assistance is sought and determining whether the objectives of the grant are achieved.

"(3) APPROVAL.—The Secretary shall not approve an application described in paragraph (1) unless the Secretary determines that such application, including any documentation submitted with the application, indicates—

"(A) there has been adequate participation, by the individuals to be served and appropriate tribal communities, in the planning and development of the activities to be assisted; and

"(B) the individuals and tribal communities referred to in subparagraph (A) will participate in the operation and evaluation of the activities to be assisted.

"(4) PRIORITY.—In approving applications under paragraph (1), the Secretary shall give priority to applications from Indian educational agencies, organizations, and institutions.

"PART D—NATIONAL RESEARCH ACTIVITIES

"SEC. 6401. NATIONAL ACTIVITIES.

"(a) AUTHORIZED ACTIVITIES.—The Secretary may use funds made available under section 6602(b) for each fiscal year to—

"(1) conduct research related to effective approaches for the education of Indian children and adults;

"(2) evaluate federally assisted education programs from which Indian children and adults may benefit;

"(3) collect and analyze data on the educational status and needs of Indians; and

"(4) carry out other activities that are consistent with the purpose of this title.

"(b) ELIGIBILITY.—The Secretary may carry out any of the activities described in subsection (a) directly or through grants to, or contracts or cooperative agreements with Indian tribes, Indian organizations, State educational agencies, local educational agencies, institutions of higher education, including Indian institutions of higher education, and other public and private agencies and institutions.

"(c) COORDINATION.—Research activities supported under this section—

"(1) shall be carried out in consultation with the Assistant Secretary for Educational Research and Improvement to ensure that such activities are coordinated with and enhance the research and development activities supported by the Office of Educational Research and Improvement; and

"(2) may include collaborative research activities that are jointly funded and carried out by the Office of Indian Education and the Office of Educational Research and Improvement.

"PART E—FEDERAL ADMINISTRATION

"SEC. 6501. NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION.

"(a) MEMBERSHIP.—There is established a National Advisory Council on Indian Education (hereafter in this section referred to as the 'Council'), which shall—

"(1) consist of 15 Indian members, who shall be appointed by the President from lists of nominees furnished, from time to time, by Indian tribes and organizations; and

"(2) represent different geographic areas of the United States.

"(b) DUTIES.—The Council shall—

"(1) advise the Secretary concerning the funding and administration (including the development of regulations and administrative policies and practices) of any program, including any program established under this title—

"(A) with respect to which the Secretary has jurisdiction; and

"(B)(i) that includes Indian children or adults as participants; or

"(ii) that may benefit Indian children or adults;

"(2) make recommendations to the Secretary for filling the position of Director of Indian Education whenever a vacancy occurs; and

"(3) submit to the Congress, not later than June 30 of each year, a report on the activities of the Council, including—

"(A) any recommendations that the Council considers appropriate for the improvement of Federal education programs that include Indian children or adults as participants, or that may benefit Indian children or adults; and

"(B) recommendations concerning the funding of any program described in subparagraph (A).

"SEC. 6502. PEER REVIEW.

"The Secretary may use a peer review process to review applications submitted to the Secretary under part B, C, or D.

"SEC. 6503. PREFERENCE FOR INDIAN APPLICANTS.

"In making grants under part B, C, or D, the Secretary shall give a preference to Indian tribes, organizations, and institutions of higher education under any program with respect to which Indian tribes, organizations, and institutions are eligible to apply for grants.

"SEC. 6504. MINIMUM GRANT CRITERIA.

"The Secretary may not approve an application for a grant under part B or C unless the application is for a grant that is—

"(1) of sufficient size, scope, and quality to achieve the purpose or objectives of such grant; and

"(2) based on relevant research findings.

"PART F—DEFINITIONS; AUTHORIZATIONS OF APPROPRIATIONS

"SEC. 6601. DEFINITIONS.

"As used in this title:

"(1) ADULT.—The term 'adult' means an individual who—

"(A) has attained the age of 16 years; or

"(B) has attained an age that is greater than the age of compulsory school attendance under an applicable State law.

"(2) ADULT EDUCATION.—The term 'adult education' has the meaning given such term in section 312(2) of the Adult Education Act.

"(3) FREE PUBLIC EDUCATION.—The term 'free public education' means education that is—

"(A) provided at public expense, under public supervision and direction, and without tuition charge; and

"(B) provided as elementary or secondary education in the applicable State or to preschool children.

"(4) INDIAN.—The term 'Indian' means an individual who is—

"(A) a member of an Indian tribe or band, as membership is defined by the tribe or band, including—

"(i) any tribe or band terminated since 1940; and

"(ii) any tribe or band recognized by the State in which the tribe or band resides;

"(B) a descendant, in the first or second degree, of an individual described in subparagraph (A);

"(C) considered by the Secretary of the Interior to be an Indian for any purpose;

"(D) an Eskimo, Aleut, or other Alaska Native; or

"(E) a member of an organized Indian group that received a grant under this title prior to the date of enactment of the Act entitled the 'Improving America's Schools Act of 1994'.

"SEC. 6602. AUTHORIZATIONS OF APPROPRIATIONS.

"(a) PART A.—For the purpose of carrying out part A of this title, there are authorized to be appropriated to the Department of Education $61,300,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(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 to the Department of Education $31,925,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(c) PART E.—For the purpose of carrying out part E of this title, there are authorized to be appropriated to the Department of Education $3,775,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"SEC. 6603. CROSS REFERENCES.

"The Tribally Controlled Schools Act of 1988 is amended—

"(1) in subparagraph (C) of section 5204(a)(3) (20 U.S.C. 2503(a)(3)(C)), by striking "chapter 1 of"; and

"(2) in section 5205 (20 U.S.C. 2504)—

"(A) in subsection (a)(3), by striking "chapter 1 of"; and

"(B) in subsection (b)—

"(i) in paragraph (2), by striking "chapter 1 of"; and

"(ii) in paragraph (3)(A), by striking "chapter 1 of".

"TITLE VII—LANGUAGE ENHANCEMENT AND ACQUISITION PROGRAMS

"PART A—BILINGUAL EDUCATION PROGRAMS

"SEC. 7101. SHORT TITLE.

"This part may be cited as the 'Bilingual Education Act'.

"SEC. 7102. FINDINGS.

"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 such children and youth to participate fully in American society, including—

"(A) segregated education programs;

"(B) disproportionate and improper placement in special education and other special programs due to the use of inappropriate evaluation procedures;

"(C) the limited-English proficiency of their own parents, which hinders the parents' ability to fully participate in the education of their children; and

"(D) a shortage of teachers and other staff who are professionally trained and qualified to serve such children and youth;

"(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 the Federal Government's 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 the Federal Government's 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 such children and youth have needs that must be met by a program of instruction designed specifically for such children and youth;

"(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—

"(i) promote self-esteem and contribute to academic achievement and learning English by limited-English proficient children and youth;

"(ii) benefit English proficient children and youth who also participate in such programs; and

"(iii) develop our Nation's national language resources, thus promoting our Nation's competitiveness in the global economy;

"(D) parent and community participation in bilingual education programs contributes to program effectiveness; and

"(E) research, evaluation, and data-collection capabilities in the field of bilingual education need to be strengthened so that educators and other staff can better identify and promote those programs, program implementation strategies, and instructional practices that result in effective education; and

"(6) Native Americans and Native American languages (as such terms are defined in section 103 of the Native American Languages Act) have a unique status under Federal law that requires special policies within the broad purposes of this Act to serve the education needs of language minority students in the United States.

"SEC. 7103. POLICY; AUTHORIZATION OF APPROPRIATIONS.

"(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 and consortia of local educational agencies, institutions of higher education and community based organizations to build their capacity to establish, implement, and sustain programs of instruction for children and youth of limited-English proficiency that—

"(1) develop the English of such children and youth and, to the extent possible, the native language skills of such children and youth;

"(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 content standards and challenging State student performance standards in academic areas;

"(3) develop bilingual skills and multicultural understanding; and

"(4) provide similar assistance to Native Americans with certain modifications relative to the unique status of Native American languages under Federal law.

"(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part, there are authorized to be appropriated $215,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"SEC. 7104. DEFINITIONS.

"For the purpose of this title:

"(1) BILINGUAL EDUCATION PROGRAM.—(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—

"(I) to help such children and youth develop proficiency in English and, to the extent possible, the native language of such children and youth; and

"(II) to 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 shall 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 shall, 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 to enable all children and youth participating in a bilingual education program to become proficient in English and a second language.

"(2) CHILDREN AND YOUTH.—The term 'children and youth' means individuals aged three through 21.

"(3) DIRECTOR.—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) JURISDICTION WHERE A NATIVE AMERICAN LANGUAGE HAS OFFICIAL STATUS.—The term 'jurisdiction where a Native American language has official status' refers to States, territories, commonwealths, cities, counties, reservations, Alaska Native villages, school districts, and other jurisdictions similar to those described in this paragraph that have legally recognized a Native American language for conducting an aspect of their official business.

"(5) LIMITED-ENGLISH PROFICIENCY AND LIMITED-ENGLISH PROFICIENT.—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 and comes from an environment where a language other than English is dominant; or

"(ii) is a Native American or Alaska Native and comes from an environment where a language other than English has had a significant impact on such individual's level of English language proficiency; or

"(iii) is migratory and whose native language is other than English and comes from an environment where a language other than English is dominant; 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) NATIVE AMERICAN AND NATIVE AMERICAN LANGUAGE.—The terms 'Native American' and 'Native American language' shall have the same meaning given such terms in section 103 of the Native American Languages Act of 1990.

"(7) NATIVE HAWAIIAN OR NATIVE AMERICAN PACIFIC ISLANDER NATIVE LANGUAGE EDUCATIONAL ORGANIZATION.—The term 'Native Hawaiian or Native American Pacific Islander native language educational organization' means a nonprofit organization with a majority of its governing board and employees consisting of fluent speakers of the traditional Native American languages used in their educational programs and with at least five years successful experience in providing educational services in traditional Native American languages.

"(8) NATIVE LANGUAGE.—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.

"(9) OTHER PROGRAMS FOR PERSONS OF LIMITED-ENGLISH PROFICIENCY.—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.

"SEC. 7105. NATIVE AMERICAN AND ALASKA NATIVE CHILDREN IN SCHOOL.

"(a) ELIGIBLE ENTITIES.—For the purpose of carrying out programs under this part for individuals served by elementary and secondary schools operated predominately for Native American or Alaska Native children and youth, an Indian tribe, a tribally sanctioned educational authority, a Native Hawaiian or Native American Pacific Islander native language education organization, 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 part, subject to the following qualifications:

"(1) INDIAN TRIBE.—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) TRIBALLY SANCTIONED EDUCATIONAL AUTHORITY.—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.

"(b) ELIGIBLE ENTITY APPLICATION.—Notwithstanding any other provision of this part, each eligible entity described in subsection (a) shall submit any application for assistance under this part directly to the Secretary along with timely comments on the need for the proposed program.

"Subpart 1—Financial Assistance for Bilingual Education

"SEC. 7111. FINANCIAL ASSISTANCE FOR BILINGUAL EDUCATION.

"(a) PURPOSE.—The purpose of this subpart 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 content standards and challenging State student performance standards expected for all children and youth as required by section 1111(b).

"(b) DEVELOPMENT AND ENHANCEMENT GRANTS.—

"(1) IN GENERAL.—The Secretary is authorized to make grants to local educational agencies, or community based organizations in consortia with one or more local educational agencies and an institution of higher education, 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) DURATION.—Grants awarded under this subsection shall be for a period of not more than 2 years, except that grants to carry out paragraph (1)(A) shall be awarded for a period of not more than 3 years.

"(c) COMPREHENSIVE SCHOOL GRANTS.—

"(1) IN GENERAL.—The Secretary is authorized to make grants to local educational agencies for the purpose of implementing schoolwide bilingual education programs that serve all (or virtually all) children and youth of limited-English proficiency in schools with significant concentrations of such children and youth.

"(2) DURATION.—Grants awarded under this subsection shall be for a period of not more than 5 years, except that the Secretary shall terminate grants to local educational agencies if the Secretary determines that—

"(A) the program evaluation required by section 7126 indicates that students in the schoolwide program are not being taught to and achieving challenging State content standards and challenging State student performance standards; or

"(B) in the case of a program to promote dual language facility, such program is not promoting such facility.

"(d) COMPREHENSIVE DISTRICT GRANTS.—

"(1) IN GENERAL.—The Secretary is authorized to make grants to local educational agencies for the purpose of implementing district-wide bilingual education programs that serve a significant number of children and youth of limited-English proficiency in districts with significant concentrations of such children and youth.

"(2) DURATION.—Grants awarded under this subsection shall be for a period of not more than 5 years, except that the Secretary shall terminate grants to local educational agencies where the Secretary determines that—

"(A) the program evaluation required by section 7126 indicates that students in the program are not being taught to and achieving challenging State content standards and challenging State student performance standards; or

"(B) in the case of a program to promote dual language facility, such program is not promoting such facility.

"(e) USE OF FUNDS.—

"(1) IN GENERAL.—Recipients of grant funds under subsections (b), (c), and (d) may use such funds 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) ADDITIONAL ACTIVITIES.—Recipients of funds under subsections (c) and (d) may—

"(A) use such funds for preservice and inservice professional development of staff participating, or preparing to participate, in the program, including staff who will not directly participate in the bilingual instructional program (which in the case of teachers who are participating in the program may include release time with pay), if such activities are directly related to serving children and youth of limited-English proficiency and will help accomplish the purposes of this subpart; 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 grants under this section throughout the Nation in a manner that—

"(1) reflects the geographic distribution of children and youth of limited-English proficiency throughout the Nation;

"(2) takes into account significant increases in limited-English proficient children and youth in areas with low concentrations of such children and youth; and

"(3) ensures that activities assisted under this part address the full needs of school systems of all sizes and geographic areas, including rural schools.

"(g) CONSTRUCTION.—Nothing in this subpart shall be construed to prohibit a local educational agency from serving limited-English proficient children and youth simultaneously with students with similar educational needs, in the same educational settings where appropriate.

"(h) APPLICATIONS.—

"(1) IN GENERAL.—Any local educational agency or community based organization that desires 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) CONTENTS.—Each such 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 the characteristics of such children and youth, such as language spoken, dropout rates, proficiency in English and the native language, academic standing in relation to English proficient peers, and, where applicable, the recency of immigration; and

"(ii) the program to be implemented and how such program's 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, the local educational agency's improvement plan under section 1112, particularly as such plan relates to the education of children and youth of limited-English proficiency;

"(B) provide an assurance that the applicant will not reduce the level of State and local funds that the applicant expends for bilingual education programs if the applicant receives an award under this subpart; and

"(C) provide an assurance that the applicant will employ teachers in the proposed program that, individually or in combination, are proficient in English, including written, as well as oral, communication skills.

"(3) ADDITIONAL INFORMATION.—Each application for a grant under subsection (c) or (d) shall—

"(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 will receive under the grant that such children or youth will not otherwise receive;

"(iii) how funds received under this subpart will be integrated with all other Federal, State, local, and private resources that may be used to serve 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 be integrated with the overall educational program; and

"(ii) 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.

"(i) LIMITATION ON FUNDING.—

"(1) DEVELOPMENT AND ENHANCEMENT GRANTS.—Not 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 provide funding to bilingual education programs that do not use the native language.

"(2) COMPREHENSIVE SCHOOL GRANTS.—Not 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 provide funding to bilingual education programs that do not use the native language.

"(3) SPECIAL RULE.—Notwithstanding paragraphs (1) and (2), the Secretary is authorized to award grants for bilingual education programs that are not conducted in the native language if an applicant has demonstrated that the applicant cannot develop and implement a bilingual education program that is conducted in the native language because—

"(A) the diversity of limited-English proficient students' native languages and the small number of students speaking each respective language make instruction in the native language impractical; or

"(B) despite documented efforts, the applicant has not been able to hire qualified instructional personnel who are able to communicate in the students' native language.

"(j) STATE REVIEW OF APPLICATIONS UNDER PART A.—In order for an eligible applicant to apply for funds under this subpart, such applicant shall submit the application to the State educational agency for review. The State educational agency shall transmit such application

to the Secretary along with such agency's timely comments on the need within the State for the proposed program and whether the proposed program is consistent with the State plan under section 1111.

"(k) CAPACITY BUILDING.—

"(1) IN GENERAL.—Each recipient of a grant under this section shall use the grant funds in ways that will build such recipient's 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) SPECIAL RULE.—In making awards under this subpart 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 used to support grants under subsections (c) and (d) in the previous fiscal year.

"(l) CONSORTIA.—A local educational agency that receives a grant under this subpart may collaborate or form a consortium with one or more local education agencies, institutions of higher education, and nonprofit organizations to carry out a program described in an application approved under this subpart.

"(m) SUBGRANTS.—A local educational agency that receives a grant under this subpart may, with the approval of the Secretary, make a subgrant to, or enter into a contract with, an institution of higher education, a nonprofit organization, or a consortium of such entities to carry out a program described in an application approved under this subpart, including a program to serve out-of-school youth.

"(n) PARENTAL NOTIFICATION.—

"(1) IN GENERAL.—Parents of a child or youth of limited-English proficiency identified for enrollment in bilingual education programs shall be informed of the—

"(A) benefits, nature, and past academic results 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) OPTION TO DECLINE.—(A) Parents of a child or youth of limited-English proficiency identified for enrollment in bilingual education programs shall be informed that such parents have the option of declining enrollment of their children in such programs and shall be given an opportunity to do so if such parents so choose.

"(B) Nothing in this section shall be construed to relieve a local educational agency, community based organization or consortium receiving assistance under this part 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) INFORMATION.—Parents of a child or youth of limited-English proficiency identified for enrollment in bilingual education programs shall receive, in a manner and form understandable to such parents, including, if necessary and to the extent feasible, in the native language of such parents, the information required by this subsection. At a minimum, such parents shall receive—

"(A) timely information about projects funded under this subpart; 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.

"(o) PROGRAMS FOR NATIVE AMERICANS AND PUERTO RICO.—Programs authorized under this title that serve Native American children, and children in the Commonwealth of Puerto Rico, notwithstanding any other provision of this title, may include programs of instruction, teacher training, curriculum development, evaluation, and testing designed for Native American children and youth learning and studying Native American languages and children and youth of limited-Spanish proficiency, except that one outcome of such programs serving Native American children shall be increased English proficiency among such children.

"Subpart 2—Research and Evaluation

"SEC. 7121. AUTHORITY.

"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.

"SEC. 7122. RESEARCH.

"(a) AWARDS.—The Secretary may award grants and enter into 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.

"(c) RESEARCH AND DISSEMINATION.—The Secretary, through the Office of Educational Research and Improvement, if appropriate, shall—

"(1) conduct research on effective instruction practices for multilingual classes, and on effective instruction strategies to be used by teachers and other staff who do not know the native language of a limited-English proficient child in their classrooms; and

"(2) disseminate the findings of such research.

"SEC. 7123. ACADEMIC EXCELLENCE AWARDS.

"(a) AWARDS.—The Secretary may award 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 content standards and challenging State student performance standards.

"(b) APPLICATIONS.—

"(1) IN GENERAL.—Each entity desiring 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) PEER REVIEW.—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 the activities assisted under this section with activities carried out by comprehensive regional centers assisted under subpart 1 of part C of title II.

"SEC. 7124. STATE GRANT PROGRAM.

"(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 such agency 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 5 percent of the total amount awarded to local educational agencies within the State under subpart 1 for the previous fiscal year, except that in no case shall the amount paid by the Secretary to any State educational agency under this subsection for any fiscal year be less than $100,000.

"(c) USE OF FUNDS.—

"(1) IN GENERAL.—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) SPECIAL RULE.—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 subparts 1 and 3 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.

"SEC. 7125. NATIONAL CLEARINGHOUSE FOR BILINGUAL EDUCATION.

"(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;

"(2) develop a data base management and monitoring system for improving the operation and effectiveness of programs assisted under this part; and

"(3) develop, maintain, and disseminate, through comprehensive regional centers described in section 2303(a) if appropriate, a listing by geographical area of education professionals, parents, teachers, administrators, community members and others who are native speakers of languages other than English for use as a resource by local educational agencies and schools in the development and implementation of bilingual education programs.

"SEC. 7126. EVALUATIONS.

"(a) PROGRAM EVALUATIONS UNDER SUBPART 1.—

"(1) IN GENERAL.—Each recipient of funds under subpart 1 shall provide the Secretary with an evaluation, in the form prescribed by the Secretary, of the program assisted under such subpart every 2 years.

"(2) USE.—Such evaluation shall be used by a recipient of funds under subpart 1—

"(A) to improve such program;

"(B) to further define such program's goals and objectives; and

"(C) to determine program effectiveness.

"(3) CONTENTS.—Such evaluation shall include—

"(A) student outcome indicators that measure progress toward the challenging State student performance standards set out in the State plan approved or being developed under section 1111, including data comparing children and youth of limited-English proficiency with nonlimited-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 professional development of the program staff, 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 SUBPART 3.—

"(1) IN GENERAL.—Each recipient of funds under subpart 3 shall provide the Secretary with an evaluation of the program assisted under such subpart every 2 years.

"(2) DATA.—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.

"Subpart 3—Professional Development

"SEC. 7131. PURPOSE.

"The purpose of this subpart 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 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 serving such children and youth.

"SEC. 7132. PROFESSIONAL DEVELOPMENT GRANTS.

"(a) GRANTS TO INSTITUTIONS OF HIGHER EDUCATION.—The Secretary is authorized to make grants to institutions of higher education for—

"(1) preservice and inservice 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, which in the case of teachers who are involved in the provision of such services may include release time with pay; 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, 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 inservice professional development programs that prepare 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) IN GENERAL.—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) CONSULTATION AND ASSESSMENT.—Each such 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 such school's need for, and the design of, the program for which funds are sought.

"(3) SPECIAL RULE.—(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) REVIEW.—In order for an institution of higher education or a local educational agency to apply for funds under this section, the State educational agency serving such institution shall review the application 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 plan under section 1111 and section 2125(b)(1).

"SEC. 7133. FELLOWSHIPS.

"(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.—

"(1) IN GENERAL.—Any person receiving a fellowship under this section shall agree to—

"(A) work in an activity related to the area for which the assistance was awarded or in an activity such as those authorized under this part for a period of time equivalent to the period of time during which such person receives assistance under this section; or

"(B) repay such assistance.

"(2) TERMS AND CONDITIONS.—The Secretary shall establish in regulations such terms and conditions for such agreement as the Secretary deems reasonable and necessary and may waive the requirement of paragraph (1) in extraordinary circumstances.

"SEC. 7134. STIPENDS.

"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 subpart.

"PART B—FOREIGN LANGUAGE ASSISTANCE PROGRAM

"SEC. 7201. SHORT TITLE.

"This part may be cited as the 'Foreign Language Assistance Act of 1994'.

"SEC. 7202. FINDINGS.

"The Congress finds as follows:

"(1) Foreign language proficiency is crucial to our Nation's economic competitiveness and national security. Significant improvement in the quantity and quality of foreign language instruction offered in our Nation's elementary and secondary schools is necessary.

"(2) All Americans need a global perspective. To understand the world around us, we must acquaint ourselves with the languages, cultures, and history of other nations.

"(3) Proficiency in two or more languages should be promoted for all American students. Multilingualism enhances cognitive and social growth, competitiveness in the global marketplace, national security, and understanding of diverse people and cultures.

"(4) The United States lags behind other developed countries in offering foreign language study to elementary and secondary school students.

"(5) Four out of five new jobs in the United States are created from foreign trade.

"(6) The optimum time to begin learning a second language is in elementary school, when children have the ability to learn and excel in several foreign language acquisition skills, including pronunciation, and when children are most open to appreciating and valuing a culture other than their own.

"(7) Foreign language study can increase children's capacity for critical and creative thinking skills and children who study a second language show greater cognitive development in areas such as mental flexibility, creativity, tolerance, and higher order thinking skills.

"(8) Children who have studied a foreign language in elementary school achieve expected gains and score higher on standardized tests of reading, language arts, and mathematics than children who have not studied a foreign language.

"SEC. 7203. PROGRAM AUTHORIZED.

"(a) PROGRAM AUTHORITY.—

"(1) IN GENERAL.—The Secretary shall make grants, on a competitive basis, to State educational agencies or local educational agencies to pay the Federal share of the cost of innovative model programs providing for the establishment, improvement or expansion of foreign language study for elementary and secondary school students.

"(2) DURATION.—Each grant under paragraph (1) shall be awarded for a period of 3 years.

"(b) REQUIREMENTS.—

"(1) GRANTS TO STATE EDUCATIONAL AGENCIES.—In awarding a grant under subsection (a) to a State educational agency, the Secretary shall support programs that promote systemic approaches to improving foreign language learning in the State.

"(2) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—In awarding a grant under subsection (a) to a local educational agency, the Secretary shall support programs that—

"(A) show the promise of being continued beyond the grant period;

"(B) demonstrate approaches that can be disseminated and duplicated in other local educational agencies; and

"(C) may include a professional development component.

"(c) FEDERAL SHARE.—

"(1) IN GENERAL.—The Federal share for each fiscal year shall be 50 percent.

"(2) WAIVER.—The Secretary may waive the requirement of paragraph (1) for any local educational agency which the Secretary determines does not have adequate resources to pay the non-Federal share of the cost of the activities assisted under this part.

"(3) SPECIAL RULE.—Not less than three-fourths of the funds appropriated under section 7206 shall be used for the expansion of foreign language learning in the elementary grades.

"(4) RESERVATION.—The Secretary may reserve not more than 5 percent of funds appropriated under section 7206 to evaluate the efficacy of programs under this part.

"SEC. 7204. APPLICATIONS.

"(a) IN GENERAL.—Any State educational agency or local educational agency desiring a grant under this part shall submit an application to the Secretary at such time, in such form, and containing such information and assurances as the Secretary may require.

"(b) SPECIAL CONSIDERATION.—The Secretary shall give special consideration to applications describing programs that—

"(1) include intensive summer foreign language programs for professional development;

"(2) link non-native English speakers in the community with the schools in order to promote two-way language learning; or

"(3) promote the sequential study of a foreign language for students, beginning in elementary schools.

"SEC. 7205. ELEMENTARY SCHOOL FOREIGN LANGUAGE INCENTIVE PROGRAM.

"(a) INCENTIVE PAYMENTS.—From amounts appropriated under section 7206 the Secretary shall make an incentive payment for each fiscal year to each public elementary school that provides to students attending such school a program designed to lead to communicative competency in a foreign language.

"(b) AMOUNT.—The Secretary shall determine the amount of the incentive payment under subsection (a) for each public elementary school for each fiscal year on the basis of the number of students participating in a program described in such subsection at such school for such year compared to the total number of such students at all such schools in the United States for such year.

"(c) REQUIREMENT.—The Secretary shall consider a program to be designed to lead to communicative competency in a foreign language if such program is comparable to a program that provides at least 45 minutes of instruction in a foreign language at least 4 days per week throughout an academic year.

"SEC. 7206. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $35,000,000 for the fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this part, of which not more than $20,000,000 may be used in each fiscal year to carry out section 7205.

"PART C—ADMINISTRATION

"SEC. 7301. COORDINATION WITH RELATED PROGRAMS.

"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, including programs in such areas as teacher training, program content, research, and curriculum.

"SEC. 7302. REPORT ON BILINGUAL EDUCATION.

"The Secretary shall, within three years of the date of enactment of the Improving America's Schools Act of 1994, and every third year thereafter, submit to the Congress a report on the condition of bilingual education. The report shall include—

"(1) information regarding—

"(A) the grants, contracts, and cooperative agreements made pursuant to this title in the preceding 3 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 3 fiscal years and the extent to which each such activity achieves the policy set forth in section 7103(a);

"(D) an estimate of the number of teachers and other school personnel for bilingual education that will be necessary for the 3 succeeding fiscal years; and

"(E) the research activities carried out under this title during the preceding 3 fiscal years and the major findings of such research activities; and

"(2) an analysis and synthesis of such information.

"SEC. 7303. STATE EDUCATIONAL AGENCY RECOMMENDATIONS; PEER REVIEW.

"(a) STATE EDUCATIONAL AGENCY RECOMMENDATIONS.—In making awards under part A, the Secretary shall take State educational agency recommendations into account.

"(b) PEER REVIEW.—

"(1) IN GENERAL.—In making awards under part A and in making funding decisions for continuation grants under such parts, the Secretary may solicit recommendations from peer review panels composed of individuals experienced in aspects of the education of limited-English proficient students.

"(2) FUNDING.—The Secretary may use not more than 0.2 percent of the total amount of funds appropriated for each fiscal year for programs authorized under this title for peer review of applications for assistance under such programs.

"PART D—SPECIAL RULE

"SEC. 7401. SPECIAL RULE.

"Notwithstanding any other provision of law, no recipient of a grant under title VII of this Act (as such title was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994) shall be eligible for fourth- and fifth-year renewals authorized by section 7021(d)(1)(C) of such title (as such section was in effect on the day preceding the date of enactment of such Act).

"TITLE VIII—PROGRAMS OF NATIONAL SIGNIFICANCE

"PART A—ARTS IN EDUCATION

"SEC. 8101. SUPPORT FOR ARTS EDUCATION.

"(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) such 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;

"(6) arts education should be an integral part of the elementary and secondary school curriculum;

"(7) participation in performing arts activities has proven to be an effective strategy for promoting the inclusion of persons with disabilities in mainstream settings; and

"(8) opportunities in the arts have enabled persons of all ages with disabilities to participate more fully in school and community activities.

"(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 State content standards and challenging State student performance 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 award grants to, or enter into contracts or cooperative agreements with—

"(1) State educational agencies;

"(2) local educational agencies;

"(3) institutions of higher education;

"(4) museums and other cultural institutions; and

"(5) 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, Very Special 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 developed by Very Special Arts which assure the participation in mainstream settings in arts and education programs of persons of all ages with disabilities;

"(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) IN GENERAL.—A recipient of funds under this part shall, to the extent possible, coordinate projects assisted under this part with appropriate activities of public and private cultural agencies, institutions, and organizations, including museums, arts education associations, libraries, and theaters.

"(2) SPECIAL RULE.—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, Very Special Arts, and the National Gallery of Art.

"(f) AUTHORIZATION.—

"(1) IN GENERAL.—For the purpose of carrying out this part, there are authorized to be appropriated $11,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(2) SPECIAL RULE.—If the amount appropriated under paragraph (1) for any fiscal year is $9,000,000 or less, then such amount shall only be available to carry out the activities described in paragraphs (7) and (8) of subsection (d).

"PART B—INEXPENSIVE BOOK DISTRIBUTION PROGRAM

"SEC. 8151. INEXPENSIVE BOOK DISTRIBUTION PROGRAM FOR READING MOTIVATION.

"(a) AUTHORIZATION.—The Secretary is authorized to enter into a contract with Reading is Fundamental (RIF) (hereafter 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, to the extent feasible, or loan, to children from birth through secondary school age;

"(2) provide that funds made available to subcontractors will be used 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 or 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;

"(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 provide such technical assistance to subcontractors as may be necessary to carry out the purpose of this section;

"(5) provide that the contractor will annually report to the Secretary the number of, and describe, programs funded under paragraph (3); and

"(6) 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, with respect to the cost to a subcontractor of purchasing books to be paid under this section, 75 percent of such costs to the subcontractor, except that the Federal share for programs serving children of migrant or seasonal farmworkers shall be 100 percent of such costs to the subcontractor.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $11,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"PART C—PUBLIC CHARTER SCHOOLS

"SEC. 8201. FINDINGS AND PURPOSE.

"(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 content standards and challenging State student performance standards, if sufficiently diverse and high-quality choices, and genuine opportunities to take advantage of such choices, 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 and to transform existing public schools;

"(3) the new schools developed through such process should be free to test a variety of educational approaches and should, therefore, be exempted from restrictive rules and regulations if the leadership of such schools commits to attaining specific and ambitious educational results for students consistent with challenging State content standards and challenging State student performance standards for all students;

"(4) charter schools, as such schools 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;

"(5) charter schools, including charter schools that are schools-within-schools, can help reduce school size, which reduction can have a significant effect on student achievement;

"(6) 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; and

"(7) there is a strong documented need for cash flow assistance to charter schools that are starting up, because State and local operating revenue streams are not immediately available.

"(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 such schools, including the effects on students, staff, and parents.

"SEC. 8202. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Secretary may award grants to State educational agencies having applications approved pursuant to section 8203 to enable such agencies to conduct a charter school grant program in accordance with this part.

"(b) SPECIAL RULE.—If a State educational agency elects not to participate in the program authorized by this part or does not have an application approved under section 8203, the Secretary may award a grant to an eligible applicant that serves such State and has an application approved pursuant to section 8203(c).

"(c) PROGRAM PERIODS.—

"(1) GRANTS TO STATES.—Grants awarded to State educational agencies under this part shall be awarded for a period of not more than 3 years.

"(2) GRANTS TO ELIGIBLE APPLICANTS.—Grants awarded by the Secretary to eligible applicants or subgrants awarded by State educational agencies to eligible applicants under this part shall be awarded for a period of not more than 3 years, of which the eligible applicant may use—

"(A) not more than 18 months for planning and program design; and

"(B) not more than 2 years for the initial implementation of a charter school.

"(d) LIMITATION.—The Secretary shall not award more than one grant and State educational agencies shall not award more than one subgrant under this part to support a particular charter school.

"(e) USE OF FUNDS.—

"(1) STATE EDUCATIONAL AGENCIES.—Each State educational agency receiving a grant under this part shall use such grant funds to award subgrants to one or more eligible applicants in the State to enable such applicant to plan and implement a charter school in accordance with this part.

"(2) ELIGIBLE APPLICANTS.—Each eligible applicant receiving funds from the Secretary or a State educational agency shall use such funds to plan and implement a charter school in accordance with this part.

"(3) ALLOWABLE ACTIVITIES.—An eligible applicant receiving a grant or subgrant under this part may use the grant or subgrant funds only for—

"(A) post-award planning and design of the educational program, which may include—

"(i) refinement of the desired educational results and of the methods for measuring progress toward achieving those results; and

"(ii) professional development of teachers and other staff who will work in the charter school; and

"(B) initial implementation of the charter school, which may include—

"(i) informing the community about the school;

"(ii) acquiring necessary equipment and educational materials and supplies;

"(iii) acquiring or developing curriculum materials;

"(iv) minor remodeling or renovation of facilities needed to meet State or local health or safety laws or regulations; and

"(v) other initial operational costs that cannot be met from State or local sources.

"(4) ADMINISTRATIVE EXPENSES.—Each State educational agency receiving a grant pursuant to this part may reserve not more than 5 percent of such grant funds for administrative expenses associated with the charter school grant program assisted under this part.

"(5) REVOLVING LOAN FUNDS.—Each State educational agency receiving a grant pursuant to this part may reserve not more than 20 percent of the grant amount for the establishment of a revolving loan fund. Such fund may be used to make loans to eligible applicants that have received a subgrant under this part, under such terms as may be determined by the State educational agency, for the initial operation of the charter school grant program of such recipient until such time as the recipient begins receiving ongoing operational support from State or local financing sources.

"SEC. 8203. APPLICATIONS.

"(a) APPLICATIONS FROM STATE AGENCIES.—Each State educational agency desiring a grant under this part shall submit to the Secretary an application at such time, in such manner, and containing or accompanied by such information as the Secretary may require.

"(b) CONTENTS OF A STATE EDUCATIONAL AGENCY APPLICATION.—Each application submitted pursuant to subsection (a) shall—

"(1) describe the objectives of the State educational agency's charter school grant program and a description of how such objectives will be fulfilled, including steps taken by the State educational agency to inform teachers, parents, and communities of the State educational agency's charter school grant program;

"(2) contain assurances that the State educational agency—

"(A) will grant, or will obtain, waivers of State statutory or regulatory requirements provided for in the State's charter schools law; and

"(B) will assist each subgrantee in the State in receiving a waiver under section 8204(e);

"(3) contain assurances that the State educational agency will require each eligible applicant desiring to receive a subgrant to submit an application to the State educational agency containing—

"(A) a description of the educational program to be implemented by the proposed charter school, including—

"(i) how the program will enable all students to meet challenging State student performance standards;

"(ii) the grade levels or ages of children to be served; and

"(iii) the curriculum and instructional practices to be used;

"(B) a description of how the charter school will be managed;

"(C) a description of—

"(i) the objectives of the charter school; and

"(ii) the methods by which the charter school will determine its progress toward achieving those objectives;

"(D) a description of the administrative relationship between the charter school and the authorized public chartering agency;

"(E) a description of how parents and other members of the community will be involved in the design and implementation of the charter school;

"(F) a description of how the authorized public chartering agency will provide for continued operation of the school once the Federal grant has expired, if such agency determines that the school has met the objectives described in subparagraph (C)(i);

"(G) a request and justification for waivers of any Federal statutory or regulatory requirements that the applicant believes are necessary for the successful operation of the charter school;

"(H) a description of how the subgrant funds or grant funds, as appropriate, will be used, including a description of how such funds will be used in conjunction with other Federal programs administered by the Secretary;

"(I) a description of how students in the community will be—

"(i) informed about the charter school; and

"(ii) given an equal opportunity to attend the charter school;

"(J) an assurance that the eligible applicant will annually provide the Secretary and the State educational agency such information as may be required to determine if the charter school is making satisfactory progress toward achieving the objectives described in subparagraph (C)(i);

"(K) an assurance that the applicant will cooperate with the Secretary and the State educational agency in evaluating the program assisted under this part; and

"(L) such other information and assurances as the Secretary and the State educational agency may require.

"(c) APPLICATIONS FROM ELIGIBLE APPLICANTS.—

"(1) IN GENERAL.—Each eligible applicant desiring a grant pursuant to section 8202(e)(1) or 8202(b) shall submit an application to the State educational agency or Secretary, respectively, at such time, in such manner, and accompanied by such information as the State educational agency or Secretary, respectively, may reasonably require.

"(d) CONTENTS OF ELIGIBLE AGENCY APPLICATION.—Each application submitted pursuant to subsection (c) shall contain the information and assurances described in subparagraphs (A) through (L) of subsection (b)(3), except that for purpose of this sentence subparagraphs (J), (K), and (L) of such subsection shall be applied by striking "and the State educational agency" each place such term appears.

"SEC. 8204. ADMINISTRATION.

"(a) SELECTION CRITERIA FOR STATE EDUCATIONAL AGENCIES.—The Secretary shall award grants to State educational agencies under this part on the basis of the quality of the applications submitted under section 8203, after taking into consideration such factors as—

"(1) the contribution that the charter schools grant program will make to achieving State content standards and State student performance standards and, in general, a State's education improvement plan;

"(2) the degree of flexibility afforded by the State educational agency to charter schools under the State's charter schools law;

"(3) the ambitiousness of the objectives for the State charter school grant program;

"(4) the quality of the process for assessing achievement of those objectives; and

"(5) the likelihood that the charter school grant program will meet those objectives and improve educational results for students.

"(b) SELECTION CRITERIA FOR ELIGIBLE APPLICANTS.—The Secretary shall award grants to eligible applicants under this part on the basis of the quality of the applications submitted under section 8203, after 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 educational agency and, if applicable, the local educational agency to the charter school;

"(3) the extent of community support for the application;

"(4) the ambitiousness of the objectives for the charter school;

"(5) the quality of the process for assessing achievement of those objectives; and

"(6) the likelihood that the charter school will meet those objectives and improve educational results for students.

"(c) PEER REVIEW.—The Secretary, and each State educational agency receiving a grant under this part, shall use a peer review process to review applications for assistance under this part.

"(d) DIVERSITY OF PROJECTS.—The Secretary and each State educational agency receiving a grant under this part, shall award subgrants under this part in a manner that, to the extent possible, ensures that such grants and subgrants—

"(1) are distributed throughout different areas of the Nation and each State, including urban and rural areas; and

"(2) will assist charter schools representing a variety of educational approaches, such as approaches designed to reduce school size.

"(e) WAIVERS.—The Secretary may waive any statutory or regulatory requirement over which the Secretary exercises administrative authority except any such requirement relating to the elements of a charter school described in section 8206(1), if—

"(1) the waiver is requested in an approved application under this part; and

"(2) the Secretary determines that granting such a waiver will promote the purpose of this part.

"SEC. 8205. NATIONAL ACTIVITIES.

"The Secretary may reserve not more than 10 percent of the funds available to carry out this part for any fiscal year for—

"(1) peer review of applications under section 8204(c);

"(2) an evaluation of charter schools, including those assisted under this part; and

"(3) other activities designed to enhance the success of the activities assisted under this part, such as—

"(A) development and dissemination of model State charter school laws and model contracts or other means of authorizing and monitoring the performance of charter schools;

"(B) collection and dissemination of information on successful charter schools; and

"(C) conferences, publications, and use of telecommunications and other means to share ideas and information among grant recipients and others about charter schools.

"SEC. 8206. DEFINITIONS.

"As used in this part:

"(1) The term 'charter school' means a public 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, and is operated under public supervision and direction;

"(C) operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the authorized public chartering agency;

"(D) provides a program of elementary or secondary education, or both;

"(E) is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;

"(F) does not charge tuition;

"(G) complies with the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, 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 an authorized public chartering agency participating in a partnership with a developer to establish a charter school in accordance with this part.

"(4) The term 'authorized public chartering agency' means a State educational agency, local educational agency, or other public entity that has the authority pursuant to State law to authorize or approve a charter school.

"SEC. 8207. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated $15,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"PART D—CIVIC EDUCATION

"SEC. 8251. INSTRUCTION ON THE HISTORY AND PRINCIPLES OF DEMOCRACY IN THE UNITED STATES.

"(a) GENERAL AUTHORITY.—

"(1) PROGRAM ESTABLISHED.—(A) The Secretary is authorized to carry out a program to enhance the attainment of the third and sixth National Education Goals by educating students about the history and principles of the Constitution of the United States, including the Bill of Rights, and to foster civic competence and responsibility.

"(B) Such program shall be known as 'We the People . . . The Citizen and the Constitution'.

"(2) EDUCATIONAL ACTIVITIES.—The program required by paragraph (1) shall—

"(A) continue and expand the educational activities of the 'We the People . . . The Citizen and the Constitution' program administered by the Center for Civic Education; and

"(B) enhance student attainment of challenging content standards in civics and government.

"(3) CONTRACT OR GRANT AUTHORIZED.—The Secretary is authorized to enter into a contract or grant with the Center for Civic Education to carry out the program described in paragraph (1).

"(b) PROGRAM CONTENT.—The education program authorized by this section shall provide—

"(1) a course of instruction on the basic principles of our constitutional democracy and the history of the Constitution and the Bill of Rights;

"(2) at the request of a participating school, school and community simulated congressional hearings following the course of study; and

"(3) an annual national competition of simulated congressional hearings for secondary students who wish to participate in such program.

"(c) PROGRAM CONTENT.—The education program authorized by this section shall be made available to public and private elementary and secondary schools in the 435 congressional districts, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the District of Columbia.

"(d) SPECIAL RULE.—After the provisions of subsection (b) have been implemented, funds provided under this section may be used for—

"(1) advanced training of teachers about the United States Constitution and the political system the United States created; or

"(2) a course of instruction at the middle school level on the roles of State and local governments in the Federal system established by the Constitution, which course shall provide for—

"(A) optional school and community simulated State legislative hearings;

"(B) an annual competition of simulated legislative hearings at the State legislative district, State, and national levels for middle school students who wish to participate in the program; and

"(C) participation by public and private middle schools in the 50 States, the District of Columbia, Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau.

"SEC. 8252. INSTRUCTION IN CIVICS, GOVERNMENT, AND THE LAW.

"(a) PROGRAM ESTABLISHED.—The Secretary is authorized to carry out a program of grants and contracts to assist State and local educational agencies and other public and private nonprofit agencies, organizations and institutions to enhance—

"(1) attainment by students of challenging State content standards and challenging State student performance standards in civics, government, and the law; and

"(2) attainment by the Nation of the third and the sixth National Education Goals.

"(b) AUTHORIZED ACTIVITIES.—Assistance under this section may support new and ongoing programs in elementary and secondary schools that provide for—

"(1) the development and implementation of curricular programs that enhance student understanding of—

"(A) the values and principles which underlie, and the institutions and processes which comprise, our Nation's system of government;

"(B) the role of law in our constitutional democracy, including activities to promote—

"(i) legal literacy;

"(ii) a dedication by students to the use of nonviolent means of conflict resolution such as arbitration, mediation, negotiation, trials, and appellate hearings; and

"(iii) respect for cultural diversity and acceptance of cultural differences; and

"(C) the rights and responsibilities of citizenship;

"(2) professional development for teachers, including preservice and inservice training;

"(3) outside-the-classroom learning experiences for students, including community service activities;

"(4) the active participation of community leaders, from the public and private sectors, in the schools; and

"(5) the provision of technical assistance to State and local educational agencies and other institutions and organizations working to further the progress of the Nation in attaining the third and sixth National Education Goals regarding civics and government.

"(c) APPLICATIONS, PEER REVIEW AND PRIORITY.—

"(1) SUBMISSION OF APPLICATIONS.—A State or local educational agency, other public or private nonprofit agency, organization, or institution that desires to receive a grant or enter into a contract under this section shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

"(2) PEER REVIEW.—(A) The Secretary shall convene a panel of individuals for purpose of reviewing and rating applications submitted under paragraph (1).

"(B) Such individuals shall have experience with education programs in civics, government, and the law.

"(3) PRIORITY.—In making grants or awarding contracts under this section, the Secretary shall give priority consideration to applications which propose the operation of statewide programs.

"(d) DURATION OF GRANTS AND EXCEPTION.—

"(1) DURATION.—Except as provided in paragraph (2), the Secretary shall make grants and enter into contracts under this section for periods of two or three years.

"(2) EXCEPTION.—The Secretary may make a grant or enter into a contract under this section for a period of less than 2 years if the Secretary determines that special circumstances exist which warrant a 1-year grant or contract award.

"SEC. 8253. REPORT; AUTHORIZATION OF APPROPRIATIONS.

"(a) REPORT.—The Secretary shall report, on a biennial basis and in accordance with section 10701, to the Committee on Education and Labor of the House of Representatives and to the Committee on Labor and Human Resources of the Senate regarding the distribution and use of funds authorized under this part.

"(b) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—To carry out this part, there are authorized to be appropriated $20,000,000 for fiscal year 1995 and such sums as necessary for each of the 4 succeeding fiscal years.

"(2) ALLOCATION.—From the amount appropriated under subsection (a), the Secretary shall allocate—

"(A) 50 percent of such amount to carry out section 8251; and

"(B) 50 percent of such amount to carry out section 8252.

"PART E—ALLEN J. ELLENDER FELLOWSHIP PROGRAM

"SEC. 8301. FINDINGS.

"The Congress finds as follows:

"(1) It is a worthwhile goal to ensure that all students in America are prepared for responsible citizenship and that all students should have the opportunity to be involved in activities that promote and demonstrate good citizenship.

"(2) It is a worthwhile goal to ensure that America's educators have access to programs for the continued improvement of their professional skills.

"(3) Allen J. Ellender, a Senator from Louisiana and President pro tempore of the United States Senate, had a distinguished career in public service characterized by extraordinary energy and real concern for young people. Senator Ellender provided valuable support and encouragement to the Close Up Foundation, a nonpartisan, nonprofit foundation promoting knowledge and understanding of the Federal Government among young people and educators. Therefore, it is a fitting and appropriate tribute to Senator Ellender to provide fellowships in his name to students of limited economic means, the teachers who work with such students, and older Americans, so that such students, teachers, and older Americans may participate in the programs supported by the Close Up Foundation.

"Subpart 1—Program for Middle and Secondary School Students

"SEC. 8311. ESTABLISHMENT.

"(a) GENERAL AUTHORITY.—The Secretary is authorized to make grants in accordance with the provisions of this title to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its programs of increasing understanding of the Federal Government among middle and secondary school students.

"(b) USE OF FUNDS.—Grants under this subpart shall be used only to provide financial assistance to economically disadvantaged students who participate in the program described in subsection (a). Financial assistance received pursuant to this subpart by such students shall be known as Allen J. Ellender fellowships.

"SEC. 8312. APPLICATIONS.

"(a) APPLICATION REQUIRED.—No grant under this subpart may be made except upon an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(b) CONTENTS OF APPLICATION.—Each such application shall contain provisions to assure—

"(1) that fellowship grants are made to economically disadvantaged middle and secondary school students;

"(2) that every effort will be made to ensure the participation of students from rural and small town areas, as well as from urban areas, and that in awarding fellowships to economically disadvantaged students, special consideration will be given to the participation of students with special educational needs, including students with disabilities, ethnic minority students, and gifted and talented students; and

"(3) the proper disbursement of the funds of the United States received under this subpart.

"Subpart 2—Program for Middle and Secondary School Teachers

"SEC. 8321. ESTABLISHMENT.

"(a) GENERAL AUTHORITY.—The Secretary is authorized to make grants in accordance with the provisions of this subpart to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its programs of teaching skills enhancement for middle and secondary school teachers.

"(b) USE OF FUNDS.—Grants under this subpart shall be used only for financial assistance to teachers who participate in the program described in subsection (a). Financial assistance

received pursuant to this subpart by such individuals shall be known as Allen J. Ellender fellowships.

"SEC. 8322. APPLICATIONS.

"(a) APPLICATION REQUIRED.—No grant under this subpart may be made except upon an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(b) CONTENTS OF APPLICATION.—Each such application shall contain provisions to assure—

"(1) that fellowship grants are made only to teachers who have worked with at least one student from such teacher's school who participates in the programs described in section 8311(a);

"(2) that not more than one teacher in each school participating in the programs provided for in section 8311(a) may receive a fellowship in any fiscal year; and

"(3) the proper disbursement of the funds of the United States received under this subpart.

"Subpart 3—Programs for Recent Immigrants, Students of Migrant Parents and Older Americans

"SEC. 8331. ESTABLISHMENT.

"(a) GENERAL AUTHORITY.—

"(1) IN GENERAL.—The Secretary is authorized to make grants in accordance with the provisions of this subpart to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its programs of increasing understanding of the Federal Government among economically disadvantaged older Americans, recent immigrants and students of migrant parents.

"(2) DEFINITION.—For the purpose of this subpart, the term 'older American' means an individual who has attained 55 years of age.

"(b) USE OF FUNDS.—Grants under this subpart shall be used only for financial assistance to economically disadvantaged older Americans, recent immigrants and students of migrant parents who participate in the program described in subsection (a). Financial assistance received pursuant to this subpart by such individuals shall be known as Allen J. Ellender fellowships.

"SEC. 8332. APPLICATIONS.

"(a) APPLICATION REQUIRED.—No grant under this subpart may be made except upon application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(b) CONTENTS OF APPLICATION.—Each such application shall contain provisions to assure—

"(1) that fellowship grants are made to economically disadvantaged older Americans, recent immigrants and students of migrant parents;

"(2) that every effort will be made to ensure the participation of older Americans, recent immigrants and students of migrant parents from rural and small town areas, as well as from urban areas, and that in awarding fellowships, special consideration will be given to the participation of older Americans, recent immigrants and students of migrant parents with special needs, including individuals with disabilities, ethnic minorities, and gifted and talented students;

"(3) that activities permitted by subsection (a) are fully described; and

"(4) the proper disbursement of the funds of the United States received under this subpart.

"Subpart 4—General Provisions

"SEC. 8341. ADMINISTRATIVE PROVISIONS.

"(a) GENERAL RULE.—Payments under this part may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of underpayment or overpayment.

"(b) AUDIT RULE.—The Comptroller General of the United States or any of the Comptroller General's duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to any grant under this part.

"SEC. 8342. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to carry out the provisions of subparts 1, 2, and 3 of this part $4,500,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) SPECIAL RULE.—Of the funds appropriated pursuant to subsection (a), not more than 30 percent may be used for teachers associated with students participating in the programs described in section 8311(a).

"PART F—GIFTED AND TALENTED CHILDREN

"SEC. 8401. SHORT TITLE.

"This part may be cited as the 'Jacob K. Javits Gifted and Talented Students Education Act of 1994'.

"SEC. 8402. FINDINGS AND PURPOSES.

"(a) FINDINGS.—The Congress finds and declares that—

"(1) all students can learn to high standards and must develop their talents and realize their potential if the United States is to prosper;

"(2) gifted and talented students are a national resource vital to the future of the Nation and our Nation's security and well-being;

"(3) too often schools fail to challenge students to do their best work, and students who are not challenged will not learn to challenging State content standards and challenging State student performance standards, fully develop their talents, and realize their potential;

"(4) unless the special abilities of gifted and talented students are recognized and developed during their elementary and secondary school years, much of their special potential for contributing to the national interest is likely to be lost;

"(5) gifted and talented students from economically disadvantaged families and areas, and students of limited-English proficiency are at greatest risk of being unrecognized and of not being provided adequate or appropriate educational services;

"(6) State and local educational agencies and private nonprofit schools often lack the necessary specialized resources to plan and implement effective programs for the early identification of gifted and talented students for the provision of educational services and programs appropriate to their special needs;

"(7) the Federal Government can best carry out the limited but essential role of stimulating research and development and personnel training and providing a national focal point of information and technical assistance that is necessary to ensure that the Nation's schools are able to meet the special educational needs of gifted and talented students, and thereby serve a profound national interest; and

"(8) the experience and knowledge gained in developing and implementing programs for gifted and talented students can and should be used as a basis to—

"(A) develop a rich and challenging curriculum for all students; and

"(B) provide all students with important and challenging subject matter to study and encourage the habits of hard work.

"(b) STATEMENT OF PURPOSE.—It is the purpose of this part—

"(1) to provide financial assistance to State and local educational agencies, institutions of higher education, and other public and private agencies and organizations, to initiate a coordinated program of research, demonstration projects, personnel training, and similar activities designed to build a nationwide capability in elementary and secondary schools to meet the special educational needs of gifted and talented students;

"(2) to encourage the development of rich and challenging curricula for all students through the appropriate application and adaptation of materials and instructional methods developed under this part; and

"(3) to supplement and make more effective the expenditure of State and local funds, for the education of gifted and talented students.

"SEC. 8403. CONSTRUCTION.

"Nothing in this part shall be construed to prohibit a recipient of funds under this part from serving gifted and talented students simultaneously with students with similar educational needs, in the same educational settings where appropriate.

"SEC. 8404. AUTHORIZED PROGRAMS.

"(a) ESTABLISHMENT OF PROGRAM.—

"(1) IN GENERAL.—From the sums appropriated under section 8407 in any fiscal year the Secretary (after consultation with experts in the field of the education of gifted and talented students) shall make grants to or enter into contracts with State educational agencies, local educational agencies, institutions of higher education, or other public agencies and private agencies and organizations (including Indian tribes and Indian organizations (as such terms are defined by the Indian Self-Determination and Education Assistance Act) and Hawaiian native organizations) to assist such agencies, institutions, and organizations which submit applications in carrying out programs or projects authorized by this part that are designed to meet the educational needs of gifted and talented students, including the training of personnel in the education of gifted and talented students and in the use, where appropriate, of gifted and talented services, materials, and methods for all students.

"(2) CONTENTS.—Applications for funds under this part shall describe how—

"(A) the proposed gifted and talented services, materials, and methods can be adapted, if appropriate, for use by all students; and

"(B) how the proposed programs can be evaluated.

"(b) USES OF FUNDS.—Programs and projects assisted under this section may include—

"(1) professional development (including fellowships) for personnel (including leadership personnel) involved in the education of gifted and talented students;

"(2) establishment and operation of model projects and exemplary programs for serving gifted and talented students, including innovative methods for identifying and educating students who may not be served by traditional gifted and talented programs, summer programs, mentoring programs, service learning programs, and cooperative programs involving business, industry, and education;

"(3) training of personnel and parents involved in gifted and talented programs with respect to the impact of gender role-socialization on the educational needs of gifted and talented children and in gender equitable education methods, techniques and practices;

"(4) implementing innovative strategies, such as cooperative learning, peer tutoring and service learning;

"(5) 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 the planning, operation, and improvement of programs for the identification and education of gifted and talented students and the appropriate use of gifted and talented programs and methods to serve all students;

"(6) programs of technical assistance and information dissemination, including how gifted

and talented programs and methods, where appropriate, could be adapted for use by all students; and

"(7) carrying out—

"(A) research on methods and techniques for identifying and teaching gifted and talented students, and for using gifted and talented programs and methods to serve all students; and

"(B) program evaluations, surveys, and the collection, analysis, and development of information needed to accomplish the purposes of this part.

"(c) ESTABLISHMENT OF NATIONAL CENTER.—

"(1) IN GENERAL.—The Secretary (after consultation with experts in the field of the education of gifted and talented students) shall establish a National Center for Research and Development in the Education of Gifted and Talented Children and Youth through grants to or contracts with one or more institutions of higher education or State educational agencies, or a combination or consortium of such institutions and agencies, for the purpose of carrying out activities described in paragraph (7) of subsection (b).

"(2) DIRECTOR.—Such National Center shall have a Director. The Secretary may authorize the Director to carry out such functions of the National Center as may be agreed upon through arrangements with other institutions of higher education, State or local educational agencies, or other public or private agencies and organizations.

"(d) LIMITATION.—Not more than $1,750,000 of the funds available in any fiscal year to carry out the programs and projects authorized by this section may be used to conduct activities pursuant to subsection (b)(7) or (c).

"(e) COORDINATION.—Research activities supported under this section—

"(1) shall be carried out in consultation with the Office of Educational Research and Improvement to ensure that such activities are coordinated with and enhance the research and development activities supported by the such office; and

"(2) may include collaborative research activities which are jointly funded and carried out with the Office of Educational Research and Improvement.

"SEC. 8405. PROGRAM PRIORITIES.

"(a) GENERAL PRIORITY.—In the administration of this part the Secretary shall give highest priority—

"(1) to the identification of and the provision of services to gifted and talented students who may not be identified and served through traditional assessment methods (including economically disadvantaged individuals, individuals of limited-English proficiency, and individuals with disabilities); and

"(2) to programs and projects designed to develop or improve the capability of schools in an entire State or region of the Nation, through cooperative efforts and participation of State and local educational agencies, institutions of higher education, and other public and private agencies and organizations (including business, industry, and labor), to plan, conduct, and improve programs for the identification of and the provision of services to gifted and talented students.

"(b) SERVICE PRIORITY.—In approving applications under section 8404(a), the Secretary shall assure that in each fiscal year at least one-half of the applications approved under such section address the priority described in subsection (a)(1).

"SEC. 8406. GENERAL PROVISIONS.

"(a) PARTICIPATION OF PRIVATE SCHOOL CHILDREN AND TEACHERS.—In making grants and entering into contracts under this part, the Secretary shall ensure, where appropriate, that provision is made for the equitable participation of students and teachers in private nonprofit elementary and secondary schools, including the participation of teachers and other personnel in professional development programs for serving such children.

"(b) PROGRAM OPERATIONS.—The Secretary shall ensure that the programs under this part are administered within the Department 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.

"(c) 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 programs and 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 in accordance with section 10701, 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 not later than January 1, 1998.

"SEC. 8407. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated $20,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out the provisions of this part.

"(b) SPECIAL RULE.—If the amount appropriated under subsection (a) for a fiscal year exceeds $20,000,000, 40 percent of such amount in excess of $20,000,000 shall be available for strategies and programs designed for the education of gifted and talented students that may 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 State content standards and challenging State student performance standards, while not diminishing the curriculum and instruction for students traditionally identified as gifted and talented.

"PART G—WOMEN'S EDUCATIONAL EQUITY

"SEC. 8451. SHORT TITLE; FINDINGS.

"(a) SHORT TITLE.—This part may be cited as the 'Women's Educational Equity Act of 1994'.

"(b) FINDINGS.—The Congress finds that—

"(1) since the enactment of title IX of the Education 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, more curricula, training and other educational materials concerning educational equity for women and girls are available for national dissemination;

"(3) significant gender inequities still exist in teaching and learning practices, for example—

"(A) sexual harassment, particularly that experienced by girls, undermines the ability of schools to provide a safe and equitable learning or workplace environment;

"(B) girls may often receive significantly less attention from classroom teachers than boys, and girls of color have less interaction with teachers than all other girls;

"(C) classroom textbooks and other 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, girls lose confidence in their mathematics and science ability as girls 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 the needs of such 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 should, 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.

"SEC. 8452. STATEMENT OF PURPOSES.

"It is the purpose of this part—

"(1) to promote gender equity in education in the United States;

"(2) to provide financial assistance to enable educational agencies and institutions to meet the requirements of title IX of the Educational Amendments of 1972; and

"(3) to promote equity in education to women and girls who suffer multiple forms of discrimination based on sex, race, ethnic origin, limited-English proficiency, disability, or age.

"SEC. 8453. PROGRAM AUTHORIZED.

"The Secretary is authorized to make grants to, and enter into contracts and cooperative agreements with, public agencies, private nonprofit agencies, organizations, institutions, 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;

"(B) training for teachers, counselors, administrators, and other school personnel, especially preschool and elementary school personnel, in gender equitable teaching and learning practices;

"(C) leadership training for 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, 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 women and girls have been underrepresented, and guidance and counseling activities;

"(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, socioeconomic status, or age;

"(F) assisting pregnant students and students rearing children to remain in or to return to secondary school, graduate, and prepare their preschool children to start school;

"(G) evaluating exemplary model programs to assess the ability of such programs to advance educational equity for women and girls; and

"(H) introduction into the classroom of textbooks, curricula, and other materials designed to achieve equity for women and girls; and

"(2) research and development, which shall be coordinated with the Office of Educational Research and Improvement's National Institute on the Education of At-Risk Students to avoid duplication of research efforts, 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 nondiscriminatory;

"(C) the development and evaluation of model curricula, textbooks, software, 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;

"(F) updating high quality educational materials previously developed through awards made under this part; and

"(G) the implementation of nondiscriminatory tests of aptitude and achievement and alternative assessment instruments.

"SEC. 8454. APPLICATIONS.

"(a) APPLICATIONS.—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, such as—

"(1) setting 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;

"(2) demonstrating how funds received under this part will be used to promote the attainment of one or more of the National Education Goals;

"(3) demonstrating how the applicant will address perceptions of gender roles based on cultural differences or stereotypes;

"(4) describing how funds under this part will be used in a manner that is consistent with the School-to-Work Opportunities Act of 1994;

"(5) for applications for projects under section 8453(1), demonstrating how the applicant will foster partnerships and share resources with State educational agencies, local educational agencies, institutions of higher education, community-based organizations, and other recipients of Federal educational funding which may include State literacy resource centers; and

"(6) for applications for projects under section 8453(1), demonstrating 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 such part was in effect on October 1, 1988);

"(2) for projects that will contribute significantly to directly improving teaching and learning practices in the local community; and

"(3) for projects that will—

"(A) provide for a comprehensive approach to enhancing gender equity in educational institutions and agencies;

"(B) draw on a variety of resources, including local educational agencies, community-based organizations, institutions of higher education, and private organizations;

"(C) implement a strategy with long-term impact that will continue as a central activity of the applicant after the grant has terminated; and

"(D) address issues of national significance that can be duplicated.

"(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.

"SEC. 8455. CRITERIA AND PRIORITIES.

"The Secretary shall establish separate criteria and priorities for awards under paragraphs (1) and (2) of section 8453 to ensure that available funds are used for programs that most effectively will achieve the purposes of this part.

"SEC. 8456. REPORT.

"The Secretary, by January 1, 1999, shall submit to the President and the Congress a report on the status of educational equity for girls and women in the Nation.

"SEC. 8457. EVALUATION AND DISSEMINATION.

"(a) EVALUATION AND DISSEMINATION.—The Secretary shall evaluate in accordance with section 10701, and disseminate, materials and programs developed under this part and shall report to the Congress regarding such evaluation materials and programs by January 1, 1998.

"(b) USE OF PROGRAM FUNDS.—The Secretary is authorized to use funds appropriated under section 8458 to gather and disseminate information about emerging issues concerning gender equity and, if necessary, to convene meetings for this purpose.

"(c) PROGRAM OPERATIONS.—The Secretary shall ensure that the programs under this part are administered within the Department by a person who has recognized professional qualifications and experience in the field of gender equity education and who shall serve as a focal point of national leadership and information on mechanisms to carry out the purpose of this part.

"SEC. 8458. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated $5,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years, of which not less than two-thirds of the amount appropriated under this section for each fiscal year shall be available to carry out the activities described in section 8453(1).

"PART H—FUND FOR THE IMPROVEMENT OF EDUCATION

"SEC. 8501. FUND FOR THE IMPROVEMENT OF EDUCATION.

"(a) FUND AUTHORIZED.—From funds appropriated under subsection (d), the Secretary is authorized to support nationally significant programs and projects to improve the quality of education, assist all students to meet challenging State content standards and challenging State student performance 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 educational agencies, institutions of higher education, and other public and private agencies, organizations, and institutions.

"(b) USES OF FUNDS.—

"(1) IN GENERAL.—Funds provided under this section may be used for—

"(A) activities that will promote systemic education reform at the State and local levels, such as—

"(i) developing and evaluating strategies for eliminating ability grouping practices and developing policies and programs that place all students on a college-preparatory path of study, particularly in academic fields such as mathematics, science, English, and social studies, including comprehensive inservice programs for teachers and counselors and academic enrichment programs that supplement regular courses for students;

"(ii) developing and evaluating programs that directly involve parents and family members in the academic progress of their children;

"(iii) developing and evaluating strategies for integrating instruction and assessment such that teachers and administrators can focus on what students should know and be able to do at particular grade levels, which instruction shall promote the synthesis of knowledge, encourage the development of problem-solving skills drawing on a vast range of disciplines, and promote the development of higher order thinking by all students;

"(iv) developing and evaluating strategies for supporting professional development for teachers across all disciplines and for guidance counselors and administrators, including inservice training that improves the skills of counselors and administrators in working with students from diverse populations;

"(v) research and development related to challenging State content standards and challenging State student performance standards for student learning; and

"(vi) 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 decisionmaking;

"(C) joint activities with other Federal agencies, such as the National Science Foundation, the Department of Health and Human Services, and the Department of Labor, and with institutions of higher education, 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 and evaluate coordinated pupil services programs;

"(F) activities to promote comprehensive health education;

"(G) activities to promote environmental education;

"(H) activities to promote programs to assist students to demonstrate competence in foreign languages;

"(I) studies and evaluation of various education reform strategies and innovations being pursued by the Federal Government, States, and local educational agencies;

"(J) activities to promote metric education;

"(K) activities to promote consumer education, such as saving, investing, and entrepreneurial education;

"(L) activities to promote experiential-based learning, such as service-learning;

"(M) activities to promote scholar-athlete competitions;

"(N) activities to promote child abuse education and prevention programs;

"(O) activities to raise standards and expectations for academic achievement among all students, especially disadvantaged students traditionally underserved in schools;

"(P) activities to provide the academic support, enrichment and motivation to enable all students to reach such standards;

"(Q) programs designed to promote gender equity in education by evaluating and eliminating

gender bias in instruction and educational materials, identifying and analyzing gender inequities in educational practices, and implementing and evaluating educational policies and practices designed to achieve gender equity;

"(R) demonstrations that are designed to test the effectiveness of private management of public educational programs, with at least one demonstration carried out in each of the ten Department of Education regions, and with funds used to support planning, start-up costs and evaluation;

"(S) other programs and projects that meet the purposes of this section; and

"(T) demonstrations that are designed to test whether prenatal education and counseling provided to pregnant students could have a positive effect on pregnancy outcomes, with such education and counseling emphasizing the importance of prenatal care; the value of sound diet and nutrition habits; and the harmful effects of smoking, alcohol and substance abuse on fetal development.

"(2) ADDITIONAL USES.—The Secretary may also use funds provided 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 such Acts were in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994.

"(c) AWARDS.—

"(1) IN GENERAL.—The Secretary may—

"(A) make awards under this section on the basis of competitions announced by the Secretary; and

"(B) support meritorious unsolicited proposals.

"(2) SPECIAL RULE.—The Secretary shall ensure that programs, projects, and activities supported under this section are designed so that their effectiveness is readily ascertainable.

"(3) PEER REVIEW.—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 the cost of such peer review.

"(d) AUTHORIZATION.—For the purpose of carrying out this section, there are authorized to be appropriated $35,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"PART I—BLUE RIBBON SCHOOLS

"SEC. 8551. BLUE RIBBON SCHOOLS PROGRAM.

"(a) GENERAL AUTHORITY.—Subject to subsection (d), the Secretary is authorized to carry out programs to recognize elementary and secondary schools or programs which have established standards of excellence and which have demonstrated a high level of quality. Such programs shall be designated as 'Blue Ribbon Schools'. In selecting schools and programs to be recognized, the Secretary shall competitively select public and private schools or programs within local educational agencies in the States, schools operated for Indian children by the Department of the Interior, and schools operated by the Department of Defense for dependents of Department of Defense personnel.

"(b) SELECTION PROCESS.—

"(1) IN GENERAL.—The Secretary shall designate, each fiscal year, several categories for a Blue Ribbon Schools program. Such categories may include, but shall not be limited to, outstanding elementary schools, outstanding secondary schools, outstanding mathematics and science programs, or outstanding reading programs.

"(2) SELECTION.—Within each category, the Secretary shall determine the criteria and procedures for selection. Selection for such awards shall be based solely on merit. Schools or programs selected for awards under this section shall not be required to be representative of the States.

"(c) ADMINISTRATIVE PROVISIONS.—

"(1) CONSULTATION.—The Secretary shall carry out the provisions of this section including the establishment of the selection procedures, after consultation with appropriate outside parties.

"(2) APPLICATION.—No award may be made under this section unless the local educational agency submits an application to the Secretary at such time, in such manner, and containing such information, as the Secretary may reasonably require.

"(3) DEFINITION.—For the purposes of this section, the term 'State' means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(d) BLUE RIBBON AWARDS FOR CORRECTIONAL EDUCATION PROGRAMS.—The Secretary, through nominations provided by the Office on Correctional Education after consultation with representatives of correctional education organizations and others active in literacy education, shall annually make one or more awards under this section to effective and innovative programs for inmate education and literacy.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section.

"PART J—NATIONAL STUDENT AND PARENT MOCK ELECTION

"SEC. 8601. NATIONAL STUDENT AND PARENT MOCK ELECTION.

"(a) IN GENERAL.—The Secretary is authorized to award grants in every election year to national nonprofit, nonpartisan organizations that work to promote voter participation in American elections to enable such organizations to carry out voter education activities for students and their parents. Such activities shall—

"(1) be limited to simulated national elections that permit participation by students and parents from all 50 States in the United States; and

"(2) consist of—

"(A) school forums and local cable call-in shows on the national issues to be voted upon in an 'issue forum';

"(B) speeches and debates before students and parents by local candidates or stand-ins for such candidates;

"(C) quiz team competitions, mock press conferences and speechwriting competitions;

"(D) weekly meetings to follow the course of the campaign; or

"(E) school and neighborhood campaigns to increase voter turnout, including newsletters, posters, telephone chains, and transportation.

"(b) REQUIREMENT.—Each organization receiving a grant under this section shall present awards to outstanding student and parent mock election projects.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $125,000 for each of the fiscal years 1995 through 1999 to carry out this section.

"PART K—ELEMENTARY SCHOOL COUNSELING DEMONSTRATION

"SEC. 8651. SHORT TITLE.

"This part may be cited as the 'Elementary School Counseling Demonstration Act'.

"SEC. 8652. FINDINGS AND PURPOSE.

"(a) FINDINGS.—The Congress finds that—

"(1) elementary school children are being subjected to unprecedented social stresses, including fragmentation of the family, drug and alcohol abuse, child abuse, poverty, and violence, and experts indicate that intervention at an early age is the most beneficial;

"(2) an increasing number of elementary school children are exhibiting symptoms of distress, such as substance abuse, emotional disorders, academic underachievement, disruptive behavior, juvenile delinquency, and suicide;

"(3) elementary school counselors, school psychologists and school social workers can contribute to the personal growth, educational development, and emotional well-being of elementary school children by providing professional counseling, intervention, and referral services;

"(4) the average ratio of elementary school counselors to students is 1 to 1,000, the average ratio of school psychologists to students is 1 to 2,500, and the average ratio of school social workers to students is 1 to 2,500;

"(5) when there is 1 counselor to 1,000 students, 1 school psychologist to 2,500 students, and 1 school social worker to 2,500 students, elementary school counseling programs are seldom adequate;

"(6) the Federal Government can help reduce the risk of academic, social, and emotional problems among elementary school children by stimulating the development of model elementary school counseling programs; and

"(7) the Federal Government can help reduce the risk of future unemployment and assist the school-to-work transition by stimulating the development of model elementary school counseling programs.

"(b) PURPOSE.—It is the purpose of this part to enhance the availability and quality of counseling services for elementary school children by providing grants to local educational agencies to enable such agencies to establish effective and innovative elementary school counseling programs that can serve as national models.

"SEC. 8653. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $10,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this part.

"SEC. 8654. PROGRAM AUTHORITY.

"(a) IN GENERAL.—From amounts appropriated pursuant to the authority of section 8653 in any fiscal year, the Secretary shall make grants to local educational agencies having applications approved under section 8655 to initiate or expand school counseling programs for elementary school children.

"(b) PRIORITY.—In awarding grants under this part, the Secretary shall give special consideration to applications describing programs that—

"(1) demonstrate the greatest need for new or additional counseling services among the children in the elementary schools served by the applicant;

"(2) propose the most promising and innovative approaches for initiating or expanding elementary school counseling; and

"(3) show the greatest potential for replication and dissemination.

"(c) EQUITABLE DISTRIBUTION.—In awarding grants under this part, the Secretary shall ensure an equitable geographic distribution among the regions of the United States and among urban, suburban, and rural areas.

"(d) DURATION.—A grant under this part shall be awarded for a period not to exceed 3 years.

"(e) MAXIMUM GRANT.—A grant under this part shall not exceed $400,000 for any fiscal year.

"SEC. 8655. APPLICATIONS.

"(a) IN GENERAL.—Each local educational agency desiring a grant under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(b) NOTIFICATION OF STATE EDUCATIONAL AGENCY.—Before submitting an application to

the Secretary in accordance with subsection (a), a local educational agency shall provide the State educational agency with an opportunity to review and comment on the program described in such application. The comments of the State educational agency shall be appended to the application upon submission of the application to the Secretary.

"(c) CONTENTS.—Each application for a grant under this part shall—

"(1) describe the elementary school population to be targeted by the program, the particular personal, social, emotional, educational, and career development needs of such population, and the current school counseling resources available for meeting such needs;

"(2) describe the activities, services, and training to be provided by the program and the specific approaches to be used to meet the needs described in paragraph (1);

"(3) describe the methods to be used to evaluate the outcomes and effectiveness of the program;

"(4) describe the collaborative efforts to be undertaken with institutions of higher education, businesses, labor organizations, community groups, social service agencies, and other public or private entities to enhance the program and promote school-linked services integration;

"(5) describe collaborative efforts with institutions of higher education which specifically seek to enhance or improve graduate programs specializing in the preparation of elementary school counselors, school psychologists, and school social workers;

"(6) document that the applicant has the personnel qualified to develop, implement, and administer the program;

"(7) describe how any diverse cultural populations, if applicable, would be served through the program;

"(8) assure that the funds made available under this part for any fiscal year will be used to supplement and, to the extent practicable, increase the level of funds that would otherwise be available from non-Federal sources for the program described in the application, and in no case supplant such funds from non-Federal sources; and

"(9) assure that the applicant will appoint an advisory board composed of parents, school counselors, school psychologists, school social workers, other pupil services personnel, teachers, school administrators, and community leaders to advise the local educational agency on the design and implementation of the program.

"SEC. 8656. USE OF FUNDS.

"(a) IN GENERAL.—Grant funds under this part shall be used to initiate or expand elementary school counseling programs that comply with the requirements in subsection (b).

"(b) PROGRAM REQUIREMENTS.—Each program assisted under this part shall—

"(1) be comprehensive in addressing the personal, social, emotional, and educational needs of all students;

"(2) use a developmental, preventive approach to counseling;

"(3) increase the range, availability, quantity, and quality of counseling services in the elementary schools of the local educational agency;

"(4) expand counseling services only through qualified school counselors, school psychologists, and school social workers;

"(5) use innovative approaches to increase children's understanding of peer and family relationships, work and self, decisionmaking, academic and career planning, or to improve social functioning;

"(6) provide counseling services that are well-balanced among classroom group and small group counseling, individual counseling, and consultation with parents, teachers, administrators, and other pupil services personnel;

"(7) include inservice training for school counselors, school social workers, school psychologists, other pupil services personnel, teachers, and instructional staff;

"(8) involve parents of participating students in the design, implementation, and evaluation of a counseling program;

"(9) involve collaborative efforts with institutions of higher education, businesses, labor organizations, community groups, social service agencies, or other public or private entities to enhance the program and promote school-linked services integration; and

"(10) evaluate annually the effectiveness and outcomes of the counseling services and activities assisted under this part.

"(c) REPORT.—The Secretary shall issue a report evaluating the programs assisted pursuant to each grant under this section at the end of each grant period in accordance with section 10701, but in no case later than January 30, 1998.

"(d) DISSEMINATION.—The Secretary shall make the programs assisted under this part available for dissemination, either through the National Diffusion Network or other appropriate means.

"(e) LIMIT ON ADMINISTRATION.—Not more than 5 percent of the amounts appropriated pursuant to the authority of section 8653 in any fiscal year shall be used to carry out the provisions of this section.

"SEC. 8657. DEFINITIONS.

"For purposes of this part—

"(1) the term 'comprehensive' means, with respect to counseling services, a program in which—

"(A) a school counselor, school psychologist, or school social worker uses a range of individual and group techniques and resources in a planned way to meet the personal, social, emotional, educational, and career development needs of all elementary children in a school; and

"(B) a school counselor, school psychologist, or school social worker works directly with children, families, teachers, and other school or agency personnel to create an optimal positive learning environment and personal growth opportunities for all children;

"(2) the term 'developmental' means, with respect to a school counseling program, a systematically planned program that—

"(A) provides appropriate school counseling interventions to foster the social, emotional, physical, moral, and cognitive growth of elementary school children;

"(B) provides intervention services to help children cope with family, social, emotional, and academic problems; and

"(C) supports and enhances the efforts of families, teachers, and other school personnel to provide children maximum opportunity to acquire competence and skill in self-understanding and appreciation, interpersonal interaction, and educational achievement and literacy;

"(3) the term 'school counselor' means an individual who has documented competence in counseling children and adolescents in a school setting and who—

"(A) possesses State licensure or certification granted by an independent professional regulatory authority;

"(B) in the absence of such State licensure or certification, possesses national certification in school counseling or a specialty of counseling granted by an independent professional organization; or

"(C) holds a minimum of a master's degree in school counseling from a program accredited by the Council for Accreditation of Counseling and Related Educational Programs or the equivalent;

"(4) the term 'school psychologist' means an individual who—

"(A) possesses a minimum of 60 graduate semester hours in school psychology from an institution of higher education and has completed 1,200 clock hours in a supervised school psychology internship, of which 600 hours shall be in the school setting; and

"(B) possess State licensure or certification in the State in which the individual works; or

"(C) in the absence of such State licensure or certification, possess national certification by the National School Psychology Certification Board;

"(5) the term 'school social worker' means an individual who holds a master's degree in social work and is licensed or certified by the State in which services are provided or holds a school social work specialist credential; and

"(6) the term 'supervisor' means an individual who has the equivalent number of years of professional experience in such individual's respective discipline as is required of teaching experience for the supervisor or administrative credential in the State of such individual.

"PART L—21ST CENTURY COMMUNITY LEARNING CENTERS

"SEC. 8701. SHORT TITLE.

"This part may be cited as the '21st Century Community Learning Centers Act'.

"SEC. 8702. FINDINGS.

"The Congress finds that—

"(1) a local public school often serves as a center for the delivery of education and human services for all members of a community;

"(2) public schools, primarily in rural and inner city communities, should collaborate with other public and nonprofit agencies and organizations, local businesses, educational entities (such as vocational and adult education programs, school-to-work programs, community colleges, and universities), recreational, cultural, and other community and human service entities, for the purpose of meeting the needs of, and expanding the opportunities available to, the residents of the communities served by such schools;

"(3) by using school facilities, equipment, and resources, communities can promote a more efficient use of public education facilities, especially in rural and inner city areas where limited financial resources have enhanced the necessity for local public schools to become social service centers;

"(4) the high technology, global economy of the 21st century will require lifelong learning to keep America's workforce competitive and successful, and local public schools should provide centers for lifelong learning and educational opportunities for individuals of all ages; and

"(5) community schools enable the entire communities to develop an education strategy that addresses the educational needs of all members of local communities.

"SEC. 8703. PROGRAM AUTHORIZATION.

"(a) GRANTS BY THE SECRETARY.—The Secretary is authorized, in accordance with the provisions of this part, to award grants to rural and inner-city public elementary or secondary schools, or consortia thereof, to enable such schools or consortia to plan, implement, or to expand projects that benefit the educational, health, social service, cultural, and recreational needs of a rural or inner-city community.

"(b) AMOUNT.—The Secretary shall not award a grant under this part in any fiscal year in an amount less than $20,000.

"(c) GRANT PERIOD.—The Secretary shall award grants under this part for a period not to exceed 3 years.

"(d) EQUITABLE DISTRIBUTION.—In awarding grants under this part, the Secretary shall assure an equitable distribution of assistance among the States, among urban and rural areas of the United States, and among urban and rural areas of a State.

"SEC. 8704. APPLICATION REQUIRED.

"(a) APPLICATION.—To be eligible to receive a grant under this part, an elementary or secondary school or consortium shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably prescribe. Each such application shall include—

"(1) a comprehensive local plan that enables such school or consortium to serve as a center for the delivery of education and human services for members of a community;

"(2) an evaluation of the needs, available resources, and goals and objectives for the proposed project in order to determine which activities will be undertaken to address such needs; and

"(3) a description of the proposed project, including—

"(A) a description of the mechanism that will be used to disseminate information in a manner that is understandable and accessible to the community;

"(B) identification of Federal, State, and local programs to be merged or coordinated so that public resources may be maximized;

"(C) a description of the collaborative efforts to be undertaken by community-based organizations, related public agencies, businesses, or other appropriate organizations;

"(D) a description of how the school or consortium will act as a delivery center for existing and new services; and

"(E) an assurance that the school or consortium will establish a facility utilization policy that specifically states—

"(i) the rules and regulations applicable to building and equipment use; and

"(ii) supervision guidelines.

"(b) PRIORITY.—The Secretary shall give priority to applications describing projects that offer a broad selection of services.

"SEC. 8705. USES OF FUNDS.

"Grants awarded under this part may be used to plan, implement, or expand community learning centers which include not less than 4 of the following activities:

"(1) Literacy education programs.

"(2) Senior citizen programs.

"(3) Children's day care services.

"(4) Integrated education, health, social service, recreational, or cultural programs.

"(5) Summer and weekend school programs that are coordinated with summer recreation programs.

"(6) Nutrition programs.

"(7) Expanded library service hours to serve community needs.

"(8) Telecommunications and technology education programs for individuals of all ages.

"(9) Parenting skills education programs.

"(10) Support and training for child day care providers.

"(11) Employment counseling, training, and placement.

"(12) Services for individuals who leave school before graduating from secondary school, regardless of the age of such individual.

"(13) Services for individuals who are either physically or mentally challenged.

"SEC. 8706. DEFINITIONS.

"For the purpose of this part, the term 'community learning center' means an entity within a public elementary or secondary school building that—

"(1) provides educational, recreational, health, and social service programs for residents of all ages within a local community; and

"(2) is operated by a local educational agency in conjunction with local governmental agencies, businesses, vocational education programs, community colleges, and cultural, recreational, and other community and human service entities.

"SEC. 8707. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $20,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this part.

"PART M—MODEL PROJECTS

"SEC. 8751. MODEL PROJECTS.

"(a) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants to cultural institutions to enable such institutions to develop and expand model projects of outreach activities for at-risk children in the communities served by such institutions, including activities which integrate such institution's cultural programming with other disciplines, including environmental, mathematics, and science programs.

"(b) PRIORITY.—In awarding grants under this section the Secretary shall give priority to activities that are part of an overall State, local, and private commitment, seek to improve learning for at-risk youth, and are substantially funded by State, local, or private funds.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this part.

"PART N—EXTENDING TIME FOR LEARNING

"SEC. 8801. FINDINGS.

"The Congress finds that—

"(1) the Commission on Time and Learning has found that—

"(A) realizing the third National Education Goal, that states all students will leave grades four, eight and twelve having demonstrated competency in challenging subject matter, including English, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography, will require considerably more common core learning time than most students now receive;

"(B) ensuring that all students learn to high standards will require flexibility and innovation in the use of common core learning time, as well as the rest of the time students spend both during and beyond the school day;

"(C) teachers need regular, sustained time for lesson development, collegial collaboration and other professional development; and

"(D) schools, businesses, community-based organizations, tribal leaders, and other community agencies and members should work together to foster effective learning and enrichment programs and activities for students, including programs that operate outside of the regular school day or year;

"(2) increasing the amount and duration of intensive, engaging and challenging learning activities geared to high standards can increase student motivation and achievement;

"(3) the benefits of extending learning time, including common core instructional time, can be maximized by concurrent changes in curriculum and instruction, such as accelerated learning, and engaging, interactive instruction based on challenging content; and

"(4) maximizing the benefit of increased common core and other learning time will require the collaboration and cooperation of teachers and administrators, students, parents, community members and organizations, businesses and others to develop strategies to meet the needs of students during and beyond the school day and year.

"SEC. 8802. PURPOSE.

"It is the purpose of this part to provide seed money to schools and local educational agencies to enable such agencies to devise and implement strategies and methods for upgrading the quality of, and extending, challenging, engaging learning time geared to high standards for all students.

"SEC. 8803. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Secretary is authorized to award grants to local educational agencies having applications approved under section 8804 to enable such agencies to carry out the authorized activities described in section 8805 in public elementary and secondary schools.

"(b) AMOUNT.—Each grant under subsection (a) shall be awarded in an amount not more than $100,000.

"(c) DURATION.—Each grant under subsection (a) shall be awarded for a period of not more than 3 years.

"SEC. 8804. APPLICATION.

"Each local educational agency desiring a grant under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall describe—

"(1) the activities for which assistance is sought;

"(2) any study or other information-gathering project for which funds will be used;

"(3) strategies and methods the applicant will use to enrich and extend learning time for all students and to maximize the percentage of common core learning time in the school day, such as block scheduling, team teaching, longer school days or years, and extending learning time through new distance-learning technologies;

"(4) the strategies and methods the applicant will use, including changes in curriculum and instruction, to challenge and engage students and to maximize the productiveness of common core learning time, as well as the total time students spend in school and in school-related enrichment activities;

"(5) the extent of involvement of teachers and other school personnel in investigating, designing, implementing and sustaining the activities assisted under this part;

"(6) the process to be used for involving parents and other stakeholders in the development and implementation of the activities assisted under this part;

"(7) any cooperation or collaboration among public housing authorities, libraries, businesses, museums, community-based organizations, and other community groups and organizations to extend engaging, high-quality, standards-based learning time outside of the school day or year, at the school or at some other site;

"(8) the training and professional development activities that will be offered to teachers and others involved in the activities assisted under this part;

"(9) the goals and objectives of the activities assisted under this part, including a description of how such activities will assist all students to reach State standards;

"(10) the methods by which the applicant will assess progress in meeting such goals and objectives; and

"(11) how the applicant will use funds provided under this part in coordination with other funds provided under this Act or other Federal laws.

"SEC. 8805. AUTHORIZED ACTIVITIES.

"Funds under this part may be used—

"(1) to study the feasibility of, and effective methods for, extending learning time within or beyond the school day or year, including consultation with other schools or local educational agencies that have designed or implemented extended learning time programs;

"(2) to conduct outreach to and consult with community members, including parents, students, and other stakeholders, such as tribal leaders, to develop a plan to extend learning time within or beyond the school day or year;

"(3) to develop and implement an outreach strategy that will encourage collaboration with public housing authorities, libraries, businesses, museums, community-based organizations, and other community groups and organizations to

coordinate challenging, high-quality educational activities outside of the school day or year;

"(4) to research, develop and implement strategies, including changes in curriculum and instruction, for maximizing the quality and percentage of common core learning time in the school day and extending learning time during or beyond the school day or year;

"(5) to provide professional development for school staff in innovative teaching methods that challenge and engage students, and also increase the productivity of extended learning time; and

"(6) to develop strategies to include parents, business representatives, and other community members in the extended time activities, especially as facilitators of activities that enable teachers to have more time for planning, individual student assistance, and professional development activities.

"SEC. 8806. ADMINISTRATION.

"(a) PEER REVIEW.—The Secretary shall award grants under this part pursuant to a peer review process.

"(b) DIVERSITY.—In awarding grants under this part the Secretary shall ensure that such grants are awarded to a diversity of local educational agencies, including such agencies that serve rural and urban areas.

"(c) PRIORITY.—The Secretary shall give priority to awarding grants under this part to local educational agencies that serve schools with high percentages of students in poverty.

"SEC. 8807. DEFINITIONS.

"For the purpose of this part the term 'common core learning time' means high-quality, engaging instruction in challenging content in each of the following core academic subjects described in the third National Education Goal:

"(1) English.

"(2) Mathematics.

"(3) Science.

"(4) Foreign languages.

"(5) Civics and government.

"(6) Economics.

"(7) Arts.

"(8) History.

"(9) Geography.

"SEC. 8808. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $20,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this part.

"PART O—LONGER SCHOOL YEAR

"SEC. 8851. SHORT TITLE.

"This part may be cited as the 'Longer School Year Incentive Act of 1994'.

"SEC. 8852. FINDINGS.

"The Congress finds as follows:

"(1) A competitive world economy requires that students in the United States receive education and training that is at least as rigorous and high-quality as the education and training received by students in competitor countries.

"(2) Despite our Nation's transformation from a farm-based economy to one based on manufacturing and services, the school year is still based on the summer needs of an agrarian economy.

"(3) For most students in the United States, the school year is 180 days long. In Japan students go to school 243 days per year, in Germany students go to school 240 days per year, in Austria students go to school 216 days per year, in Denmark students go to school 200 days per year, and in Switzerland students go to school 195 days per year.

"(4) In the final four years of schooling, students in schools in the United States spend a total of 1,460 hours on core academic subjects, less than half of the 3,528 hours so spent in Germany, the 3,280 hours so spent in France, and the 3,170 hours so spent in Japan.

"(5) American students' lack of formal schooling is not counterbalanced with more homework. The opposite is true, as half of all European students report spending at least two hours on homework per day, compared to only 29 percent of American students. Twenty-two percent of American students watch five or more hours of television per day, while less than eight percent of European students watch that much television.

"(6) More than half of teachers surveyed in the United States cite 'children who are left on their own after school' as a major problem.

"(7) Over the summer months, disadvantaged students not only fail to advance academically, but many forget much of what such students had learned during the previous school year.

"(8) Funding constraints as well as the strong pull of tradition have made extending the school year difficult for most States and school districts.

"(9) Experiments with extended and multi-track school years have been associated with both increased learning and more efficient use of school facilities.

"SEC. 8853. PURPOSE.

"It is the purpose of this part to allow the Secretary to provide financial incentives and assistance to States or local educational agencies to enable such States or agencies to substantially increase the amount of time that students spend participating in quality academic programs, and to promote flexibility in school scheduling.

"SEC. 8854. PROGRAM AUTHORIZED.

"The Secretary is authorized to award grants to States or local educational agencies to enable such States or agencies to support public school improvement efforts that include the expansion of time devoted to core academic subjects and the extension of the school year to not less than 210 days.

"SEC. 8855. APPLICATION.

"Any State or local educational agency desiring assistance under this part shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require.

"SEC. 8856. APPROPRIATIONS AUTHORIZATION.

"For the purpose of carrying out this part there are authorized to be appropriated $100,000,000 for fiscal year 1995 and such sums as may be necessary for each of the succeeding fiscal years.

"PART P—CREATING SMALLER LEARNING COMMUNITIES

"SEC. 8871. FINDINGS.

"The Congress finds that—

"(1) smaller school communities can have a significant, positive impact on student achievement, including grade promotion, school attendance and motivation;

"(2) large schools can benefit from reorganization into smaller learning communities, such as schools-within-schools; and

"(3) smaller learning communities can provide students with a variety of educational options based on various themes, while providing all students engaging, innovative instruction in challenging curricula that will enable such communities to meet State standards.

"SEC. 8872. PURPOSE.

"It is the purpose of this part to improve the quality and effectiveness of teaching and learning by encouraging and supporting school and school district efforts to create smaller schools, including those that exist as schools-within-schools.

"SEC. 8873. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Secretary is authorized to award grants to local educational agencies having applications approved under section 8854 to enable such agencies to carry out the authorized activities described in section 8875 in public elementary and secondary schools.

"(b) AMOUNT.—Each grant under subsection (a) shall be awarded in an amount not more than $100,000.

"(c) DURATION.—Each grant under subsection (a) shall be awarded for a period of not more than 3 years.

"SEC. 8874. APPLICATION.

"Each local educational agency desiring a grant under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall describe—

"(1) strategies and methods the applicant will use to create the smaller learning community or communities;

"(2) curriculum and instructional practices, including any particular themes or emphases, to be used in the learning environment;

"(3) the extent of involvement of teachers and other school personnel in investigating, designing, implementing and sustaining the smaller learning community or communities;

"(4) the process to be used for involving students, parents and other stakeholders in the development and implementation of the smaller learning community or communities;

"(5) any cooperation or collaboration among community agencies, organizations, businesses, and others to develop or implement a plan to create the smaller learning community or communities;

"(6) the training and professional development activities that will be offered to teachers and others involved in the activities assisted under this part;

"(7) the goals and objectives of the activities assisted under this part, including a description of how such activities will better enable all students to reach challenging State content standards and State student performance standards;

"(8) the methods by which the applicant will assess progress in meeting such goals and objectives;

"(9) if the smaller learning community or communities exist as a school-within-a-school, the relationship, including governance and administration, of the smaller learning community to the rest of the school;

"(10) a description of the administrative and managerial relationship between the local educational agency and the smaller learning community or communities, including how such agency will demonstrate a commitment to the continuity of the smaller learning community or communities, including the continuity of student and teacher assignment to a particular learning community;

"(11) how the applicant will coordinate or use funds provided under this part with other funds provided under this Act or other Federal laws;

"(12) grade levels or ages of students who will participate in the smaller learning community or communities; and

"(13) the method of placing students in the smaller learning community or communities, such that students are not placed according to ability, performance or any other measure, so that students are placed at random or by their own choice, not pursuant to testing or other judgments.

"SEC. 8875. AUTHORIZED ACTIVITIES.

"Funds under this part may be used—

"(1) to study the feasibility of creating the smaller learning community or communities as well as effective and innovative organizational and instructional strategies that will be used in the smaller learning community or communities;

"(2) to research, develop and implement strategies for creating the smaller learning community or communities, as well as effective and innovative changes in curriculum and instruction,

geared to high State content standards and State student performance standards;

"(3) to provide professional development for school staff in innovative teaching methods that challenge and engage students to be used in the smaller learning community or communities; and

"(4) to develop and implement strategies to include parents, business representatives, local institutions of higher education, community-based organizations, and other community members in the smaller learning communities, as facilitators of activities that enable teachers to participate in professional development activities, as well as to provide links between students and their community.

"SEC. 8876. ADMINISTRATION.

"(a) PEER REVIEW.—The Secretary shall award grants under this part pursuant to a peer review process.

"(b) DIVERSITY.—In awarding grants under this part the Secretary shall ensure that such grants are awarded to a diversity of local educational agencies, including such agencies that serve rural and urban areas.

"(c) PRIORITY.—The Secretary shall give priority to awarding grants under this part to local educational agencies that serve schools with high percentages of students in poverty.

"(d) SPECIAL RULE.—In awarding grants under this part, the Secretary shall ensure that such grants are awarded for authorized activities described in section 8855 that serve a diversity of grade spans.

"SEC. 8877. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $20,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this part.

"PART Q—PARTNERSHIPS IN CHARACTER EDUCATION PILOT PROJECT

"SEC. 8901. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Secretary is authorized to make up to a total of 10 grants annually to partnerships of State educational agencies and local educational agencies for the design and implementation of character education programs that incorporate the elements of character listed in section 8904, as well as other character elements identified by applicants.

"(b) MAXIMUM AMOUNT OF GRANT.—No State educational agency shall receive more than a total of $1,000,000 in grants under this part.

"(c) DURATION.—Each grant under this part shall be awarded for a period not to exceed 5 years, of which the State educational agency shall not use more than 1 year for planning and program design.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 1995 $6,000,000, and such sums as may be necessary for each fiscal year thereafter to carry out this part.

"SEC. 8902. STATE EDUCATIONAL AGENCY APPLICATIONS.

"(a) REQUIREMENT.—Each State educational agency desiring 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) PARTNERSHIPS.—Each State educational agency desiring a grant under this part shall form a partnership with at least one local educational agency to be eligible for funding. The partnership shall—

"(1) pursue State and local initiatives to meet the objectives of this part; and

"(2) establish a character education clearinghouse at the State level to make information and materials available to local educational agencies.

"(c) APPLICATION.—Each application under this part shall include—

"(1) a list of the local educational agencies entering into the partnership with the State educational agency;

"(2) a description of the goals of the partnership;

"(3) a description of activities that will be pursued by the participating local educational agencies, including—

"(A) how parents, students, and other members of the community, including members of private and nonprofit organizations, will be involved in the design and implementation of the program;

"(B) curriculum and instructional practices;

"(C) methods of teacher training and parent education that will be used or developed; and

"(D) examples of activities that will be carried out under this part;

"(4) a description of how the State educational agency will provide technical and professional assistance to its local educational agency partners in the development and implementation of character education programs;

"(5) a description of how the State educational agency will evaluate the success of local programs and how local educational agencies will evaluate the progress of their own programs;

"(6) a description of how the State educational agency will assist other interested local educational agencies that are not members of the original partnership in designing and establishing programs;

"(7) a description of how the State educational agency will establish a clearinghouse for information on model programs, materials, and other information the State and local educational agencies determine to be appropriate;

"(8) an assurance that the State educational agency will annually provide to the Secretary such information as may be required to determine the effectiveness of the program; and

"(9) any other information that the Secretary may require.

"(d) NON-PARTNER LOCAL EDUCATIONAL AGENCIES.—Any local educational agency that was not a partner with the State when the application was submitted may become a partner by submitting an application for partnership to the State educational agency, containing such information that the State educational agency may require.

"SEC. 8903. EVALUATION AND PROGRAM DEVELOPMENT.

"(a) REQUIREMENT.—Each State educational agency receiving a grant under this part shall submit to the Secretary a comprehensive evaluation of the program assisted under this part, including the impact on students, teachers, administrators, parents, and others—

"(1) by the mid-term of the program; and

"(2) not later than 1 year after completion of such program.

"(b) CONTRACTS FOR EVALUATION.—Each State educational agency receiving a grant under this part may contract with outside sources, including institutions of higher education, and private and nonprofit organizations, for purposes of evaluating their program and measuring the success of the program toward fostering in students the elements of character listed in section 8904.

"(c) FACTORS.—Factors which may be considered in evaluating the success of the program may include—

"(1) discipline problems;

"(2) students' grades;

"(3) participation in extracurricular activities;

"(4) parental and community involvement;

"(5) faculty and administration involvement; and

"(6) student and staff morale.

"(d) MATERIALS AND PROGRAM DEVELOPMENT.—Local educational agencies, after consulting with the State educational agency, may contract with outside sources, including institutions of higher education, and private and nonprofit organizations, for assistance in developing curriculum, materials, teacher training, and other activities related to character education.

"SEC. 8904. ELEMENTS OF CHARACTER.

"(a) IN GENERAL.—Applicants desiring funding under this part shall develop character education programs that incorporate the following elements of character:

"(1) Caring.

"(2) Civic virtue and citizenship.

"(3) Justice and fairness.

"(4) Respect.

"(5) Responsibility.

"(6) Trustworthiness.

"(7) Any other elements deemed appropriate by the members of the partnership.

"(b) ADDITIONAL ELEMENTS OF CHARACTER.—A local educational agency participating under this part may, after consultation with schools and communities of such agency, define additional elements of character that the agency determines to be important to the schools and communities of such agency.

"SEC. 8905. USE OF FUNDS.

"Of the total funds received by a State educational agency in any fiscal year under this part—

"(1) not more than 30 percent of such funds may be retained by the State educational agency, of which—

"(A) not more than 10 percent of such funds may be used for administrative purposes; and

"(B) the remainder of such funds may be used for—

"(i) collaborative initiatives with local educational agencies;

"(ii) the establishment of the clearinghouse, preparation of materials, teacher training; and

"(iii) other appropriate activities; and

"(2) the remaining of such funds shall be used to award subgrants to local educational agencies, of which—

"(A) not more than 10 percent of such funds may be retained for administrative purposes; and

"(B) the remainder of such funds may be used to—

"(i) award subgrants to schools within the local educational agency; and

"(ii) pursue collaborative efforts with the State educational agency.

"SEC. 8906. SELECTION OF GRANTEES.

"(a) CRITERIA.—The Secretary shall select, through peer review, partnerships to receive grants under this part on the basis of the quality of the applications submitted under section 8902, taking into consideration such factors as—

"(1) the quality of the activities proposed by local educational agencies;

"(2) the extent to which the program fosters in students the elements of character;

"(3) the extent of parental, student, and community involvement;

"(4) the number of local educational agencies involved in the effort;

"(5) the quality of the plan for measuring and assessing success; and

"(6) the likelihood that the goals of the program will be realistically achieved.

"(b) DIVERSITY OF PROJECTS.—The Secretary shall approve applications under this part in a manner that ensures, to the extent practicable, that programs assisted under this part—

"(1) serve different areas of the Nation, including urban, suburban, and rural areas; and

"(2) serve schools that serve minorities, Native Americans, students of limited-English proficiency, and disadvantaged students.

"PART R—ALASKA NATIVE EDUCATION

"SEC. 8921. SHORT TITLE.

"This part may be cited as the 'Alaska Native Educational Equity, Support and Assistance Act'.

"SEC. 8922. FINDINGS.

"The Congress finds and declares:

"(1) The attainment of educational success is critical to the betterment of the conditions, long term well being and preservation of the culture of Alaska Natives.

"(2) It is the policy of the Federal Government to encourage the maximum participation by Alaska Natives in the planning and the management of Alaska Native education programs.

"(3) Alaska Native children enter and exit school with serious educational handicaps.

"(4) The educational achievement of Alaska Native children is far below national norms. In addition to low Native performance on standardized tests, Native student drop out rates are high, and Natives are significantly underrepresented among holders of baccalaureate degrees in the State of Alaska. As a result Native students are being denied their opportunity to become full participants in society by grade school and high school educations that are condemning an entire generation to an underclass status and a life of limited choices.

"(5) The programs authorized herein, combined with expanded Head Start, infant learning and early childhood education programs, and parent education programs are essential if educational handicaps are to be overcome.

"(6) The sheer magnitude of the geographic barriers to be overcome in delivering educational services in rural and village Alaska should be addressed through the development and implementation of innovative, model programs in a variety of areas.

"(7) Congress finds that Native children should be afforded the opportunity to begin their formal education on a par with their non-Native peers. The Federal Government should lend support to efforts developed by and undertaken within the Alaska Native community to improve educational opportunity for all students.

"SEC. 8923. PURPOSE.

"It is the purpose of this part to—

"(1) recognize the unique educational needs of Alaska Natives;

"(2) authorize the development of supplemental educational programs to benefit Alaska Natives;

"(3) supplement existing programs and authorities in the area of education to further the purposes of this part; and

"(4) provide direction and guidance to appropriate Federal, State and local agencies to focus resources, including resources made available under this part, on meeting the educational needs of Alaska Natives.

"SEC. 8924. ALASKA NATIVE EDUCATIONAL PLANNING, CURRICULUM DEVELOPMENT, TEACHER TRAINING AND RECRUITMENT PROGRAM.

"(a) GENERAL AUTHORITY.—The Secretary shall make direct grants to Alaska Native organizations or educational entities with experience in developing or operating Alaska Native programs or programs of instruction conducted in Alaska Native languages, or to partnerships involving Alaska Native organizations, for the following purposes:

"(1) EDUCATIONAL PLANNING.—The consolidation of existing educational plans, recommendations and research into implementation methods and strategies to improve schooling for Alaska Natives.

"(2) IMPLEMENTATION OF EDUCATIONAL PLANS.—The adoption and implementation of specific educational plans developed under subsection (1) above.

"(3) CURRICULA.—The development of curricula to address the needs of Alaska Native students, particularly elementary and secondary school students, which may include innovative programs and pilot and demonstration programs to develop and introduce curriculum materials that reflect cultural diversities or the contributions of Alaska Native people, programs of instruction conducted in Native languages, and the development of networks to introduce successful techniques, programs and curriculum materials to rural and urban schools, including:

"(A) multimedia social studies curricula which fully and accurately portray the role of Native Americans historically and contemporarily; and

"(B) curricula and teaching materials for instructions in Native languages.

"(4) PRETEACHER TRAINING.—The development and implementation of preteacher training program in order to ensure that student teachers within the State of Alaska, particularly student teachers who are likely to be employed in schools with a high concentration of Alaska Native students, are prepared to better address the cultural diversity and unique needs of Alaska Native students;

"(5) TEACHER RECRUITMENT.—The development and implementation of teacher recruitment programs to meet the objectives of—

"(A) increasing the numbers of teachers who are Alaska Natives;

"(B) enhancing teacher recruitment within communities with a high concentration of Alaska Native students; and

"(C) improving the teacher selection processes in order to recruit teachers who are more positively responsive to rural conditions and who are suited for effective cross-cultural instruction.

"(6) INSERVICE TEACHER TRAINING.—The development and implementation of inservice teacher training programs in order to ensure that teachers are prepared to better address the unique needs of Alaska Native students.

"(b) ADMINISTRATIVE COSTS.—Not more than 10 percent of the funds appropriated to carry out the provisions of this section for any fiscal year may be used for administrative purposes.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section. Funds appropriated under the authority of this subsection shall remain available until expended.

"SEC. 8925. ALASKA NATIVE HOME BASED EDUCATION FOR PRESCHOOL CHILDREN.

"(a) GENERAL AUTHORITY.—The Secretary shall make direct grants to Alaska Native organizations or educational entities with experience in developing or operating Alaska Native programs, or to partnerships involving Alaska Native organizations, to implement home instruction programs for Alaska Native preschool youngsters. The objective of such programs shall be to develop parents as educators for their children and to assure the active involvement of parents in the education of their children from the earliest ages.

"(b) PROGRAM ELEMENTS.—Home based education programs for Alaska Native children shall include—

"(1) parent-infant programs for prenatal through three-year olds;

"(2) preschool programs for four- and five-year olds;

"(3) training, education and support programs to teach parents skills in observation, reading readiness, story telling and critical thinking;

"(4) continued research and development; and

"(5) a long term followup and assessment program.

"(c) ELIGIBILITY OF HIPPY PROGRAMS.—Programs based on the HIPPY (Home Instruction Program for Preschool Youngsters) model shall be eligible for funding under this section.

"(d) ADMINISTRATIVE COSTS.—Not more than 10 percent of the funds appropriated to carry out the provisions of this section for any fiscal year may be used for administrative purposes.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $2,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section. Funds appropriated under the authority of this subsection shall remain available until expended.

"SEC. 8926. ALASKA NATIVE STUDENT ENRICHMENT PROGRAMS.

"(a) GENERAL AUTHORITY.—The Secretary shall make a grant or grants to Alaska Native educational organizations or educational entities with experience in developing or operating Alaska Native programs, or to partnerships including Alaska Native organizations, for enrichment programs for Alaska Native students in the areas of science and mathematics education. The programs shall be designed to—

"(1) prepare qualified students from rural areas who are preparing to enter village high schools to excel in science and mathematics; and

"(2) provide those support services to the families of such students that are needed to enable such students to benefit from the program.

"(b) USES OF FUNDS.—The program funded under this section may include—

"(1) the identification of the students eligible to participate in the program;

"(2) the conduct of educational, psychosocial, and developmental activities which hold reasonable promise of resulting in substantial enrichment of the educational performance of the participating students;

"(3) leadership programs designed to provide for the replication of the program in other subject matter areas and the dissemination of information derived from the program; and

"(4) appropriate research, evaluation and related activities pertaining to the benefits of such enrichment programs.

"(c) ADMINISTRATIVE COSTS.—Not more than 10 percent of the funds appropriated to carry out the provisions of this section for any fiscal year may be used for administrative purposes.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section. Funds appropriated under the authority of this subsection shall remain available until expended.

"SEC. 8927. ADMINISTRATIVE PROVISIONS.

"(a) APPLICATION REQUIRED.—No grant may be made under this part, nor any contract be entered into under this part, unless an application is submitted to the Secretary in such form, in such manner, and containing such information as the Secretary may determine necessary to carry out the provisions of this part.

"(b) APPLICATIONS BY LOCAL SCHOOL DISTRICTS OR STATE EDUCATIONAL ENTITIES.—Local school districts or State educational entities shall apply for funding under this Part in partnership with Alaska Native organizations.

"(c) CONSULTATION REQUIRED.—Each applicant for funding shall provide for ongoing advice from and consultation with representatives of the Alaska Native community.

"(d) LOCAL EDUCATIONAL AGENCY COORDINATION.—Each local educational agency serving students who will participate in the program for which assistance is sought shall be informed regarding each application submitted under this part: Provided, That approval by or concurrence from such local educational agency shall not be required.

"(e) IMPLEMENTATION OF AUTHORITIES.—The Secretary shall expeditiously obligate funds appropriated as provided in this part.

"SEC. 8928. DEFINITIONS.

"For purposes of this part—

"(1) the term 'Alaska Native' has the same meaning as the term 'Native' has in section 3(b) of the Alaska Native Claims Settlement Act.

"(2) the term 'Alaska Native organization' means a federally recognized tribe, consortium of tribes, regional nonprofit Native association, and other Alaska Native organizations that:

"(A) has or commits to acquire expertise in the education of Alaska Natives; and

"(B) has Alaska Natives in substantive and policy-making positions within the organization.

"PART S—PROMOTING SCHOLAR-ATHLETE COMPETITIONS

"SEC. 8931. FINDINGS.

"The Congress finds that—

"(1) athletic and intellectual competition can be a force for understanding and friendship among an economically and culturally diverse population;

"(2) the World Scholar-Athlete Games in 1993 brought together 2,000 young scholars ranging in age from 16 to 19 who are talented in art, creative writing, poetry, singing or athletics, from 125 countries and all 50 States; and

"(3) through experiences on the playing field, in group discussions and informal gatherings, scholar-athlete competitions can foster understanding, acceptance and friendship among students who might otherwise never interact.

"SEC. 8932. PURPOSE.

"It is the purpose of this part to provide authorization for the establishment of a model educational, athletic, and cultural event that—

"(1) is intended to bring together academically qualified youth of diverse cultural, economic, and social backgrounds;

"(2) is replicated by each State; and

"(3) invites adult and student leaders in education, business and government representing all 50 States to attend and observe the model event, including such event's educational and cultural programs, so that such leaders are qualified to administer similar events in their home States.

"SEC. 8933. PROGRAM AUTHORIZED.

"(a) PROGRAM AUTHORIZED.—

"(1) IN GENERAL.—(A) If funds are appropriated pursuant to the authority of subsection (c) for fiscal year 1995, the Secretary is authorized to award a grant to a nonprofit organization to enable such organization to carry out model scholar-athlete games in accordance with the purpose of this part.

"(B) If funds are appropriated pursuant to the authority of subsection (c) for fiscal year 1996, the Secretary is authorized to award a grant to a nonprofit organization to reimburse such organization for the costs of conducting scholar-athlete games in 1995.

"(2) SPECIAL RULE.—Scholar-athlete games assisted under this part shall be held in 1995.

"(3) PRIORITY.—In awarding grants under this part, the Secretary shall give priority to a nonprofit organization that—

"(A) is described in section 501(c)(3) of, and exempt from taxation under section 501(a) of, the Internal Revenue Code of 1986, and is affiliated with a university capable of hosting a large educational, cultural, and athletic event that will serve as a national model;

"(B) has the capability to administer federally funded scholar-athlete programs;

"(C) has the ability to provide matching funds, on a dollar-for-dollar basis, from foundations and the private sector for the purpose of conducting a scholar-athlete program;

"(D) has the organizational structure and capability to administer a model scholar-athlete program in the summer of 1995;

"(E) has the organizational structure and expertise to replicate the scholar-athlete program in various venues throughout the United States in 1996 and thereafter, as well as replicate such program internationally; and

"(F) the Secretary determines has plans for conducting scholar-athlete games after 1995 without Federal assistance.

"(b) PAYMENTS.—From the amount authorized to be appropriated pursuant to the authority of subsection (c) for fiscal year 1995, the Secretary is authorized to make grant payments of 50 percent of such amount at the beginning of such year and the remaining 50 percent of such amount incrementally according to procedures established by the Secretary.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 for each of the fiscal years 1995 and 1996 to carry out this part.

"PART T—COMMUNITY SCHOOL PARTNERSHIPS

"SEC. 8941. SHORT TITLE.

"This part may be cited as the 'Community School Partnership Act'.

"SEC. 8942. FINDINGS.

"The Congress finds that—

"(1) the local community, when properly organized and challenged, is one of the best sources of academic support, motivation toward achievement, and financial resources for aspiring postsecondary students;

"(2) local communities, working to complement or augment services currently being offered by area schools and colleges, can raise the educational expectations and increase the rate of postsecondary attendance of their youth by forming locally based organizations that provide both academic support (including guidance, counseling, mentoring, tutoring, encouragement, and recognition) and tangible, locally raised, effectively targeted, publicly recognized financial assistance;

"(3) proven methods of stimulating these community efforts can be promoted through Federal support for the establishment of area program centers to organize and challenge community efforts to develop educational incentives and support for local students; and

"(4) using Federal funds to leverage private contributions to help students from low-income families attain educational and career goals is an efficient and effective investment of scarce taxpayer-provided resources.

"SEC. 8943. DEFINITIONS.

"As used in this part:

"(1) AREA PROGRAM CENTER.—The term 'area program center' means an organization that—

"(A) is part of, responsible to, and overseen by, the national organization; and

"(B) is staffed by professionals trained to create, develop, and sustain local affiliated chapters in towns, cities, and neighborhoods.

"(2) LOCAL AFFILIATED CHAPTER.—The term 'local affiliated chapter' means an organization that—

"(A) is a nonprofit organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986, and exempt from taxation under section 501(a) of such Code (or shall meet this criteria through affiliation with the national organization described in paragraph (3));

"(B) is formed for the purpose of providing educational scholarships and academic support for residents of the local community served by such organization;

"(C) solicits broad-based community support in its academic support and fund-raising activities;

"(D) is broadly representative of the local community in the structures of its volunteer-operated organization and has a board of directors that includes leaders from local neighborhood organizations and neighborhood residents, such as school or college personnel, parents, students, community agency representatives, and representatives of the business community;

"(E) awards scholarships without regard to age, sex, marital status, race, creed, color, religion, national origin or the presence of any mental, sensory, or physical disability; and

"(F) gives priority in awarding scholarships to students from low-income families in the local community.

"(3) NATIONAL ORGANIZATION.—The term 'national organization' means an organization that—

"(A) has the capacity to create, develop and sustain local affiliated chapters;

"(B) has the capacity to sustain newly created local affiliated chapters in towns, cities, and neighborhoods through ongoing training and support programs;

"(C) is described in section 501(c)(3) of the Internal Revenue Code of 1986, and exempt from taxation under section 501(a) of such Code;

"(D) is a publicly supported organization within the meaning of section 170(b)(1)(A)(vi) of such Code;

"(E) ensures that each of its local affiliated chapters meet the criteria described in subparagraphs (C) and (D); and

"(F) has a program for or experience in cooperating with secondary and postsecondary institutions in carrying out its scholarship and academic support activities.

"(4) HIGH-POVERTY AREA.—The term 'high-poverty area' means a community with a higher percentage of children in poverty than the national average of such percentage.

"(5) STUDENTS FROM LOW-INCOME FAMILIES.—The term 'students from low-income families' means students determined, pursuant to part F of title IV of the Higher Education Act of 1965, to be eligible for a Federal Pell Grant under subpart 1 of part A of title IV of such Act.

"SEC. 8944. PURPOSE; ENDOWMENT GRANT AUTHORITY.

"(a) PURPOSE.—It is the purpose of this title to establish and support area program centers to enable such centers to foster the development of local affiliated chapters in high-poverty areas that promote higher education goals for students from low-income families by—

"(1) providing academic support, including guidance, counseling, mentoring, tutoring, and recognition; and

"(2) providing scholarship assistance for the pursuit of postsecondary education.

"(b) ENDOWMENT GRANT AUTHORITY.—From the funds appropriated pursuant to the authority of section 8947, the Secretary competitively award an endowment grant to a national organization to enable such organization to support the establishment or ongoing work of area program centers that foster the development of local affiliated chapters in high-poverty areas to improve high school graduation rates and postsecondary attendance through the provision of academic support services and scholarship assistance for the pursuit of postsecondary education.

"SEC. 8945. GRANT AGREEMENT AND REQUIREMENTS.

"(a) IN GENERAL.—The Secretary shall award the endowment grant described in section 8944(b) pursuant to an agreement between the Secretary and the national organization. Such agreement shall—

"(1) require the national organization to establish an endowment fund in the amount of the grant, the corpus of which shall remain intact and the interest income from which shall be used to support the activities described in paragraphs (2) and (3);

"(2) require the national organization to use 25 percent of the interest income from the endowment fund in any fiscal year to provide scholarships for students from low-income families, which scholarships shall be matched on a dollar-for-dollar basis from funds raised by local affiliated chapters;

"(3) require the national organization to use 75 percent of the interest income from the endowment fund in any fiscal year to support the

establishment or ongoing work of area program centers to enable such centers to work with local communities to establish local affiliated chapters in high-poverty areas and provide ongoing technical assistance, training workshops, and other activities to help ensure the ongoing success of the local affiliated chapters;

"(4) require the area program centers supported by the national organization to give priority to establishing local affiliated chapters that serve high-poverty areas;

"(5) require the national organization to submit, in each fiscal year in which such organization uses the interest from the endowment fund, a report to the Secretary that contains—

"(A) a description of the programs and activities supported by the interest on the endowment fund;

"(B) the audited financial statement of the national organization for the preceding fiscal year;

"(C) a plan for the programs and activities to be supported from the interest on the endowment fund during the 5 succeeding fiscal years;

"(D) or is accompanied by such evaluation of the programs and activities supported by the interest on the endowment fund as the Secretary may require; and

"(E) data indicating the number of students from low-income families who received scholarships from local affiliated chapters, and the amounts of such scholarships;

"(6) contain such assurances as the Secretary may require with respect to the management and operation of the endowment fund;

"(7) require that, in order to continue using the interest from the endowment fund, the national organization will meet the continuing eligibility requirements described in section 8946; and

"(8) contain an assurance that if the Secretary determines that such organization is not in substantial compliance with the provisions of this title, then the national organization shall pay to the Secretary an amount equal to the corpus of the endowment fund plus any accrued interest on such fund that is available to the national organization on the date of such determination.

"(b) RETURNED FUNDS.—All funds returned to the Secretary pursuant to subsection (a)(8) shall be available to the Secretary to carry out any scholarship or grant program assisted under title IV of the Higher Education Act of 1965.

"SEC. 8946. CONTINUING ELIGIBILITY.

"The national organization shall be eligible to continue to use the interest from the endowment fund in accordance with the provisions of this title in the third and each such succeeding fiscal year in which such organization uses such interest only if the local affiliated chapters associated with all area program centers supported under this part distribute to students from low-income families 80 percent of the total amount of funds raised by all such chapters in such year.

"SEC. 8947. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $10,000,000 for fiscal year 1995 to carry out this title.

"TITLE IX—SPECIAL PROGRAMS

"PART A—IMPACT AID

"SEC. 9001. PURPOSE.

"In order to fulfill the Federal responsibility to assist with the provision of educational services to federally connected children, because certain activities of the Federal Government place a financial burden on the local educational agencies serving areas where such activities are carried out and to help such children meet challenging State standards, it is the purpose of this part to provide financial assistance to local educational agencies that—

"(1) experience a substantial and continuing financial burden due to the acquisition of real property by the United States;

"(2) educate children who reside on Federal property and whose parents are employed on Federal property;

"(3) educate children of parents who are in the military services and children who live in low-rent housing;

"(4) experience sudden and substantial increases or decreases in enrollments because of military realignments; or

"(5) need special assistance with capital expenditures for construction activities because of the enrollments of substantial numbers of children who reside on Federal lands.

"SEC. 9002. PAYMENTS RELATING TO FEDERAL ACQUISITION OF REAL PROPERTY.

"(a) IN GENERAL.—Where the Secretary, after consultation with any local educational agency and with the appropriate State educational agency, determines for a fiscal year ending prior to October 1, 1999—

"(1) that the United States owns Federal property in the local educational agency, and that such property—

"(A) has been acquired by the United States since 1938;

"(B) was not acquired by exchange for other Federal property in the local educational agency which the United States owned before 1939; and

"(C) had an assessed value (determined as of the time or times when so acquired) aggregating 10 percent or more of the assessed value of—

"(i) all real property in the local educational agency (similarly determined as of the time or times when such Federal property was so acquired); or

"(ii) all real property in the local educational agency as assessed in the first year preceding or the year succeeding acquisition, whichever is greater, only if—

"(I) the assessment of all real property in the local educational agency is not made at the same time or times that such Federal property was so acquired and assessed; and

"(II) State law requires an assessment be made of property so acquired; and

"(2) that such agency is not being substantially compensated for the loss in revenue resulting from such ownership by increases in revenue accruing to the agency from the conduct of Federal activities with respect to such Federal property,

then the local educational agency shall be eligible to receive for such fiscal year such amount as, in the judgment of the Secretary, is equal to the continuing Federal responsibility for the additional financial burden with respect to current expenditures placed on such agency by such acquisition of property.

"(b) AMOUNT.—

"(1) IN GENERAL.—(A)(i) The amount that a local educational agency shall be paid under subsection (a) for a fiscal year shall be calculated in accordance with paragraph (2), except that such amount shall be reduced by the Secretary by an amount equal to the amount of revenue, if any, that such agency received during the previous fiscal year from activities conducted on such property.

"(ii) For purposes of clause (i), the amount of revenue that a local educational agency receives during the previous fiscal year from activities conducted on Federal property shall not include payments received by the agency from the Secretary of Defense to support—

"(I) the operation of a domestic dependent elementary or secondary school; or

"(II) the provision of a free public education to dependents of members of the Armed Forces residing on or near a military installation.

"(B) If funds appropriated under section 9014(a) are insufficient to pay the amount determined under subparagraph (A), the Secretary shall ratably reduce the payment to each eligible local educational agency.

"(C) Notwithstanding any other provision of this subsection, a local educational agency may not be paid an amount under this section that when added to the amount such agency receives under section 9003(b)(2) exceeds the maximum amount that such agency is eligible to receive for such fiscal year under section 9003(b)(1)(C).

"(2) APPLICATION OF CURRENT LEVIED REAL PROPERTY TAX RATE.—In making a determination of the amount that would have been derived in such year under paragraph (1)(A), the Secretary shall apply the current levied real property tax rate for current expenditures levied by fiscally independent local educational agencies or imputed, for fiscally dependent local educational agencies, to the current annually determined aggregate assessed value of such acquired Federal property.

"(3) DETERMINATION OF AGGREGATE ASSESSED VALUE.—Such aggregate assessed value of such acquired Federal property shall be determined (on the basis of the highest and best use of property adjacent to such acquired Federal property as of the time such value is determined), and provided to the Secretary, by the local official responsible for assessing the value of real property located in the jurisdiction of such local educational agency for the purpose of levying a property tax.

"(c) APPLICABILITY TO TENNESSEE VALLEY AUTHORITY ACT.—For the purposes of this section, any real property with respect to which payments are being made under section 13 of the Tennessee Valley Authority Act of 1933 shall not be regarded as Federal property.

"(d) OWNERSHIP BY UNITED STATES.—The United States shall be deemed to own Federal property for the purposes of this Act, where—

"(1) prior to the transfer of Federal property, the United States owned Federal property meeting the requirements of subparagraphs (A), (B), and (C) of subsection (a)(1); and

"(2) the United States transfers a portion of the property referred to in paragraph (1) to another nontaxable entity, and the United States—

"(A) restricts some or any construction on such property;

"(B) requires that the property be used in perpetuity for the public purposes for which the property was conveyed;

"(C) requires the grantee of the property to report to the Federal Government (or its agent) regarding information on the use of the property;

"(D) except with the approval of the Federal Government (or its agent), prohibits the sale, lease, assignment, or other disposal of the property unless such sale, lease, assignment, or other disposal is to another eligible government agency; and

"(E) reserves to the Federal Government a right of reversion at any time the Federal Government (or its agent) deems it necessary for the national defense.

"(e) DISTRICT CONTAINING FOREST SERVICE LAND AND SERVING CERTAIN COUNTIES.—Beginning with fiscal year 1995, a school district shall be deemed to meet the requirements of subsection (a)(1)(C) if such school district meets the following requirements:

"(1) The school district contains between 20,000 and 60,000 acres of land that has been acquired by the Forest Service of the Department of Agriculture between 1915 and 1990, as demonstrated by written evidence from the Forest Service satisfactory to the Secretary.

"(2) The school district serves a county certified by State law in 1875 or 1890.

"(f) SPECIAL RULE.—Beginning with fiscal year 1994, and notwithstanding any other provision of law limiting the period during which fiscal year 1994 funds may be obligated, the Secretary of Education shall treat the local educational agency serving the Wheatland R-II School District, Wheatland, Missouri, as meeting the eligibility requirements of section 2(a)(1)(C) of the Act of September 30, 1950 (Public Law 874, 81st Congress) (20 U.S.C. 237(a)(1)(C)) or section 9003(a)(1)(C) of the Elementary and Secondary Education Act of 1965.

"SEC. 9003. PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN.

"(a) COMPUTATION OF PAYMENT.—

"(1) IN GENERAL.—For the purpose of computing the amount that a local educational agency is eligible to receive under subsection (b), (d), or (f) 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—

"(A)(i) resided on Federal property with a parent employed on Federal property situated in whole or in part within the boundaries of the school district of such agency; or

"(ii) resided on Federal property with a parent who is an official of, and accredited by, a foreign government and is a foreign military officer;

"(B) 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);

"(C) resided on Indian lands;

"(D)(i) had a parent on active duty in the uniformed services (as defined by section 101 of title 37, United States Code) but did not reside on Federal property; or

"(ii) had a parent who is an official of, and has been accredited by, a foreign government and is a foreign military officer but did not reside on Federal property;

"(E) resided in low-rent housing;

"(F) resided on Federal property and is not described in subparagraph (A) or (B); or

"(G) resided with a parent employed on Federal property situated—

"(i) in whole or in part in the county in which the school district of such agency is located, or in whole or in part in the school district of such agency if the school district is located in more than one county; or

"(ii) if not in such county or district, in whole or in part in the same State as the school district of such agency.

"(2) DETERMINATION OF WEIGHTED STUDENT UNITS.—For purposes of computing the basic support payment under subsection (b), the Secretary shall calculate the total number of weighted student units for a local educational agency by adding together the results obtained by the following computations:

"(A) Multiply the number of children described in subparagraphs (A) and (B) of paragraph (1) by a factor of 1.0.

"(B) Multiply the number of children described in paragraph (1)(C) by a factor of 1.25.

"(C) Multiply the number of children described in subparagraphs (D) and (E) of paragraph (1) by a factor of .10.

"(D) Multiply the number of children described in subparagraphs (F) and (G) of paragraph (1) by a factor of .05.

"(b) BASIC SUPPORT PAYMENTS AND PAYMENTS WITH RESPECT TO FISCAL YEARS IN WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.—

"(1) BASIC SUPPORT PAYMENTS.—

"(A) IN GENERAL.—From the amount appropriated under section 9014(b) for a fiscal year, the Secretary is authorized to make basic support payments to eligible local educational agencies with children described under subsection (a).

"(B) ELIGIBILITY.—A local educational agency shall be eligible to receive a basic support payment under subparagraph (A) for a fiscal year with respect to a number of children determined under subsection (a) only if the number of children so determined with respect to such agency amounts to the lesser of—

"(i) at least 400 such children; or

"(ii) a number of such children which equals at least 3 percent of the total number of children who were in average daily attendance, during such year, at the schools of such agency and for whom such agency provided free public education.

"(C) MAXIMUM AMOUNT.—The maximum amount that a local educational agency is eligible to receive under this subsection for any fiscal year is the sum of the total weighted student units, as computed under subsection (a)(2), multiplied by the greater of—

"(i) one-half of the average per pupil expenditure of the State in which the local educational agency is located for the third fiscal year preceding the fiscal year for which the determination is made;

"(ii) one-half of the average per pupil expenditures of all of the States for the third fiscal year preceding the fiscal year for which the determination is made;

"(iii) the comparable local contribution rate certified by the State, as determined under regulations prescribed to carry out the Act of September 30, 1950 (Public Law 874, 81st Congress), as such regulations were in effect on January 1, 1994; or

"(iv) the average per pupil expenditure of the State in which the local educational agency is located, multiplied by the local contribution percentage.

"(2) PAYMENTS WITH RESPECT TO FISCAL YEARS IN WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.—

"(A) IN GENERAL.—For any fiscal year in which the sums appropriated under section 9014(b) are insufficient to pay to each local educational agency the full amount computed under paragraph (1), the Secretary shall make payments in accordance with this paragraph.

"(B) LEARNING OPPORTUNITY THRESHOLD PAYMENTS.—(i) For fiscal years described in subparagraph (A), the Secretary shall compute a learning opportunity threshold payment (hereafter in this title referred to as the 'threshold payment') by multiplying the amount obtained under paragraph (1)(C) by the total percentage obtained by adding—

"(I) the percentage of federally connected children for each local educational agency determined by calculating the fraction, the numerator of which is the total number of children described under subsection (a)(1) and the denominator of which is the total number of children in average daily attendance at the schools served by such agency; and

"(II) the percentage that funds under paragraph (1)(C) represent of the total budget of the local educational agency, determined by calculating the fraction, the numerator of which is the total amount of funds calculated for each local educational agency under this subsection (not including amounts received under subsection (f)), and the denominator of which is the total current expenditures for such agency in the second preceding fiscal year for which the determination is made.

"(ii) Such total percentage used to calculate threshold payments under paragraph (1) shall not exceed 100.

"(iii) For the purpose of determining the percentages described in subclauses (I) and (II) of clause (i) that are applicable to the local educational agency providing free public education to students in grades 9 through 12 residing on Hanscom Air Force Base, Massachusetts, the Secretary shall consider only that portion of such agency's total enrollment of students in grades 9 through 12 when calculating the percentage under such subclause (I) and only that portion of the total current expenditures attributed to the operation of grades 9 through 12 in such agency when calculating the percentage under subclause (II).

"(C) RATABLE DISTRIBUTION.—For fiscal years described in subparagraph (A), the Secretary shall make payments as a ratable distribution based upon the computation made under subparagraph (B).

"(c) PRIOR YEAR DATA.—All calculations under this section shall be based upon data for each local educational agency from not later than the first fiscal year preceding the fiscal year for which the agency is making application for payment.

"(d) CHILDREN WITH DISABILITIES.—

"(1) IN GENERAL.—From the amount appropriated under section 9014(c) for a fiscal year, the Secretary shall pay to each eligible local educational agency, on a pro rata basis, the amounts determined by—

"(A) multiplying the number of children described in subparagraphs (A)(ii), (B) and (C) of subsection (a)(1) who are eligible to receive services under the Individuals with Disabilities Education Act by a factor of 1.0; and

"(B) multiplying the number of children described in subparagraph (D) of subsection (a)(1) who are eligible to receive services under such Act by a factor of 0.5.

"(2) USE OF FUNDS.—A local educational agency that receives funds under paragraph (1) shall use such funds to provide a free appropriate public education to children described in paragraph (1) in accordance with the Individuals with Disabilities Education Act.

"(e) HOLD-HARMLESS AMOUNTS.—

"(1) IN GENERAL.—Except as provided in paragraph (3), the total amount that the Secretary shall pay a local educational agency under subsection (b) shall not be less than 95 percent of the amount such agency received for the preceding fiscal year—

"(A) in the case of fiscal year 1995 only, under section 3 of the Act of September 30, 1950 (Public Law 874, 81st Congress); or

"(B) in the case of fiscal years 1996, 1997, 1998, or 1999, under such subsection (b).

"(2) TWO-YEAR APPLICABILITY.—The provisions of paragraph (1) shall apply to any one local educational agency for a maximum of two consecutive fiscal years, except that in the second such year the total amount the Secretary shall pay a local educational agency under subsection (b) shall not be less than 85 percent of the amount such agency received under such subsection in the preceding fiscal year.

"(3) RATABLE REDUCTIONS.—(A)(i) If necessary in order to make payments to local educational agencies in accordance with paragraph (1), the Secretary first shall ratably reduce payments under subsection (b) to local educational agencies that do not receive a payment under this subsection.

"(ii) If additional funds become available for making payments under paragraph (1) for such fiscal year, payments that were reduced under clause (i) shall be increased on the same basis as such payments were reduced.

"(B)(i) If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all local educational agencies in all States are eligible to receive under paragraphs (1) and (2) after the application of subparagraph (A) for such year, the Secretary shall ratably reduce payments to all such agencies for such year.

"(ii) If additional funds become available for making payments under paragraphs (1) and (2) for such fiscal year, payments that were reduced under clause (i) shall be increased on the same basis as such payments were reduced.

"(f) ADDITIONAL ASSISTANCE FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

"(1) RESERVATION.—From amounts appropriated under section 9014(b) for a fiscal year, the Secretary shall provide additional assistance to meet special circumstances relating to the provision of education in local educational agencies eligible to receive assistance under this section.

"(2) ELIGIBILITY.—(A) A local educational agency shall be eligible to receive additional assistance under this subsection only if such agency—

"(i)(I) has an enrollment of federally connected children described in subsection (a)(1) which constitutes at least 50 percent of the total student enrollment of such agency; and

"(II) has a tax rate for general fund purposes which is at least 95 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State;

"(ii)(I) has an enrollment of federally connected children described in subsection (a)(1) which constitutes at least 35 percent of the total student enrollment of such agency; and

"(II) has a tax rate for general fund purposes which is at least 125 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State; or

"(iii) is a local educational agency whose boundaries are the same as a Federal military installation.

"(B) If the current expenditures in those local educational agencies which the Secretary has determined to be generally comparable to the local educational agency for which a computation is made under subsection (b)(1)(C) are not reasonably comparable because of unusual geographical factors which affect the current expenditures necessary to maintain, in such agency, a level of education equivalent to that maintained in such other agencies, then the Secretary shall increase the local contribution rate for such agency by such an amount which the Secretary determines will compensate such agency for the increase in current expenditures necessitated by such unusual geographical factors. The amount of any such supplementary payment may not exceed the per-pupil share (computed with regard to all children in average daily attendance), as determined by the Secretary, of the increased current expenditures necessitated by such unusual geographic factors.

"(C) Any local educational agency determined eligible under clause (iii) of subparagraph (A) shall be deemed to have met the tax efforts requirements for eligibility under clause (i)(II) or (ii)(II) of such subparagraph.

"(3) MAXIMUM PAYMENTS.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall determine the maximum amount that a local educational agency may receive under this subsection in accordance with the following computations:

"(i) The Secretary shall first determine the greater of—

"(I) the average per pupil expenditure of the State in which the local educational agency is located;

"(II) the average per pupil expenditure of generally comparable school districts located in the State of the local educational agency, as defined in regulations issued by the Secretary; or

"(III) the average per pupil expenditure of three generally comparable school districts located in the State of the local educational agency, as defined in regulations issued by the Secretary.

"(ii) The Secretary shall next subtract from the amount determined under clause (i) the total amount of general fund revenues received by the local educational agency from any general fund source per pupil, other than revenues provided under this subsection.

"(iii) The Secretary shall next multiply the amount determined under clause (ii) by the total number of students in average daily attendance of the local educational agency.

"(iv) If the tax rate used by the local educational agency is greater than 95 percent, but less than 100 percent, of the tax rate of comparable school districts, the Secretary shall next multiply the amount determined under clause (iii) by the percentage that the tax rate of the local educational agency is of—

"(I) the average tax rate of its generally comparable school districts; or

"(II) the average tax rate of all the school districts in the State in which the local educational agency is located.

"(v) The Secretary shall next subtract the total amount of payments received by a local educational agency under subsections (b) and (d) for a fiscal year from the amount determined under clause (iii) or clause (iv), as the case may be.

"(B) SPECIAL RULE.—(i) With respect to payments under this subsection for a local educational agency described in clause (ii) or (iii) of paragraph (2)(A), the maximum amount of such payments shall be computed by taking the product of the average per pupil expenditure in all States multiplied by .7, except that such amount may not exceed 125 percent of the average per pupil expenditure in all local educational agencies in the State, and multiplying such product by the number of students who are served by such local educational agency and described in subparagraph (A) or (B) of subsection (a)(1).

"(ii) The payment under this subsection that a local educational agency described in clauses (ii) and (iii) of paragraph (2)(A) shall receive in any fiscal year shall be equal to the maximum amount described in clause (i) minus the amount of payments such agency receives under subsections (b) and (d) for such year.

"(4) CURRENT YEAR DATA.—The Secretary shall, for purposes of providing assistance under this subsection, use—

"(A) student and revenue data from the fiscal year for which the local educational agency is applying for assistance under this subsection; and

"(B) the most recent data available on per-pupil cost adjusted to reflect per-pupil cost made current by increasing or decreasing the per-pupil expenditure data for the second fiscal year preceding the fiscal year for which the determination is made by the same percentage increase or decrease reflected between the per-pupil expenditure data for the fourth fiscal year preceding the fiscal year for which the determination is made and the per-pupil expenditure data for such second year.

"(5) DETERMINATION FOR FISCAL YEAR 1994.—Notwithstanding the proviso referring to section 3(d)(2)(B) of Public Law 81–874 under the following heading "IMPACT AID" under title III of the Departments of Labor, Health and Human Services and Education, and Related Agencies Appropriations Act of 1994, or any provision of paragraph (2) of section 3(d) of such Public Law which is consistent with this proviso, determinations regarding the eligibility for an amount of payments under section 3(d)(2)(B) of such Public Law for fiscal year 1994 shall be made on the basis of 1994 data, and related Department regulations in effect during fiscal year 1992 shall be used in the tabulation of payments.

"(6) REDUCTION IN PAYMENTS.—If funds appropriated to carry out this subsection are insufficient to pay in full the amounts determined under paragraph (3), the Secretary shall ratably reduce the payment to each eligible local educational agency.

"(g) ADDITIONAL PAYMENTS FOR LOCAL EDUCATIONAL AGENCIES WITH HIGH CONCENTRATIONS OF CHILDREN WITH SEVERE DISABILITIES.—

"(1) IN GENERAL.—If any local educational agency receives Federal funds from sources other than this part to carry out the purposes of this part for any fiscal year due to the enrollment of children described under subsection (a), then the Secretary shall consider such funds as a payment to such agency under this part for such fiscal year.

"(2) SPECIAL RULE.—Notwithstanding any other provision of law, if funds appropriated pursuant to section 9014(b) for payments under subsection (b) to such agency for a fiscal year which when added to the funds described in paragraph (1) received by such agency for such fiscal year exceed the maximum amount described under subsection (b)(1)(C), then the Secretary shall make available from the funds appropriated under section 9014(b) for such fiscal year such excess amounts to any local educational agency serving two or more children described under subparagraph (B) or (D) of section 9003(a)(1) who have a severe disability and a parent serving in the uniformed services (as defined by section 101 of title 37, United States Code) and assigned to a particular permanent duty station for compassionate reasons (compassionate post assignment) for the total costs associated with such children who are provided an educational program provided outside the schools of such agency.

"(3) REMAINING FUNDS.—If funds remain after payments are made under paragraph (2) for any fiscal year, then such remaining funds shall be made available for expenditures under subsection (d) in such fiscal year on a pro rata basis consistent with the requirements of such subsection.

"(4) RATABLE REDUCTIONS.—If amounts available to carry out paragraph (2) for any fiscal year are insufficient to pay in full the total payment that all eligible local educational agencies are eligible to receive under such paragraph for such year, then the Secretary shall ratably reduce such payments to such agencies for such year.

"(h) OTHER FUNDS.—Notwithstanding any other provision of law, a local educational agency receiving funds under this section may also receive funds under section 6 of the Act of September 30, 1950 (Public Law 874, 81st Congress) or such section's successor authority.

"(i) 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 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.

"SEC. 9004. POLICIES AND PROCEDURES RELATING TO CHILDREN RESIDING ON INDIAN LANDS.

"(a) IN GENERAL.—A local educational agency that claims children residing on Indian lands for the purpose of receiving funds under section 9003 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 the local educational agency may help such children realize the benefits of such 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 to such agency regarding such agency's general educational program.

"(b) RECORDS.—A local educational agency that claims children residing on Indian lands for the purpose of receiving funds under section 9003 shall maintain records demonstrating such agency's compliance with requirements contained in subsection (a).

"(c) WAIVER.—A local educational agency that claims children residing on Indian lands for the purpose of receiving funds under section 9003 shall not be required to comply with the requirements of subsections (a) and (b) for any fiscal year with respect to any Indian tribe from which such agency has received a written statement that the agency need not comply with those subsections because the tribe is satisfied with the provision of educational services by such agency 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 such agencies, parents, and tribes to carry out this section; and

"(2) enforce this section through such actions, which may include the withholding of funds, as the Secretary determines to be appropriate, after affording the affected local educational agency, parents, and Indian tribe an opportunity to present their views.

"(e) COMPLAINTS.—

"(1) IN GENERAL.—(A) Any tribe, or its designee, which has students in attendance at a local educational agency may, in its discretion and without regard to the requirements of any other provision of law, file a written complaint with the Secretary regarding any action of a local educational agency taken pursuant to, or relevant to, the requirements of this section.

"(B) Within ten working days from receipt of a complaint, the Secretary shall—

"(i) designate a time and place for a hearing into the matters relating to the complaint at a location in close proximity to the local educational agency involved, or if the Secretary determines there is good cause, at some other location convenient to both the tribe, or its designee, and the local educational agency;

"(ii) designate a hearing examiner to conduct the hearing; and

"(iii) notify the affected tribe or tribes and the local educational agency involved of the time, place, and nature of the hearing and send copies of the complaint to the local educational agency and the affected tribe or tribes.

"(2) HEARING.—The hearing shall be held within 30 days of the designation of a hearing examiner and shall be open to the public. A record of the proceedings shall be established and maintained.

"(3) EVIDENCE; RECOMMENDATIONS; COST.—The complaining tribe, or its designee, and the local educational agency shall be entitled to present evidence on matters relevant to the complaint and to make recommendations concerning the appropriate remedial actions. Each party to the hearing shall bear only its own costs in the proceedings.

"(4) FINDINGS AND RECOMMENDATIONS.—Within 30 days of the completion of the hearing, the hearing examiner shall, on the basis of the record, make written findings of fact and recommendations concerning appropriate remedial action, if any, which should be taken. The hearing examiner's findings and recommendations, along with the hearing record, shall be forwarded to the Secretary.

"(5) WRITTEN DETERMINATION.—Within 30 days of his receipt of the findings, recommendations, and record, the Secretary shall, on the basis of the record, make a written determination of the appropriate remedial action, if any, to be taken by the local educational agency, the schedule for completion of the remedial action, and the reasons for the Secretary's decision.

"(6) COPIES PROVIDED.—Upon completion of his final determination, the Secretary shall provide the complaining tribe, or its designee, and the local educational agency with copies of the hearing record, the hearing examiner's findings and recommendations, and the Secretary's final determination. The final determination of the Secretary shall be subject to judicial review.

"(7) CONSOLIDATION.—In all actions under this subparagraph, the Secretary shall have discretion to consolidate complaints involving the same tribe or local educational agency.

"(8) WITHHOLDING.—If the local educational agency rejects the determination of the Secretary, or if the remedy required is not undertaken within the time established and the Secretary determines that an extension of the time established will not effectively encourage the remedy required, the Secretary shall withhold payment of all moneys to which such local agency is eligible under section 9003 until such time as the remedy required is undertaken, except where the complaining tribe or its designee formally requests that such funds be released to the local educational agency, except that the Secretary may not withhold such moneys during the course of the school year if the Secretary determines that such withholding would substantially disrupt the educational programs of the local educational agency.

"(9) REJECTION OF DETERMINATION.—If the local educational agency rejects the determination of the Secretary and a tribe exercises the option under section 1101(d) of the Education Amendments of 1978, to have education services provided either directly by the Bureau of Indian Affairs or by contract with the Bureau of Indian Affairs, any Indian students affiliated with that tribe who wish to remain in attendance at the local educational agency against whom the complaint which led to the tribal action under such subsection (d) was lodged may be counted with respect to that local educational agency for the purpose of receiving funds under section 9004. In such event, funds under such section shall not be withheld pursuant to subparagraph (D) and no further complaints with respect to such students may be filed under subparagraph (C)(i).

"(f) CONSTRUCTION.—This section is based upon the special relationship between the Indian nations and the United States and nothing in this section shall be construed to relieve any State of any duty with respect to any citizens of that State.

"SEC. 9005. APPLICATION FOR PAYMENTS UNDER SECTIONS 9002 AND 9003.

"(a) IN GENERAL.—A local educational agency desiring to receive a payment under section 9002 or 9003 shall—

"(1) submit an application for such payment to the Secretary; and

"(2) provide a copy of such application to the State educational agency.

"(b) 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 the eligibility of the local educational agency for a payment and the amount of such payment; and

"(2) where applicable, an assurance that such agency is in compliance with section 9004 (relating to children residing on Indian lands).

"(c) DEADLINE FOR SUBMISSION.—The Secretary shall establish deadlines for the submission of applications under this section.

"(d) APPROVAL.—

"(1) IN GENERAL.—The Secretary shall approve an application submitted under this section that—

"(A) except as provided in paragraph (2), is filed by the deadline established under subsection (c); and

"(B) otherwise meets the requirements of this title.

"(2) REDUCTION IN PAYMENT.—The Secretary shall approve an application filed not more than 60 days after a deadline established under subsection (c) that otherwise meets the requirements of this title, except that, notwithstanding section 9003(e), the Secretary shall reduce the payment based on such late application by 10 percent of the amount that would otherwise be paid.

"(3) LATE APPLICATIONS.—The Secretary shall not accept or approve any application that is filed more than 60 days after a deadline established under subsection (c).

"(4) STATE APPLICATION AUTHORITY.—Notwithstanding any provision of law, a State educational agency that had been accepted as an applicant for funds under section 3 of the Act of September 30, 1950 (Public Law 874, 81st Congress) in fiscal year 1994 shall be permitted to continue as an applicant under the same conditions by which such agency made application during such fiscal year only if such State educational agency distributes all funds received for the students for which application is being made by such State educational agency to the local educational agencies providing educational services to such students.

"SEC. 9006. PAYMENTS FOR SUDDEN AND SUBSTANTIAL INCREASES IN ATTENDANCE OF MILITARY DEPENDENTS.

"(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 school year for which the determination is made is at least ten percent or 100 more than the number of children in average daily attendance in the school year preceding the school year for which the determination is made; 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 May 15 and September 30, inclusive, of the fiscal year for which the determination is made, 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.—A local educational agency that wishes to receive a payment under this section shall file an application with the Secretary by October 15 of the school year for which payment is requested, in such manner and containing such information as the Secretary may prescribe, including information demonstrating that such agency 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 school year preceding the fiscal year for which the determination is made; and

"(2) the number of children described in subsection (a)(2).

"(d) PAYMENTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), from the amount appropriated for a

fiscal year under section 9014(d), the Secretary shall pay each local educational agency with an approved application an amount equal to one-half of the national average per-pupil expenditure multiplied by the number of such children determined under subsection (c) for that local educational agency.

"(2) RATABLE REDUCTION.—(A) If the amount appropriated to carry out this section for any fiscal year is insufficient to pay the full payment that all eligible local educational agencies are eligible to receive under this section for such year, then the Secretary shall ratably reduce the payments to such agencies for such year.

"(B) If additional funds become available for making payments under paragraph (1) for such fiscal year, payments that were reduced under subparagraph (A) shall be increased on the same basis as such payments were reduced.

"(e) NOTIFICATION PROCESS.—

"(1) ESTABLISHMENT.—The Secretary shall establish, with the Secretary of Defense, a notification process relating to the closure of Department of Defense facilities, or the adjustment of personnel levels assigned to such facilities, which may substantially affect the student enrollment levels of local educational agencies which receive or may receive payments under this title.

"(2) INFORMATION.—Such process shall provide timely information regarding such closures and such adjustments—

"(A) by the Secretary of Defense to the Secretary; and

"(B) by the Secretary to the affected local educational agencies.

"SEC. 9007. CONSTRUCTION.

"(a) PAYMENTS AUTHORIZED.—From the amount appropriated for each fiscal year under section 9014(e), the Secretary shall make payments to each local educational agency—

"(1) that receives a basic payment under section 9003(b); and

"(2)(A) in which the number of children determined under section 9003(a)(1)(C) constituted at least 50 percent of the number of children who were in average daily attendance in the schools of such agency during the preceding school year;

"(B) that receives assistance under section 9003(f); or

"(C) that receives assistance under section 9006.

"(b) AMOUNT OF PAYMENTS.—The amount of a payment to each such agency for a fiscal year shall be equal to—

"(1) the amount appropriated under section 9014(e) for such year; divided by

"(2) the number of children determined under section 9003(a)(2) for all local educational agencies described in subsection (a), but not including any children attending a school assisted or provided by the Secretary under section 9008 or section 10 of the Act of September 23, 1950 (Public Law 815, 81st Congress) (as such Act was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994); 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 9013(3).

"(d) SPECIAL RULE.—In carrying out section 14(c) of the Act of September 23, 1950 (Public Law 815, 81st Congress) (20 U.S.C. 644(c)) or any successor authority, the Secretary of Education shall waive any amount of local effort in excess of $200,000 that would otherwise be required under paragraphs (3) and (4) of such section, or any successor authority, respectively, and any regulations issued thereunder, in awarding funds to the Winona R-III School District, Missouri, with respect to its application #MO-86-C-3601A36.

"SEC. 9008. FACILITIES.

"(a) CURRENT FACILITIES.—From the amount appropriated for any fiscal year under section 9014(f), the Secretary may continue to provide assistance for school facilities that were supported by the Secretary under section 10 of the Act of September 23, 1950 (Public Law 815, 81st Congress) (as such Act was in effect on the day preceding the date of the enactment of the Improving America's Schools Act of 1994).

"(b) TRANSFER OF FACILITIES.—

"(1) IN GENERAL.—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 the Act of September 23, 1950 (Public Law 815, 81st Congress), or under section 204 or 310 of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such Acts were in effect on January 1, 1958).

"(2) OTHER REQUIREMENTS.—Any such transfer shall be without charge to such agency or entity, and prior to such transfer, the transfer shall be consented to by the local educational agency or other appropriate entity, and may be made on such terms and conditions as the Secretary deems appropriate to carry out the purposes of this title.

"SEC. 9009. TREATMENT OF PAYMENTS BY THE STATES IN DETERMINING ELIGIBILITY FOR, AND THE AMOUNT OF, STATE AID.

"(a) IN GENERAL.—Except as provided in subsection (b), no payments may be made under this title for any fiscal year to any local educational agency in any State if—

"(1) such State has taken into consideration payments under this title in determining—

"(A) the eligibility of any local educational agency in that State for State aid for free public education of children; or

"(B) the amount of such aid with respect to any such agency;

during that fiscal year or the preceding fiscal year; or

"(2) such State makes such aid available to local educational agencies in such a manner as to result in less State aid to any local educational agency which is eligible for payments under this title than such agency would receive if such agency were not so eligible.

"(b) EXCEPTION.—

"(1) IN GENERAL.—Notwithstanding subsection (a), if a State has in effect a program of State aid for free public education for any fiscal year, which is designed to equalize expenditures for free public education among the local educational agencies of that State, payments under this title for any fiscal year may be taken into consideration by such State in determining the relative—

"(A) financial resources available to local educational agencies in that State; and

"(B) financial need of such agencies for the provision of free public education for children served by such agency, provided that a State may consider as local resources funds received under this title only in proportion to the share that local tax revenues covered under a State equalization program are of total local tax revenues.

"(2) SPECIAL RULE.—The portion of payments under sections 9003(b), 9003(d) and 9003(f)(1) for children described in section 9003(a)(1)(C) which are attributable to the difference between the total weighted student units determined under section 9003(a)(2)(B) and the total weighted student units determined under section 9003(a)(2)(A), shall not be taken into consideration by the State for the purpose of this subparagraph. Whenever a State educational agency or local educational agency will be adversely affected by the operation of this section, such agency shall be afforded notice and an opportunity for a hearing prior to the reduction or termination of payments pursuant to this section.

"(3) DEFINITIONS.—The terms 'State aid' and 'equalize expenditures' as used in this section shall be defined by the Secretary by regulation, after consultation with State and local educational agencies affected by this section, provided that the term 'equalize expenditures' shall not be construed in any manner adverse to a program of State aid for free public education which provides for taking into consideration the additional cost of providing free public education for particular groups or categories of pupils in meeting the special educational needs of such children as disabled children, economically disadvantaged children, limited-English proficient children, and gifted and talented children.

"(4) NOTICE AND CERTIFICATION.—(A) If a State desires to take payments under this title into consideration as provided in this subsection for any fiscal year, that State shall, not later than 60 days prior to the beginning of such fiscal year, submit notice to the Secretary of its intention to do so. Such notice shall be in such form and be accompanied by such information as to enable the Secretary to determine the extent to which the program of State aid of that State is consistent with the provisions of paragraph (1). In addition, such notice shall be accompanied by such evidence as the Secretary finds necessary that each local educational agency in that State has been given notice of the intention of the State. If the Secretary determines that the program of State aid of a State submitting notice under this paragraph is consistent with the provisions of paragraph (1), the Secretary shall certify such determination to that State.

"(B) Prior to certifying any determination under subparagraph (A) for any State for any fiscal year, the Secretary shall give the local educational agencies in that State an opportunity for a hearing at which such agencies may present their views with respect to the consistency of the State aid program of that State with the provisions of paragraph (1).

"(C) The Secretary shall not finally deny to any State for any fiscal year certification of a determination under subparagraph (A) without first giving that State an opportunity for a hearing.

"(5) REQUIREMENT.—Any State whose program of State aid was certified by the Secretary under paragraph (4) for fiscal year 1988, but whose program was determined by the Secretary under paragraph (4)(A) not to meet the requirements of paragraph (1) for one or more of the fiscal years 1989 through 1992—

"(A) shall be deemed to have met the requirements of paragraph (1) for each of the fiscal years 1989 through 1992; and

"(B) shall not, beginning with fiscal year 1993, and notwithstanding any other provision of this paragraph, take payments under this title into consideration as provided under paragraph (1) for any fiscal year unless the Secretary has previously certified such State's program for such fiscal year.

"(6) GRANDFATHER CLAUSE.—Notwithstanding any other provision of law, a State shall be deemed to meet the requirements of this subsection if such State—

"(A) met the requirements of section 5(d)(2) of the Act of September 30, 1950 (Public Law 874, 81st Congress) on July 1, 1994; and

"(B) continues to meet the requirements of such section 5(d)(2) for each fiscal year for which the determination is made.

"SEC. 9010. FEDERAL ADMINISTRATION.

"(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 require to carry out this title.

"(c) SPECIAL RULES.—

"(1) CERTAIN CHILDREN ELIGIBLE UNDER SUBSECTION (a) OR (b) OF SECTION 3 OF PUBLIC LAW 81–874.—Notwithstanding any other provision of law, for any fiscal year before fiscal year 1995, the Secretary shall treat as eligible under subsection (a) or (b) of section 3 of the Act of September 30, 1950 (Public Law 874, 81st Congress), and shall forgive the obligation of a local educational agency to repay any amounts that such agency received under such section for such fiscal year based on, any child who would be eligible under such subsections except that such child does not meet the requirements of subsection (a)(1)(B) or (b)(2)(B), respectively, of such section 3, if such child meets the requirements of paragraph (3) of this subsection.

"(2) CERTAIN CHILDREN ELIGIBLE UNDER SUBPARAGRAPHS (A) AND (G)(ii) OF SECTION 9003(a)(1).—(A) The Secretary shall treat as eligible under subparagraph (A) of section 9003(a)(1) any child who would be eligible under such subparagraph except that the Federal property on which the child resides or on which the child's parent is employed is not in the same State in which the child attends school, if such child meets the requirements of paragraph (3) of this subsection.

"(B) The Secretary shall treat as eligible under subparagraph (G) of section 9003(a)(1) any child who would be eligible under such subparagraph except that such child does not meet the requirements of clause (ii) of such subparagraph, if such child meets the requirements of paragraph (3) of this subsection.

"(3) REQUIREMENTS.—A child meets the requirements of this paragraph if on the day preceding the date of enactment—

"(A) such child resides—

"(i) in a State adjacent to the State in which the local educational agency serving the school such child attends is located; or

"(ii) with a parent employed on Federal property in a State adjacent to the State in which such agency is located;

"(B) the schools of such agency are within a more reasonable commuting distance of such child's home than the schools of the local educational agency that serves the school attendance area where such child resides;

"(C) attending the schools of the local educational agency that serves the school attendance area where such child resides will impose a substantial hardship on such child; and

"(D) the State in which such child attends school provides funds for the education of such child on the same basis as all other public school children in the State, unless otherwise permitted under section 5(d)(2) of the Act of September 30, 1950 (Public Law 874, 81st Congress) or section 9009(b) of this part.

"SEC. 9011. ADMINISTRATIVE HEARINGS AND JUDICIAL REVIEW.

"(a) ADMINISTRATIVE HEARINGS.—A local educational agency and a 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, United States Code.

"(b) JUDICIAL REVIEW OF SECRETARIAL ACTION.—

"(1) IN GENERAL.—A local educational agency or a 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) FINDINGS OF FACT.—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) REVIEW.—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.

"SEC. 9012. FORGIVENESS OF OVERPAYMENTS.

"Notwithstanding any other provision of law, the Secretary may forgive the obligation of a local educational agency to repay, in whole or in part, the amount of any overpayment received under this title, or under the Act of September 30, 1950 (Public Law 874, 81st Congress) or the Act of September 23, 1950 (Public Law 815, 81st Congress), if the Secretary determines that the overpayment was made as a result of an error made by—

"(1) the Secretary; or

"(2) the local educational agency and repayment of the full amount of the overpayment will result in an undue financial hardship on the agency and seriously harm the agency's educational program.

"SEC. 9013. DEFINITIONS.

"For purposes of this title, the following definitions apply:

"(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) CURRENT EXPENDITURES.—The term 'current expenditures' means expenditures for free public education, 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 does not include expenditures for community services, capital outlay, and debt service, or any expenditures made from funds awarded under part A of title I and title XIII. The determination of whether an expenditure for the replacement of equipment is considered a current expenditure or a capital outlay shall be determined in accordance with generally accepted accounting principles as determined by the State.

"(5) FEDERAL PROPERTY.—

"(A) IN GENERAL.—Except as provided in subparagraphs (B) through (F), 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 to a 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; or

"(V) used for low-rent housing, as described in paragraph (10) that is located on land described in subclause (I), (II), (III), or (IV) of this clause or on land that met one of those descriptions immediately before such property's use for such housing;

"(iii)(I) part of a low-rent housing project assisted under the United States Housing Act of 1937; or

"(II) used to provide housing for homeless children at closed military installations pursuant to section 501 of the Stewart B. McKinney Homeless Assistance Act; or

"(iv) owned by a foreign government or by an international organization.

"(B) SCHOOLS PROVIDING FLIGHT TRAINING TO MEMBERS OF AIR FORCE.—The term '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, any school providing flight training to members of the Air Force.

"(C) NON-FEDERAL EASEMENTS, LEASES, LICENSES, PERMITS, IMPROVEMENTS, AND CERTAIN OTHER REAL PROPERTY.—The term '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) CERTAIN POSTAL SERVICE PROPERTY AND PIPELINES AND UTILITY LINES.—Notwithstanding any other provision of this paragraph, the term '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) PROPERTY WITH RESPECT TO WHICH STATE OR LOCAL TAX REVENUES MAY NOT BE EXPENDED, ALLOCATED, OR AVAILABLE FOR FREE PUBLIC EDUCATION.—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.

"(F) PROPERTY LOCATED IN THE STATE OF OKLAHOMA OWNED BY INDIAN HOUSING AUTHORITY FOR LOW-INCOME HOUSING.—The term 'Federal property' includes any real property located in the State of Oklahoma that—

"(i) is owned by an Indian housing authority and used for low-income housing (including housing assisted under the mutual help ownership opportunity program under section 202 of the United States Housing Act of 1937); and

"(ii) at any time—

"(I) was designated by treaty as tribal land; or

"(II) satisfied the definition of Federal property under section 403(1)(A) of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such Act was in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994).

"(6) 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.

"(7) INDIAN LANDS.—The term 'Indian lands' means any Federal property described in paragraph (5)(A)(ii) or (5)(F).

"(8) LOCAL CONTRIBUTION PERCENTAGE.—

"(A) IN GENERAL.—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) HAWAII AND DISTRICT OF COLUMBIA.—Notwithstanding subparagraph (A), the local contribution percentage for Hawaii and for the District of Columbia shall be the average local contribution percentage for all States.

"(9) LOCAL EDUCATIONAL AGENCY.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'local educational agency'—

"(i) means a board of education or other legally constituted local school authority having administrative control and direction of free public education in a county, township, independent school district, or other school district; and

"(ii) includes any State agency that directly operates and maintains facilities for providing free public education.

"(B) EXCEPTION.—The term '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 the Act of September 30, 1950 (Public Law 874, 81st Congress) or increasing the amount of such assistance; or

"(ii) is not constituted or reconstituted for legitimate educational purposes.

"(10) LOW-RENT HOUSING.—The term 'low-rent housing' means housing located on property that is described in paragraph (5)(A)(iii).

"(11) REVENUE DERIVED FROM LOCAL SOURCES.—The term 'revenue derived from local sources' means—

"(A) revenue produced within the boundaries of a local educational agency and available to such agency for such agency's use; or

"(B) funds collected by another governmental unit, but distributed back to a local educational agency in the same proportion as such funds were collected as a local revenue source.

"(12) SCHOOL FACILITIES.—The term 'school facilities' includes—

"(A) classrooms and related facilities; and

"(B) equipment, machinery, and utilities necessary or appropriate for school purposes.

"SEC. 9014. AUTHORIZATION OF APPROPRIATIONS.

"(a) PAYMENTS FOR FEDERAL ACQUISITION OF REAL PROPERTY.—For the purpose of making payments under section 9002, there are authorized to be appropriated $16,750,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) BASIC PAYMENTS; PAYMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—For the purpose of making payments under subsections (b) and (f) of section 9003, there are authorized to be appropriated $775,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years, of which 6 percent shall be available, until expended, for each fiscal year to carry out section 9003(f).

"(c) PAYMENTS FOR CHILDREN WITH DISABILITIES.—For the purpose of making payments under section 9003(d), there are authorized to be appropriated $45,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(d) PAYMENTS FOR INCREASES IN MILITARY CHILDREN.—For the purpose of making payments under section 9006, there are authorized to be appropriated $2,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(e) CONSTRUCTION.—For the purpose of carrying out section 9007, there are authorized to be appropriated $25,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(f) FACILITIES MAINTENANCE.—For the purpose of carrying out section 9008, there are authorized to be appropriated $2,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"PART B—EMERGENCY IMMIGRANT EDUCATION PROGRAM

"SEC. 9201. FINDINGS; PURPOSE; DEFINITION.

"(a) FINDINGS.—The Congress finds that—

"(1) the education of our Nation's children and youth is one of the most sacred government responsibilities;

"(2) local educational agencies have struggled to fund adequately education services;

"(3) in the case of Plyler v. Doe, the Supreme Court held that States have a responsibility under the Equal Protection Clause of the Constitution to educate all children, regardless of immigration status; and

"(4) immigration policy is solely a responsibility of the Federal Government.

"(b) PURPOSE.—The purpose of this part is to assist eligible 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.

"(c) DEFINITION.—For the purpose of this subpart, the term 'immigrant children and youth' means individuals who—

"(1) are aged three through 21;

"(2) were not born in any State; and

"(3) have not been attending one or more schools in any one or more States for more than three full academic years.

"SEC. 9202. STATE ADMINISTRATIVE COSTS.

"For any fiscal year, a State educational agency may reserve not more than 1.5 percent of the amount allocated to such agency under section 9204 to pay the costs of performing such agency's administrative functions under this part.

"SEC. 9203. WITHHOLDING.

"Whenever the Secretary, after reasonable notice and opportunity for a hearing to any State educational agency, finds that there is a failure to meet the requirement of any provision of this part, the Secretary shall notify that agency that further payments will not be made to the agency under this part, or in the discretion of the Secretary, that the State educational agency shall not make further payments under this part to specified local educational agencies whose actions cause or are involved in such failure until the Secretary is satisfied that there is no longer any such failure to comply. Until the Secretary is so satisfied, no further payments shall be made to the State educational agency under this part, or payments by the State educational agency under this part shall be limited to local educational agencies whose actions did not cause or were not involved in the failure, as the case may be.

"SEC. 9204. STATE ALLOCATIONS.

"(a) PAYMENTS.—The Secretary shall, in accordance with the provisions of this section, make payments to State educational agencies for each of the fiscal years 1995 through 1999 for the purpose set forth in section 9201(b).

"(b) ALLOCATIONS.—

"(1) IN GENERAL.—Except as provided in subsections (c), (d) and (e), of the amount appropriated for each fiscal year for this part, each State participating in the program assisted under this part shall receive an allocation equal to the proportion of such State's number of immigrant children and youth who are enrolled in elementary and secondary public schools under the jurisdiction of each local educational agency described in paragraph (2) within such State, and in elementary and secondary nonpublic schools within the district served by each such local educational agency, relative to the total number of immigrant children and youth so enrolled in all the States participating in the program assisted under this part.

"(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—The local educational agencies referred to in paragraph (1) are those local educational agencies in which the sum of the number of immigrant children and youth who are enrolled in elementary or secondary public schools under the jurisdiction of such agencies, and in elementary or secondary nonpublic schools within the districts served by such agencies, during the fiscal year for which the payments are to be made under this part, is equal to—

"(A) at least 500; or

"(B) at least 3 percent of the total number of students enrolled in such public or nonpublic schools during such fiscal year,

whichever number is less.

"(c) DETERMINATIONS OF NUMBER OF CHILDREN AND YOUTH.—

"(1) IN GENERAL.—Determinations by the Secretary under this section for any period with respect to the number of immigrant children and youth shall be made on the basis of data or estimates provided to the Secretary by each State educational agency in accordance with criteria established by the Secretary, unless the Secretary determines, after notice and opportunity for a hearing to the affected State educational agency, that such data or estimate are clearly erroneous.

"(2) SPECIAL RULE.—No such determination with respect to the number of immigrant children and youth shall operate because of an underestimate or overestimate to deprive any State

educational agency of the allocation under this section that such State would otherwise have received had such determination been made on the basis of accurate data.

"(d) REALLOCATION.—Whenever the Secretary determines that any amount of a payment made to a State under this part for a fiscal year will not be used by such State for carrying out the purpose for which the payment was made, the Secretary shall make such amount available for carrying out such purpose to one or more other States to the extent the Secretary determines that such other States will be able to use such additional amount for carrying out such purpose. Any amount made available to a State from any appropriation for a fiscal year in accordance with the preceding sentence shall, for purposes of this part, be regarded as part of such State's payment (as determined under subsection (b)) for such year, but shall remain available until the end of the succeeding fiscal year.

"(e) RESERVATION OF FUNDS.—

"(1) IN GENERAL.—Notwithstanding any other provision of this part, if the amount appropriated to carry out this part exceeds $50,000,000 for a fiscal year, a State educational agency may reserve not more than 20 percent of such agency's payment under this part for such year to award grants, on a competitive basis, to local educational agencies within the State as follows:

"(A) At least one-half of such grants shall be made available to eligible local educational agencies (as described in subsection (b)(2)) within the State with the highest numbers and percentages of immigrant children and youth.

"(B) Funds reserved under this paragraph and not made available under subparagraph (A) may be distributed to local educational agencies within the State experiencing a sudden influx of immigrant children and youth which are otherwise not eligible for assistance under this part.

"(2) USE OF GRANT FUNDS.—Each local educational agency receiving a grant under paragraph (1) shall use such grant funds to carry out the activities described in section 9207.

"(3) INFORMATION.—Local educational agencies with the highest number of immigrant children and youth receiving funds under paragraph (1) may make information available on serving immigrant children and youth to local educational agencies in the State with sparse numbers of such children.

"(4) DURATION.—Grants awarded under paragraph (1) shall be for a period of not more than two years.

"(5) APPLICATIONS.—(A) Each eligible local educational agency desiring a grant under this subsection shall submit to the Secretary an application in such form, at such time, and containing such information and assurances as the Secretary may require.

"(B) Each such application shall—

"(i) describe—

"(I) the need for the proposed program, including data on the number of immigrant children and youth in the local educational agency 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 such program's design relates to the linguistic and academic needs of the immigrant children and youth to be served; and

"(ii) provide an assurance that the applicant will not reduce the level of State and local funds that the applicant expends for instructional programs for immigrant children and youth if the applicant receives an award under this part.

"SEC. 9205. STATE APPLICATIONS.

"(a) SUBMISSION.—No State educational agency shall receive any payment under this part for any fiscal year unless such 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. Each such application shall—

"(1) provide that the educational programs, services, and activities for which payments under this part are made will be administered by or under the supervision of the agency;

"(2) provide assurances that payments under this part will be used for purposes set forth in sections 9201 and 9207, including a description of how local educational agencies receiving funds under this part will use such funds to meet such purposes, and how the program designs are consistent with other education improvement plans;

"(3) provide an assurance that local educational agencies receiving funds under this part will coordinate the use of such funds with programs assisted under title VII or title I;

"(4) provide assurances that such payments will be distributed among local educational agencies within that State on the basis of the number of immigrant children and youth counted with respect to each such local educational agency under section 9204(b)(1);

"(5) provide assurances that the State educational agency will not finally disapprove in whole or in part any application for funds received under this part without first affording the local educational agency submitting an application for such funds reasonable notice and opportunity for a hearing;

"(6) provide for making such reports as the Secretary may reasonably require to perform the Secretary's functions under this part;

"(7) provide assurances—

"(A) that to the extent consistent with the number of immigrant children and youth enrolled in the elementary or secondary nonpublic schools within the district served by a local educational agency, such agency, after consultation with appropriate officials of such schools, shall provide for the benefit of such children and youth secular, neutral, and nonideological services, materials, and equipment necessary for the education of such children and youth;

"(B) that the control of funds provided under this part to any materials, equipment, and property repaired, remodeled, or constructed with those funds shall be in a public agency for the uses and purposes provided in this part, and a public agency shall administer such funds and property; and

"(C) that the provision of services pursuant to this paragraph shall be provided by employees of a public agency or through contract by such public agency with a person, association, agency, or corporation who or which, in the provision of such services, is independent of such elementary or secondary nonpublic school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency, and the funds provided under this paragraph shall not be commingled with State or local funds; and

"(8) provide an assurance that State and local educational agencies receiving funds under this part will comply with the requirements of section 1120(b).

"(b) APPLICATION REVIEW.—

"(1) IN GENERAL.—The Secretary shall review all applications submitted pursuant to this section by State educational agencies.

"(2) APPROVAL.—The Secretary shall approve any application submitted by a State educational agency that meets the requirements of this section.

"(3) DISAPPROVAL.—The Secretary shall disapprove any application submitted by a State educational agency which does not meet the requirements of this section, but shall not finally disapprove an application except after reasonable notice, provision of technical assistance, and providing an opportunity for a hearing to the State.

"SEC. 9206. ADMINISTRATIVE PROVISIONS.

"(a) NOTIFICATION OF AMOUNT.—The Secretary, not later than June 1 of each year, shall notify each State educational agency that has an application approved under section 9205 of the amount of such agency's allocation under section 9204 for the succeeding year.

"(b) SERVICES TO CHILDREN ENROLLED IN NONPUBLIC SCHOOLS.—If by reason of any provision of law a local educational agency is prohibited from providing educational services for children enrolled in elementary and secondary nonpublic schools, as required by section 9205(a)(7), or if the Secretary determines that a local educational agency has substantially failed or is unwilling to provide for the participation on an equitable basis of children enrolled in such schools, the Secretary may waive such requirement and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of this part. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with the provisions of title I.

"SEC. 9207. USES OF FUNDS.

"(a) 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—

"(1) family literacy, 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, mentoring, 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;

"(5) basic instructional services which are directly attributable to the presence in the school district of immigrant children, including the costs of providing additional classroom supplies, overhead costs, costs of construction, acquisition or rental of space, costs of transportation, or such other costs as are directly attributable to such additional basic instructional services; and

"(6) such other activities, related to the purposes of this part, as the Secretary may authorize.

"(b) CONSORTIA.—A local educational agency that receives a grant under this part may collaborate or form a consortium with one or more local educational agencies, institutions of higher education, and nonprofit organizations to carry out the program described in an application approved under this part.

"(c) 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 nonprofit organization, or a consortium of such entities to carry out a program described in an application approved under this part, including a program to serve out-of-school youth.

"(d) CONSTRUCTION.—Nothing in this part shall be construed to prohibit a local educational agency from serving immigrant children simultaneously with students with similar educational needs, in the same educational settings where appropriate.

"SEC. 9208. REPORTS.

"(a) BIENNIAL REPORT.—Each State educational agency receiving funds under this part shall submit, once every 2 years, a report to the

Secretary concerning the expenditure of funds by local educational agencies under this part. Each local educational agency receiving funds under this part shall submit to the State educational agency such information as the State educational agency determines may be necessary for such report.

"(b) REPORT TO CONGRESS.—The Secretary shall submit, once every 2 years, a report to the appropriate committees of the Congress concerning programs assisted under this part in accordance with section 10701.

"SEC. 9209. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated $150,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years.

"SEC. 9210. COMMUNICATIONS BETWEEN FEDERALLY FUNDED GOVERNMENT AGENCIES AND THE IMMIGRATION AND NATURALIZATION SERVICE.

"Notwithstanding any other provision of law, no Federal, State, or local government entity receiving Federal funds shall be prohibited or in any way restricted from communicating with the Immigration and Naturalization Service regarding the immigration status, legal or illegal, of an alien in the United States.

"PART C—NATIVE HAWAIIAN EDUCATION

"SEC. 9301. SHORT TITLE.

"This part may be cited as the 'Native Hawaiian Education Act'.

"SEC. 9302. FINDINGS.

"The Congress finds and declares as follows:

"(1) Native Hawaiians are a distinct and unique indigenous people with a historical continuity to the original inhabitants of the Hawaiian archipelago, whose society was organized as a nation and internationally recognized as such by the United States, Britain, France and Japan, as evidenced by treaties governing friendship, commerce, and navigation.

"(2) At the time of the arrival of the first nonindigenous people in Hawai'i in 1778, the Native Hawaiian people lived in a highly organized, self-sufficient subsistence social system based on a communal land tenure system with a sophisticated language, culture, and religion.

"(3) From 1826 until 1893, the United States recognized the sovereignty and independence of the Kingdom of Hawai'i, which was established in 1810 under Kamehameha I, extended full and complete diplomatic recognition to the Kingdom of Hawai'i, and entered into treaties and conventions with the Kingdom of Hawai'i to govern friendship, commerce and navigation in 1826, 1842, 1849, 1875, and 1887.

"(4) In 1893, the sovereign, independent, internationally recognized, and indigenous government of Hawai'i, the Kingdom of Hawai'i, was overthrown by a small group of non-Hawaiians, including United States citizens, who were assisted in their efforts by the United States Minister, a United States naval representative, and armed naval forces of the United States. Because of the participation of United States agents and citizens in the overthrow of the Kingdom of Hawai'i, the Congress, on behalf of the people of the United States, apologized to Native Hawaiians for the overthrow and the deprivation of the rights of Native Hawaiians to self-determination through Public Law 103–150 (107 Stat. 1510).

"(5) In 1898, the joint resolution entitled 'A Joint Resolution to provide for annexing the Hawaiian Islands to the United States', approved July 7, 1898 (30 Stat. 750), ceded absolute title of all lands held by the Republic of Hawai'i, including the government and crown lands of the former Kingdom of Hawai'i, to the United States, but mandated that revenue generated from these lands be used 'solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes'.

"(6) By 1919, the Native Hawaiian population had declined from an estimated 1,000,000 in 1778 to an alarming 22,600, and in recognition of this severe decline, the Congress in 1921 enacted the Hawaiian Homes Commission Act, 1920, which designated approximately 200,000 acres of ceded public lands for homesteading by Native Hawaiians.

"(7) Through the enactment of the Hawaiian Homes Commission Act, 1920, the Congress affirmed the special relationship between the United States and the Native Hawaiians, as expressed by then Secretary of the Interior Franklin K. Lane, who was quoted in the committee report for the Hawaiian Homes Commission Act, 1920, as saying: 'One thing that impressed me . . . was the fact that the natives of the island who are our wards, I should say, and for whom in a sense we are trustees, are falling off rapidly in numbers and many of them are in poverty.'.

"(8) In 1959, under the Act entitled 'An Act to provide for the admission of the State of Hawaii into the Union', approved March 18, 1959 (73 Stat. 4), the United States transferred responsibility for the administration of the Hawaiian Home Lands to the State of Hawai'i but reaffirmed the special relationship which existed between the United States and the Hawaiian people by retaining the exclusive power to enforce the trust, including the power to approve land exchanges and legislative amendments affecting the rights of beneficiaries under such Act.

"(9) In 1959, under the Act entitled 'An Act to provide for the admission of the State of Hawaii into the Union', approved March 18, 1959 (73 Stat. 4), the United States ceded to the State of Hawai'i title to the public lands formerly held by the United States, but mandated that such lands be held by the State 'in public trust' and reaffirmed the special relationship which existed between the United States and the Hawaiian people by retaining the legal responsibility to enforce the public trust responsibility of the State of Hawai'i for the betterment of the conditions of Native Hawaiians, as defined in section 201(a) of the Hawaiian Homes Commission Act, 1920.

"(10) The United States assumed special responsibilities for Native Hawaiian lands and resources at the time of the annexation of the Territory in 1898, upon adoption of the Hawaiian Homes Commission Act, 1920, and upon admission of the State of Hawai'i into the Union in 1959, and has retained certain of those responsibilities.

"(11) In recognition of the special relationship which exists between the United States and the Native Hawaiian people, the Congress has extended to Native Hawaiians the same rights and privileges accorded to American Indian, Alaska Native, Eskimo, and Aleut communities under the Native American Programs Act of 1974, the American Indian Religious Freedom Act, the National Museum of the American Indian Act, the Native American Graves Protection and Repatriation Act, the National Historic Preservation Act, and the Native American Languages Act.

"(12) In recognition of the special relationship which exists between the United States and the Native Hawaiian people, the Congress has enacted numerous special provisions of law for the benefit of Native Hawaiians in the areas of health, education, labor, and housing.

"(13) In 1981, the Senate instructed the Office of Education to submit to the Congress a comprehensive report on Native Hawaiian education. The report, entitled the 'Native Hawaiian Educational Assessment Project', was released in 1983 and documented that Native Hawaiians scored below parity with national norms on standardized achievement tests, were disproportionately represented in many negative social and physical statistics, indicative of special educational needs, and had educational needs which were related to their unique cultural situation, such as different learning styles and low self-image.

"(14) In recognition of the educational needs of Native Hawaiians, in 1988, the Congress enacted title IV of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 to authorize and develop supplemental educational programs to benefit Native Hawaiians.

"(15) In 1993, the Kamehameha Schools Bishop Estate released a ten-year update of the Native Hawaiian Educational Assessment Project, which found that despite the successes of the programs established under title IV of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, many of the same educational needs still exist for Native Hawaiians. For example—

"(A) educational risk factors continue to start even before birth for many Native Hawaiian children, including—

"(i) late or no prenatal care;

"(ii) half of Native Hawaiian women who give birth are unmarried; and

"(iii) high rates of births to teenage parents;

"(B) Native Hawaiian students continue to begin their school experience lagging behind other students in terms of readiness factors such as vocabulary test scores;

"(C) Native Hawaiian students continue to score below national norms on standardized education achievement tests at all grade levels;

"(D) both public and private schools continue to show a pattern of lower percentages of Native Hawaiian students in the uppermost achievement levels and in gifted and talented programs;

"(E) Native Hawaiian students continue to be overrepresented among students qualifying for special education programs provided to students with learning disabilities, mild mental retardation, emotional impairment, and other such disabilities;

"(F) Native Hawaiians continue to be underrepresented in institutions of higher education and among adults who have completed four or more years of college;

"(G) Native Hawaiians continue to be disproportionately represented in many negative social and physical statistics, indicative of special educational needs, for example—

"(i) Native Hawaiian students are more likely to be retained in grade level and to be excessively absent in secondary school;

"(ii) Native Hawaiian students are the highest users of drugs and alcohol; and

"(iii) Native Hawaiian children continue to be disproportionately victimized by child abuse and neglect; and

"(H) Native Hawaiians now comprise over 23 percent of the students served by the State of Hawai'i Department of Education and there are and will continue to be geographically rural, isolated areas with a high Native Hawaiian population density.

"(16) The findings described in paragraphs (1) through (15) are contrary to the high rate of literacy and integration of traditional culture and Western education achieved by Native Hawaiians through a Hawaiian language-based public school system established in 1840 by Kamehameha III.

"(17) After the overthrow of the Kingdom of Hawai'i in 1893, Hawaiian medium schools were banned. After annexation, throughout the territorial and statehood period, and until 1986, use of Hawaiian as a medium of education in public schools was declared unlawful, thereby causing incalculable harm to a culture that placed a

very high value on the power of language, as exemplified in the traditional saying: 'I ka 'ōlelo no ke ola; I ka 'ōlelo no ka make. In the language rests life; In the language rests death.'.

"(18) Despite the consequences of over 100 years of nonindigenous influence, the Native Hawaiian people are determined to preserve, develop, and transmit to future generations their ancestral territory, and their cultural identity in accordance with their own spiritual and traditional beliefs, customs, practices, language, and social institutions.

"(19) The State of Hawai'i, in the constitution and statutes of the State of Hawai'i—

"(A) acknowledges the distinct land rights of Native Hawaiian people as beneficiaries of the public lands trust;

"(B) reaffirms and protects the unique right of the Native Hawaiian people to practice and perpetuate their culture and religious customs, beliefs, practices, and language; and

"(C) recognizes the traditional language of the Native Hawaiian people as an official language of the State of Hawai'i, which may be used as the language of instruction for all subjects and grades in the public school system.

"(20) It continues to be the policy of the Federal Government to encourage the maximum participation of Native Hawaiians in planning and management of Native Hawaiian education programs.

"SEC. 9303. PURPOSE.

"It is the purpose of this part to—

"(1) authorize and develop supplemental educational programs to benefit Native Hawaiians;

"(2) provide direction and guidance to appropriate Federal, State, and local agencies to focus resources, including resources made available under this part, on Native Hawaiian education, through the establishment of a Native Hawaiian Education Council, and five island councils; and

"(3) supplement and expand existing programs and authorities in the area of Native Hawaiian education to further such purposes.

"SEC. 9304. NATIVE HAWAIIAN CURRICULUM DEVELOPMENT, TEACHER TRAINING AND RECRUITMENT PROGRAM.

"(a) GENERAL AUTHORITY.—The Secretary is authorized to make direct grants, to Native Hawaiian educational organizations or educational entities with experience in developing or operating Native Hawaiian programs or programs of instruction conducted in the Native Hawaiian language, for the following purposes:

"(1) CURRICULA.—The development of curricula to address the needs of Native Hawaiian students, particularly elementary and secondary school students, which may include programs of instruction conducted in the Native Hawaiian language, and mathematics and science curricula incorporating the relevant application of Native Hawaiian culture and traditions.

"(2) PRETEACHER TRAINING.—The development and implementation of preteacher training programs in order to ensure that student teachers within the State of Hawai'i, particularly student teachers who are likely to be employed in schools with a high concentration of Native Hawaiian students, are prepared to better address the unique needs of Native Hawaiian students, within the context of Native Hawaiian culture, language and traditions.

"(3) INSERVICE TEACHER TRAINING.—The development and implementation of inservice teacher training programs, in order to ensure that teachers, particularly teachers employed in schools with a high concentration of Native Hawaiian students, are prepared to better address the unique needs of Native Hawaiian students, within the context of Native Hawaiian culture, language and traditions.

"(4) TEACHER RECRUITMENT.—The development and implementation of teacher recruitment programs to meet the objectives of—

"(A) enhancing teacher recruitment within communities with a high concentration of Native Hawaiian students; and

"(B) increasing the numbers of teachers who are of Native Hawaiian ancestry.

"(b) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to awarding grants for activities described in subsection (a) that focus on the needs of at-risk youth or that employ a program of instruction conducted in the Native Hawaiian language.

"(c) ADMINISTRATIVE COSTS.—Not more than 7 percent of the funds appropriated to carry out the provisions of this section for any fiscal year may be used for administrative purposes.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section. Funds appropriated under the authority of this subsection shall remain available until expended.

"SEC. 9305. NATIVE HAWAIIAN COMMUNITY-BASED EDUCATION LEARNING CENTERS.

"(a) GENERAL AUTHORITY.—The Secretary is authorized to make direct grants, to collaborative efforts between community-based Native Hawaiian organizations and community colleges, to develop, establish, and operate a minimum of three community-based education learning centers.

"(b) PURPOSE.—The learning centers described in subsection (a) shall meet the needs of families and communities through interdepartmental and interagency coordination of new and existing public and private programs and services, which may include—

"(1) preschool programs;

"(2) after-school programs; and

"(3) vocational and adult education programs.

"(c) ADMINISTRATIVE COSTS.—Not more than 7 percent of the funds appropriated to carry out the provisions of this section for any fiscal year may be used for administrative purposes.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section. Funds appropriated under the authority of this subsection shall remain available until expended.

"SEC. 9306. NATIVE HAWAIIAN FAMILY-BASED EDUCATION CENTERS.

"(a) GENERAL AUTHORITY.—The Secretary is authorized to make direct grants, to Native Hawaiian educational organizations or educational entities with experience in developing or operating Native Hawaiian programs or programs of instruction conducted in the Native Hawaiian language, to expand the operation of Family-Based Education Centers throughout the Hawaiian Islands. The programs of such centers may be conducted in the Hawaiian language, the English language, or a combination thereof, and shall include—

"(1) parent-infant programs for prenatal through three-year-olds;

"(2) preschool programs for four- and five-year-olds;

"(3) continued research and development; and

"(4) a long-term followup and assessment program.

"(b) ADMINISTRATIVE COSTS.—Not more than 7 percent of the funds appropriated to carry out the provisions of this section for any fiscal year may be used for administrative purposes.

"(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amount authorized to be appropriated for the centers described in subsection (a), there are authorized to be appropriated $6,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section. Funds appropriated under the authority of this subsection shall remain available until expended.

"SEC. 9307. NATIVE HAWAIIAN HIGHER EDUCATION PROGRAM.

"(a) GENERAL AUTHORITY.—

"(1) IN GENERAL.—The Secretary is authorized to make direct grants, to Native Hawaiian educational organizations or educational entities with experience in developing or operating Native Hawaiian programs or programs of instruction conducted in the Native Hawaiian language, to enable such organizations or entities to provide a program of baccalaureate and post-baccalaureate fellowship assistance to Native Hawaiian students.

"(2) MANDATORY ACTIVITIES.—Such program shall include—

"(A) full or partial fellowship support for Native Hawaiian students enrolled at two- or four-year degree granting institutions of higher education with fellowship awards to be based on academic potential and financial need; and

"(B) full or partial fellowship support for Native Hawaiian students enrolled at post-baccalaureate degree granting institutions of higher education with priority given to providing fellowship support for professions in which Native Hawaiians are underrepresented and with fellowship awards to be based on academic potential and financial need;

"(3) PERMITTED ACTIVITIES.—Such program may also include—

"(A) counseling and support services for students receiving fellowship assistance under paragraph (1);

"(B) college preparation and guidance counseling at the secondary school level for students who may be eligible for fellowship support pursuant to subsection (a)(2)(A);

"(C) appropriate research and evaluation of the activities authorized by this section; and

"(D) implementation of faculty development programs for the improvement and matriculation of Native Hawaiian students.

"(b) SPECIAL CONDITIONS REQUIRED.—For the purpose of fellowships awarded under subsection (a), fellowship conditions shall be established whereby fellowship recipients obtain an enforceable contract obligation to provide their professional services, either during the fellowship period or upon completion of a baccalaureate or post-baccalaureate degree program, to the Native Hawaiian community.

"(c) ADMINISTRATIVE COSTS.—Not more than 7 percent of the funds appropriated to carry out the provisions of this section for any fiscal year may be used for administrative purposes.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section. Funds appropriated under the authority of this subsection shall remain available until expended.

"SEC. 9308. NATIVE HAWAIIAN GIFTED AND TALENTED PROGRAM.

"(a) GENERAL AUTHORITY.—The Secretary is authorized to make a grant, to a Native Hawaiian educational organization or an educational entity with experience in developing or operating Native Hawaiian programs or programs of instruction conducted in the Native Hawaiian language, for a gifted and talented program designed to—

"(1) address the special needs of Native Hawaiian elementary and secondary school students who are gifted and talented students; and

"(2) provide those support services to the families of such students that are needed to enable such students to benefit from the program.

"(b) USES OF FUNDS.—The program funded under this section may include—

"(1) the identification of the special needs of Native Hawaiian gifted and talented students, particularly with respect to—

"(A) the emotional and psychosocial needs of such students; and

"(B) the provision of those support services to the families of such students that are needed to enable such students to benefit from the program;

"(2) the conduct of educational, psychosocial, and developmental activities which hold reasonable promise of resulting in substantial progress toward meeting the educational needs of such students, including demonstrating and exploring the use of the Native Hawaiian language and exposure to Native Hawaiian cultural traditions;

"(3) leadership programs designed to—

"(A) replicate programs throughout the State of Hawai'i for gifted and talented students who are not served under this section; and

"(B) coordinate with other Native American gifted and talented leadership programs, including the dissemination of information derived from the program conducted under this section; and

"(4) appropriate research, evaluation, and related activities pertaining to—

"(A) the needs of such students; and

"(B) the provision of those support services to the families of such students that are needed to enable such students to benefit from the program.

"(c) ADMINISTRATIVE COSTS.—Not more than 7 percent of the funds appropriated to carry out the provisions of this section for any fiscal year may be used for administrative purposes.

"(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amount authorized to be appropriated for the program described in this section, there are authorized to be appropriated $1,500,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section. Funds appropriated under the authority of this subsection shall remain available until expended.

"SEC. 9309. NATIVE HAWAIIAN SPECIAL EDUCATION PROGRAM.

"(a) GENERAL AUTHORITY.—The Secretary is authorized to make grants to, or enter into contracts with, Native Hawaiian educational organizations or educational entities with experience in developing or operating Native Hawaiian programs or programs of instruction conducted in the Native Hawaiian language, to operate a program to address the special education needs of Native Hawaiian students. Such program may include—

"(1) the identification of Native Hawaiian students with learning disabilities, mental or physical disabilities, emotional impairments, or who are otherwise in need of special educational services;

"(2) the identification of the special education needs of such students, particularly with respect to—

"(A) the emotional and psychosocial needs of such students; and

"(B) the provision of those support services to the families of such students that are needed to enable such students to benefit from the program;

"(3) the conduct of educational activities consistent with part B of the Education of Individuals with Disabilities Education Act which hold reasonable promise of resulting in substantial progress toward meeting the educational needs of such students;

"(4) the conduct of educational, psychosocial, and developmental activities which hold reasonable promise of resulting in substantial progress toward meeting the educational needs of such students, including demonstrating and exploring the use of the Native Hawaiian language and exposure to Native Hawaiian cultural traditions; and

"(5) appropriate research, evaluation, and related activities pertaining to—

"(A) the needs of such students;

"(B) the provision of those support services to the families of such students that are needed to enable such student to benefit from the program; and

"(C) the outcomes and benefits of activities assisted under this section upon such students.

"(b) ADMINISTRATIVE COSTS.—Not more than 7 percent of the funds appropriated to carry out the provisions of this section for any fiscal year may be used for administrative purposes.

"(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amount authorized to be appropriated for the program described in this section, there are authorized to be appropriated $2,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section. Funds appropriated under the authority of this subsection shall remain available until expended.

"SEC. 9310. NATIVE HAWAIIAN EDUCATION COUNCIL AND ISLAND COUNCILS.

"(a) ESTABLISHMENT OF NATIVE HAWAIIAN EDUCATION COUNCIL.—In order to better effectuate the purposes of this part through the coordination of educational and related services and programs available to Native Hawaiians, including those programs receiving funding under this part, the Secretary is authorized to establish a Native Hawaiian Education Council (hereafter in this part referred to as the 'Education Council').

"(b) COMPOSITION OF EDUCATION COUNCIL.—The Education Council shall consist of not more than 25 members, including a representative of—

"(1) each recipient of funds from the Secretary under this part;

"(2) the State of Hawai'i Department of Education;

"(3) the State of Hawai'i Office of Hawaiian Affairs;

"(4) Native Hawaiian educational organizations, such as Alu Like, Inc., Kamehameha Schools Bishop Estate, Hawaiian Language Immersion Advisory Council, Aha Punana Leo, and the Queen Lili'uokalani Trust and Children's Center; and

"(5) each Native Hawaiian education island council established under subsection (f).

"(c) CONDITIONS AND TERMS.—At least three-fourths of the members of the Education Council shall be Native Hawaiians. Members of the Education Council shall be appointed for three-year terms.

"(d) ADMINISTRATIVE GRANT FOR THE EDUCATION COUNCIL.—The Secretary shall make a direct grant to the Education Council in order to enable the Education Council to—

"(1) coordinate the educational and related services and programs available to Native Hawaiians, including the programs assisted under this part, and assess the extent to which such services and programs meet the needs of Native Hawaiians; and

"(2) provide direction and guidance, through the issuance of reports and recommendations, to appropriate Federal, State, and local agencies in order to focus and improve the use of resources, including resources made available under this part, on Native Hawaiian education.

"(e) ADDITIONAL DUTIES OF THE EDUCATION COUNCIL.—

"(1) IN GENERAL.—The Education Council shall provide copies of any reports and recommendations issued by the Education Council to the Secretary, the Committee on Indian Affairs of the Senate, and the Committee on Education and Labor of the House of Representatives, including any information that the Education Council provides to the Secretary pursuant to subsection (i)(1).

"(2) ANNUAL REPORT.—The Education Council shall present to the Secretary an annual report on the Education Council's activities.

"(3) ISLAND COUNCIL SUPPORT AND ASSISTANCE.—The Education Council shall provide such administrative support and financial assistance to the island councils established pursuant to subsection (f) as the Secretary deems appropriate.

"(f) ESTABLISHMENT OF ISLAND COUNCILS.—

"(1) IN GENERAL.—In order to better effectuate the purposes of this part and to ensure the adequate representation of island and community interests within the Education Council, the Office of Hawaiian Affairs of the State of Hawai'i is authorized to facilitate the establishment of Native Hawaiian education island councils (hereafter in this part referred to as 'island councils') for the following islands:

"(A) Hawai'i.

"(B) Maui and Lana'i.

"(C) Moloka'i.

"(D) Kaua'i and Ni'ihau.

"(E) O'ahu.

"(2) COMPOSITION OF ISLAND COUNCILS.—Each island council shall consist of parents, students, and other community members who have an interest in the education of Native Hawaiians, and shall be representative of the educational needs of all age groups, from preschool through adulthood. At least three-fourths of the members of each island council shall be Native Hawaiians

"(g) ADMINISTRATIVE PROVISIONS RELATING TO EDUCATION COUNCIL AND ISLAND COUNCILS.—The Education Council and each island council shall meet at the call of the chairperson of the respective council, or upon the request of the majority of the members of the respective council, but in any event not less than four times during each calendar year. The provisions of the Federal Advisory Committee Act shall not apply to the Education Council and each island council.

"(h) COMPENSATION.—Members of the Education Council and each island council shall not receive any compensation for services on the Education Council and each island council, respectively.

"(i) REPORT.—Not later than four years after the date of the enactment of the Improving America's Schools Act of 1994, the Secretary shall prepare and submit to the Committee on Indian Affairs of the Senate, and the Committee on Education and Labor of the House of Representatives, a report which summarizes the annual reports of the Education Council, describes the allocation and utilization of funds under this part, and contains recommendations for changes in Federal, State, and local policy to advance the purposes of this part.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $500,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section. Funds appropriated under the authority of this subsection shall remain available until expended.

"SEC. 9311. ADMINISTRATIVE PROVISIONS.

"(a) APPLICATION REQUIRED.—No grant may be made under this part, nor any contract be entered into under this part, unless an application is submitted to the Secretary in such form, in such manner, and containing such information as the Secretary may determine necessary to carry out the provisions of this part.

"(b) SPECIAL RULE.—Each application submitted under this part shall be accompanied by the comments of each local educational agency serving students who will participate in the program for which assistance is sought.

"SEC. 9312. DEFINITIONS.

"For the purposes of this part—

"(1) the term 'Native Hawaiian' means any individual who is a descendant of the aboriginal people, who prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawaii, as evidenced by—

"(A) genealogical records;

"(B) Kūpuna (elders) or Kama'āina (long-term community residents) verification; or

"(C) certified birth records;

"(2) the term 'Native Hawaiian educational organization' means a private nonprofit organization that—

"(A) serves the interests of Native Hawaiians;

"(B) has a demonstrated expertise in the education of Native Hawaiians; and

"(C) has Native Hawaiians in substantive and policymaking positions within the organization;

"(3) the term 'Native Hawaiian language' means the single Native American language indigenous to the original inhabitants of the State of Hawaii;

"(4) the term 'Office of Hawaiian Affairs' means the Office of Hawaiian Affairs established by the Constitution of the State of Hawaii; and

"(5) the term 'Native Hawaiian community-based organization' means any organization which is composed primarily of Native Hawaiians from a specific community and which assists in the social, cultural and educational development of Native Hawaiians in that community.

"PART D—TERRITORIAL ASSISTANCE

"SEC. 9401. GENERAL ASSISTANCE FOR THE VIRGIN ISLANDS.

"There are authorized to be appropriated $5,000,000 for fiscal year 1995 and for each of the 4 succeeding fiscal years, for the purpose of providing general assistance to improve public education in the Virgin Islands.

"TITLE X—GENERAL PROVISIONS

"PART A—DEFINITIONS

"SEC. 10101. DEFINITIONS.

"Except as otherwise provided, for the purposes of this Act, the following terms have the following meanings:

"(1) AVERAGE DAILY ATTENDANCE.—(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) AVERAGE PER-PUPIL EXPENDITURE.—The term 'average per-pupil expenditure' means, in the case of a State or of the United States—

"(A) without regard to the source of funds—

"(i) the aggregate current expenditures, during the third 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) CHARTER SCHOOL.—The term 'charter school' means a public school operated under public supervision and direction, that is nonsectarian, provides elementary or secondary education, or both, does not change tuition, and complies with relevant Federal education laws.

"(4) CHILD.—The term 'child' means any person within the age limits for which the applicable State provides free public education.

"(5) COMMUNITY-BASED ORGANIZATION.—The term 'community-based organization' means a public or private nonprofit organization of demonstrated effectiveness that—

"(A) is representative of a community or significant segments of a community; and

"(B) provides educational or related services to individuals in the community.

"(6) CONSOLIDATED STATE APPLICATION.—The term 'consolidated State application' means an application submitted by a State educational agency pursuant to section 10302.

"(7) COUNTY.—The term 'county' means one of those divisions of a State used by the Secretary of Commerce in compiling and reporting data regarding counties.

"(8) COVERED PROGRAM.—The term 'covered program' means each of the programs authorized by—

"(A) part A of title I;

"(B) part D of title I;

"(C) part A of title II (other than section 2114);

"(D) subpart 1 of part A of title V (other than section 5114);

"(E) subpart 2 of part A of title III; and

"(F) title XIII.

"(9) CURRENT EXPENDITURES.—The term 'current expenditures' means expenditures for free public education—

"(A) including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities; but

"(B) not including expenditures for community services, capital outlay, and debt service, or any expenditures made from funds received under title I, part A of title II, and title XIII.

"(10) DEPARTMENT.—The term 'Department' means the Department of Education.

"(11) EDUCATIONAL SERVICE AGENCY.—The term 'educational service agency' means regional public multiservice agencies authorized by State statute to develop, manage, and provide services or programs to local educational agencies.

"(12) ELEMENTARY SCHOOL.—The term 'elementary school' means a day or residential school that provides elementary education, as determined under State law.

"(13) 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 school education as determined under applicable State law, except that such term does not include any education provided beyond grade 12.

"(14) GIFTED AND TALENTED.—The term 'gifted and talented', when used with respect to students, children or youth, means students, children or youth who give evidence of high performance capability in areas such as intellectual, creative, artistic, or leadership capacity, or in specific academic fields, and who require services or activities not ordinarily provided by the school in order to fully develop such capabilities.

"(15) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given that term in section 1201 of the Higher Education Act of 1965.

"(16) INTEROPERABLE AND INTEROPERABILITY.—The terms 'interoperable' and 'interoperability' refer to the ability to easily exchange data with, and connect to, other hardware and software in order to provide the greatest accessibility to such data for all students.

"(17) LOCAL EDUCATIONAL AGENCY.—(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.

"(C) The term includes an elementary or secondary school funded by the Bureau of Indian Affairs but only to the extent that such inclusion makes such school eligible for programs for which specific eligibility is not provided to such school in another provision of law, except that such school shall not be subject to the jurisdiction of any State educational agency other than the Bureau of Indian Affairs.

"(18) OTHER STAFF.—The term 'other staff' means pupil services personnel, librarians, career guidance and counseling personnel, education aides, and other instructional and administrative personnel.

"(19) OUTLYING AREA.—The term 'outlying area' means the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau.

"(20) PARENT.—The term 'parent' includes a legal guardian or other person standing in loco parentis.

"(21) PUBLIC TELECOMMUNICATION ENTITY.—The term 'public telecommunication entity' has the same meaning given to such term in section 397(12) of the Communications Act of 1934.

"(22) PUPIL SERVICES PERSONNEL; PUPIL SERVICES.—

"(A) The term 'pupil services personnel' means school counselors, school social workers, school psychologists, and other qualified professional personnel involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary services (including related services as such term is defined in section 602 of the Individuals with Disabilities Education Act) as part of a comprehensive program to meet student needs.

"(B) The term 'pupil services' means the services provided by pupil services personnel.

"(23) SECONDARY SCHOOL.—The term 'secondary school' means a day or residential school that provides secondary education, as determined under State law, except that such term does not include any education beyond grade 12.

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

"(25) STATE.—The term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.

"(26) STATE EDUCATIONAL AGENCY.—The term 'State educational agency' means the agency primarily responsible for the State supervision of public elementary and secondary schools.

"(27) TECHNOLOGY.—The term 'technology' means the latest state-of-the-art technology products and services, such as closed circuit television systems, educational television or radio programs and services, cable television, satellite, copper and audio laser and CD-ROM disks, video and audio tapes, including interactive forms of such products and services, or other technologies.

"SEC. 10102. APPLICABILITY OF THIS TITLE.

"Parts B through F of this title do not apply to part A of title IX.

"PART B—FLEXIBILITY IN THE USE OF ADMINISTRATIVE AND OTHER FUNDS

"SEC. 10201. CONSOLIDATION OF STATE ADMINISTRATIVE FUNDS FOR ELEMENTARY AND SECONDARY EDUCATION PROGRAMS.

"(a) CONSOLIDATION OF ADMINISTRATIVE FUNDS.—

"(1) IN GENERAL.—A State educational agency may consolidate the amounts specifically made available to such agency for State administration under one or more of the programs specified under paragraph (2).

"(2) APPLICABILITY.—This section applies to programs under title I, those covered programs described in subparagraphs (C), (D), (E), and (F) of section 10101(7), and administrative funds under section 308(c) of the Goals 2000: Educate America Act.

"(b) USE OF FUNDS.—

"(1) IN GENERAL.—A State educational agency shall use the amount available under this section for the administration of the programs included in the consolidation under subsection (a).

"(2) ADDITIONAL USES.—A State educational agency may also use funds available under this section for administrative activities designed to enhance the effective and coordinated use of funds under the programs included in the consolidation under subsection (a), such as—

"(A) the coordination of such programs with other Federal and non-Federal programs;

"(B) the establishment and operation of peer-review mechanisms under this Act;

"(C) the administration of this title;

"(D) the dissemination of information regarding model programs and practices; 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 such agency under this section for administration, such agency 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).

"(f) CONSOLIDATION OF FUNDS FOR STANDARDS AND ASSESSMENT DEVELOPMENT.—In order to develop State content standards, State student performance standards, or assessments, a State educational agency may consolidate the amounts made available to such agency for such purposes under title I of this Act and title III of the Goals 2000: Educate America Act.

"SEC. 10202. SINGLE LOCAL EDUCATIONAL AGENCY STATES.

"A State educational agency that also serves as a local educational agency, in such agency's applications or State plans under this Act, shall describe how such agency will eliminate duplication in the conduct of administrative functions.

"SEC. 10203. CONSOLIDATION OF FUNDS FOR LOCAL ADMINISTRATION.

"(a) GENERAL AUTHORITY.—In accordance with regulations issued by 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 1994, a State educational agency, in collaboration with local educational agencies in the State, shall 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 such consolidated funds for the administration of covered programs and for the purposes described in section 10201(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.

"SEC. 10204. ADMINISTRATIVE FUNDS STUDY.

"(a) STUDY.—

"(1) IN GENERAL.—The Secretary shall conduct a study of the use of funds under this Act for the administration, by State and local educational agencies, of all covered programs, including the percentage of grant funds used for such purpose in all covered programs.

"(2) RESULTS.—Based on the results of the study described in paragraph (1), the Secretary shall, within one year of the completion of such study, promulgate final regulations regarding the use of funds for administration under all covered 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 complete the study conducted under this section not later than 1 year after the date of enactment of the Improving America's Schools Act of 1994 and shall submit to the President and the appropriate committees of the Congress a report regarding such study within 30 days of the completion of such study.

"SEC. 10205. CONSOLIDATED SET-ASIDE FOR DEPARTMENT OF THE INTERIOR FUNDS.

"(a) GENERAL AUTHORITY.—

"(1) TRANSFER.—The Secretary shall transfer to the Department of the Interior, as a consolidated amount for covered programs, the Indian education programs under part A of title 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) AGREEMENT.—(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 not more than 1.5 percent of the funds consolidated under this section for such department's costs related to the administration of the funds transferred under this section.

"SEC. 10206. AVAILABILITY OF UNNEEDED PROGRAM FUNDS.

"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 are not needed for the purpose of that covered program may use such funds, not to exceed 5 percent of the total amount of such local educational agency's funds under that covered program, for the purpose of another covered program.

"PART C—COORDINATION OF PROGRAMS; CONSOLIDATED STATE AND LOCAL APPLICATIONS

"SEC. 10301. PURPOSE.

"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.

"SEC. 10302. OPTIONAL CONSOLIDATED STATE APPLICATION.

"(a) GENERAL AUTHORITY.—

"(1) SIMPLIFICATION.—In order to simplify application requirements and reduce burden for State educational agencies under this Act, the Secretary, in accordance with subsection (b), shall establish procedures and criteria under which a State educational agency may submit a consolidated State plan or application meeting the requirements of this section for each of the covered programs in which the State participates.

"(2) ADDITIONAL PROGRAMS.—A State educational agency may also include in its consolidated plan or application—

"(A) the Even Start program under part C of title I;

"(B) the education for neglected and delinquent youth program under part E of title I;

"(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) CONSOLIDATED APPLICATIONS AND PLANS.—A State educational agency that submits a consolidated State plan or application under this section shall not be required to submit separate State plans or applications under

any of the programs to which the consolidated application under this section applies.

"(b) COLLABORATION.—

"(1) IN GENERAL.—In establishing criteria and procedures under this section, the Secretary shall collaborate with State educational agencies and, as appropriate, with other State agencies, local educational agencies, public and private nonprofit agencies, organizations, and institutions, private schools, and representatives of parents, students, and teachers.

"(2) CONTENTS.—Through the collaborative 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 plan or application.

"SEC. 10303. GENERAL APPLICABILITY OF STATE EDUCATIONAL AGENCY ASSURANCES.

"(a) ASSURANCES.—A State educational agency that submits a State plan or application under this Act, whether separately or under section 10302, shall have on file with the Secretary a single set of assurances, applicable to each program for which a plan or application is submitted, that provides that—

"(1) each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;

"(2)(A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency, in a nonprofit private agency, institution, or organization, or in an 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, institutions, organizations and other recipients responsible for carrying out each program;

"(B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation; and

"(C) the adoption of written procedures for the receipt and resolution of complaints alleging violations of law in the administration of 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 program; 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.

"SEC. 10304. CONSOLIDATED LOCAL APPLICATIONS.

"(a) GENERAL AUTHORITY.—A local educational agency receiving funds under more than one covered program may submit plans or applications to the State educational agency under such programs on a consolidated basis.

"(b) REQUIRED CONSOLIDATED APPLICATIONS.—A State educational agency that has submitted and had approved a consolidated State plan or application under section 10302 may require local educational agencies in the State receiving funds under more than one program included in the consolidated State plan or application to submit consolidated local plans or 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 plans or applications under this section.

"SEC. 10305. OTHER GENERAL ASSURANCES.

"(a) ASSURANCES.—Any applicant other than a State educational agency that submits a plan or application under this Act, whether separately or pursuant to section 10304, shall have on file with the State educational agency a single set of assurances, applicable to each program for which a plan or application is submitted, that provides that—

"(1) each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;

"(2)(A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency or in 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 plan or application was submitted, the applicant is afforded a reasonable opportunity for public comment on the plan or 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.

"SEC. 10306. RELATIONSHIP OF STATE AND LOCAL PLANS TO PLANS UNDER THE GOALS 2000: EDUCATE AMERICA ACT.

"(a) STATE PLANS.—

"(1) IN GENERAL.—Each State plan submitted under the following programs shall be integrated with each other and the State's plan, if any, either approved or being developed, under title III of the Goals 2000: Educate America Act:

"(A) Part A of title I (making high-poverty schools work).

"(B) Part D of title I (education of migratory children).

"(C) Part E of title I (education of neglected and delinquent youth).

"(D) Part A of title II (professional development).

"(E) Subpart 1 of part A of title V (safe and drug-free schools).

"(F) Part D of title VI (Indian education).

"(2) SPECIAL RULE.—Notwithstanding any other provision of this Act, if a requirement relating to a State plan referred to in paragraph (1) is already satisfied by the State's approved plan under title III of the Goals 2000: Educate America Act, the State plan referred to in paragraph (1) need not separately address that requirement.

"(3) AMENDMENT.—Any State plan referred to in paragraph (1) may, if necessary, be submitted as an amendment to the State's plan under title III of the Goals 2000: Educate America Act.

"(b) LOCAL PLANS.—

"(1) IN GENERAL.—Each local educational agency plan submitted under the following programs shall be integrated with each other and its plan, if any, either approved or being developed, under title III of the Goals 2000: Educate America Act:

"(A) Part A of title I (making high-poverty schools work).

"(B) Part A of title II (professional development).

"(C) Subpart 1 of part A of title V (safe and drug-free schools).

"(D) Part A of title VI (Indian education).

"(E) Subpart 1 of part A of title VII (bilingual education).

"(F) Part B of title IX (emergency immigrant education).

"(2) PLAN OF OPERATION.—Each plan of operation included in an application submitted by an eligible entity under part C of title I (Even Start) shall be consistent with, and promote 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.

"(3) SPECIAL RULE.—Notwithstanding any other provision of this Act, if a requirement relating to a local plan referred to in paragraph (1) is already satisfied by the local educational agency's approved plan under title III of the Goals 2000: Educate America Act, the local plan referred to in paragraph (1) need not separately address that requirement.

"(4) SUBMISSION.—Any local plan referred to in paragraph (1) may, if necessary, be submitted as an amendment to the local educational agency's plan under title III of the Goals 2000: Educate America Act.

"PART D—WAIVERS

"SEC. 10401. WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS.

"(a) WAIVER AUTHORITY.—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, local 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—

"(1) 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;

"(2) in the case of a waiver proposal submitted by a State educational agency, the State educational agency—

"(A) provides all interested local educational agencies in the State with notice and an opportunity to comment on the proposal;

"(B) submits the comments to the Secretary; and

"(C) provides notice and information to the public regarding the waiver proposal in the manner that such agency customarily provides similar notices and information to the public; and

"(3) 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 a State educational agency—

"(A) such request has been reviewed by the State educational agency and is accompanied by the comments, if any, of such State educational agency; and

"(B) notice and information regarding the waiver proposal has been provided to the public by the agency, institution, or organization requesting the waiver in the manner that such agency, institution, or organization customarily provides similar notices and information to the public.

"(b) WAIVER PERIOD.—

"(1) IN GENERAL.—A waiver under this section shall be for a period not to exceed 4 years.

"(2) EXTENSION.—The Secretary may extend the period described in paragraph (1) 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 the waiver was requested and the waiver 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) applicable civil rights requirements; or

"(7) 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 the waiver is no longer necessary to achieve its original purposes.

"(e) PUBLICATION.—A notice of the Secretary's decision to grant each waiver under subsection (a) shall be published in the Federal Register and the Secretary shall provide for the dissemination of such notice to State educational agencies, interested parties, including educators, parents, students, advocacy, and civil rights organizations, other interested parties, and the public.

"PART E—UNIFORM PROVISIONS

"SEC. 10501. MAINTENANCE OF EFFORT.

"(a) IN GENERAL.—A local educational agency may receive funds under a covered program for any fiscal year only if the State educational agency finds that either the combined fiscal effort per student or the aggregate expenditures of 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) IN GENERAL.—The State educational agency shall reduce the amount of the allocation of funds under a covered program in any fiscal year in the exact proportion 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) SPECIAL RULE.—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.

"SEC. 10502. PROHIBITION REGARDING STATE AID.

"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.

"SEC. 10503. PARTICIPATION BY PRIVATE SCHOOL CHILDREN AND TEACHERS.

"(a) PRIVATE SCHOOL PARTICIPATION.—

"(1) IN GENERAL.—Except as otherwise provided in this Act, to the extent consistent with the number of eligible children in 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, their teachers, administrators, and other staff, on an equitable basis, special educational services or other benefits under such program.

"(2) SECULAR, NEUTRAL, AND NONIDEOLOGICAL SERVICES OR BENEFITS.—Educational services or other benefits, including materials and equipment, provided under this section, must be secular, neutral, and nonideological.

"(3) SPECIAL RULE.—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, administrators, and other staff participating in such program.

"(4) EXPENDITURES.—Expenditures for educational services and other benefits provided under this section to eligible private school children, their teachers, and other educational personnel serving such children 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) PROVISION OF SERVICES.—Such agency or consortium may provide such services directly or through contracts with public and private agencies, organizations, and institutions.

"(b) APPLICABILITY.—

"(1) IN GENERAL.—This section applies to—

"(A) part A of title I;

"(B) part D of title I;

"(C) part A of title II (other than section 2114);

"(D) part A of title III;

"(E) part B of title III;

"(F) part D of title III;

"(G) subpart 1 of part A of title V (other than section 5114);

"(H) title VII;

"(I) part B of title IX; and

"(J) title XIII.

"(2) DEFINITION.—For the purposes of this section, the term 'eligible children' means children eligible for services under a program described in paragraph (1).

"(c) CONSULTATION.—

"(1) IN GENERAL.—To ensure timely and meaningful consultation, 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) TIMING.—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) DISCUSSION REQUIRED.—Such consultation shall include a discussion of service delivery mechanisms that an agency or consortium could use to provide equitable services to eligible private school children, teachers, administrators, and other staff.

"(d) PUBLIC CONTROL OF FUNDS.—

"(1) IN GENERAL.—The control of funds used to provide services under this section, and title to materials, equipment, and property purchased with such 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) PROVISION OF SERVICES.—(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.

"SEC. 10504. STANDARDS FOR BY-PASS.

"If, by reason of any provision of law, a State, local, or intermediate educational agency or consortium of such agencies 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 10503, 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 10503, 10505, and 10506.

"SEC. 10505. COMPLAINT PROCESS FOR PARTICIPATION OF PRIVATE SCHOOL CHILDREN.

"(a) PROCEDURES FOR COMPLAINTS.—The Secretary shall develop and implement written procedures for receiving, investigating, and resolving complaints from parents, teachers, or other individuals and organizations concerning violations by an agency or consortium of section

10503 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.

"SEC. 10506. BY-PASS DETERMINATION PROCESS.

"(a) REVIEW.—

"(1) IN GENERAL.—(A) The Secretary shall not take any final action under section 10504 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) PETITION FOR REVIEW.—(A) If such affected agency or consortium is dissatisfied with the Secretary's final action after a proceeding under paragraph (1), such agency or consortium 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) FINDINGS OF FACT.—(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) JURISDICTION.—(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 10503 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 preceding the date of enactment of the Improving America's Schools Act of 1994 shall remain in effect to the extent the Secretary determines that such determination is consistent with the purpose of this section.

"SEC. 10507. PROHIBITION AGAINST FUNDS FOR RELIGIOUS WORSHIP OR INSTRUCTION.

"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

"SEC. 10601. STATE RECOGNITION OF EXEMPLARY PERFORMANCE.

"(a) RECOGNITION.—

"(1) IN GENERAL.—A State educational agency may implement a program of State recognition awards under one or more covered programs (other than parts A and C of title I).

"(2) RECIPIENTS.—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) FUNDING.—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 programs for any fiscal year, not to exceed 1 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 the State 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, such agency 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) such agency employs peer review procedures in identifying recipients eligible for awards, the identity of the awardees, and the amount of the awards;

"(3) such agency determines that the awardee is in compliance with applicable civil rights requirements; and

"(4) such agency submits to the Secretary a description of the criteria used in making such awards.

"SEC. 10602. APPLICABILITY TO HOME SCHOOLS.

"Nothing in this Act shall be construed to affect home schools.

"SEC. 10603. GENERAL PROVISION REGARDING NONRECIPIENT NONPUBLIC SCHOOLS.

"Nothing in this Act shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law. This section shall not be construed to bar private, religious, or home schools from participation in programs or services under this Act.

"SEC. 10604. PROHIBITION ON FEDERAL MANDATES, DIRECTION, AND CONTROL.

"Nothing in this Act shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's curriculum, program of instruction, or allocation of State or local resources, or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act.

"SEC. 10605. REPORT.

"The Secretary shall report to the Congress within 180 days of the date of enactment of the Improving America's Schools Act of 1994 regarding how the Secretary shall ensure that audits conducted by Department employees of activities assisted under this Act comply with changes to this Act made by the Improving America's Schools Act of 1994, particularly with respect to permitting children with similar educational needs to be served in the same educational settings, where appropriate.

"SEC. 10606. REQUIRED PARTICIPATION PROHIBITED.

"Notwithstanding any other provision of law, no State shall be required to participate in any program under the Goals 2000: Education America Act, or to have content standards or student performance standards approved or certified under such Act, in order to receive assistance under this Act.

"SEC. 10607. SCHOOL PRAYER.

"Any State or local education agency that is adjudged by a Federal court of competent jurisdiction to have willfully violated a Federal court order mandating that such local educational agency remedy a violation of the constitutional right of any student with respect to prayer in public schools, in addition to any other judicial remedies, shall be ineligible to receive Federal funds until such time as the local educational agency complies with such order. Funds that are withheld under this section shall not be reimbursed for the period during which the local educational agency was in willful noncompliance.

"SEC. 10608. PRIVATELY MANAGED SCHOOLS.

"Nothing in this Act shall be construed to deny States or local educational agencies the opportunity to use Federal funds to contract with private management firms.

"SEC. 10609. POLICY REGARDING CRIMINAL JUSTICE SYSTEM REFERRAL.

"(a) IN GENERAL.—No funds shall be made available under this Act to any local educational agency unless such agency has a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a firearm or weapon to a school served by such agency.

"(b) DEFINITIONS.—For the purpose of this section, the terms 'firearm' and 'school' have the same meaning given to such terms by section 921(a) of title 18, United States Code.

"PART G—EVALUATIONS

"SEC. 10701. EVALUATIONS.

"(a) EVALUATIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary is authorized to reserve not more than 0.50 percent of the amount appropriated to carry out each program authorized under this Act—

"(A) to carry out program evaluations and studies of program effectiveness under this Act in accordance with subsection (b);

"(B) to evaluate the aggregate short- and long-term effects and cost efficiencies across Federal programs authorized under this Act and related preschool, elementary and secondary Federal programs under other Federal law;

"(C) to evaluate the short- and long-term effects of demonstration projects that show the most promise of enabling children served under this Act to meet challenging standards in accordance with subsection (c); and

"(D) to strengthen the usefulness of grant recipient evaluations for continuous program progress through improving the quality, timeliness, efficiency, and utilization of program information on program performance.

"(2) SPECIAL RULE.—(A) Paragraph (1) shall not apply to any program under title I.

"(B) If funds are made available under any program assisted under this Act (other than a program under title I) for evaluation activities, then the Secretary shall use such funds to carry out paragraph (1).

"(b) NATIONAL EVALUATIONS.—

"(1) IN GENERAL.—The Secretary shall use not more than 90 percent of the funds made available under subsection (a) to carry out—

"(A) independent studies of programs authorized under this Act that are coordinated with research supported through the Office of Educational Research and Improvement, and use rigorous methodological designs and techniques, including longitudinal designs, control groups, and random assignment as appropriate, to determine—

"(i) the success of such programs in meeting the measurable goals and objectives, through appropriate targeting, quality services, and efficient administration, and in contributing to achieving the National Education Goals, with a priority on assessing program impact on student performance;

"(ii) the short- and long-term effects of program participation on program participants, as appropriate;

"(iii) the cost and efficiency of such programs; and

"(iv) to the extent feasible, the cost of serving all students eligible to be served under such programs;

"(B) in collaboration with the national assessment conducted pursuant to section 1601, conduct a comprehensive evaluation of how the Federal Government has assisted the States to reform their educational systems through the various education laws enacted during the 103d Congress, which evaluation shall—

"(i) encompass the changes made in Federal programs pursuant to the Improving America's Schools Act of 1994 as well as in any other law enacted during the 103d Congress that amended a Federal program assisting preelementary, elementary, or secondary education;

"(ii) encompass new initiatives such as initiatives under the Goals 2000: Educate America Act, and the School-to-Work Opportunities Act of 1994, and be coordinated with evaluations of such Acts;

"(iii) include a comprehensive review of the programs developed under the Acts described in clauses (i) and (ii) to determine such programs' overall effect on—

"(I) the readiness of children for schooling;

"(II) the improvement in educational attainment of students in elementary and secondary education; and

"(III) the improvement in skills needed by students to obtain employment or pursue further education upon completion of secondary school or further education;

"(iv) include a comprehensive review of the programs under the Acts described in clauses (i) and (ii) to determine such programs' overall effect—

"(I) on school reform efforts undertaken by States; and

"(II) on student populations that have been the traditional beneficiaries of Federal assistance in order to determine whether such population's educational attainment has been improved as a result of such programs;

"(v) evaluate how the National Assessment Governing Board, the Advisory Council on Education Statistics, the National Education Goals Panel, and the National Education Statistics and Improvement Council (and any other Federal board established to analyze, address, or approve education standards and assessments) coordinate, interact, or duplicate efforts to assist the States in reforming the educational systems of States; and

"(vi) include a review of the programs under the Acts described in clauses (i) and (ii) in such detail as the Secretary deems appropriate, and may involve cooperation with other Federal departments and agencies in order to incorporate evaluations and recommendations of such departments and agencies; and

"(C) a study of the waivers granted under section 10401, which study shall include—

"(i) data on the total number of waiver requests that were granted and the total number of such requests that were denied, disaggregated by the statutory or regulatory requirement for which the waivers were requested; and

"(ii) an analysis, based on an appropriate sample of agencies, tribes, organizations, and institutions receiving waivers, of the effectiveness of such waivers in improving student performance outcomes.

"(2) INDEPENDENT PANEL.—The Secretary shall appoint an independent panel to review the plan for the evaluation described in paragraph (1), to advise the Secretary on such evaluation's progress, and to comment, if the panel so wishes, on the final report described in paragraph (3).

"(3) REPORT.—The Secretary shall submit a final report on the evaluation described in this subsection by January 1, 1998, to the Committee on Education and Labor of the House of Representatives and to the Committee on Labor and Human Resources of the Senate.

"(c) EVALUATION OF DEMONSTRATIONS OF INNOVATIVE PRACTICES.—The Secretary shall use at least 10 percent of funds reserved under subsection (a) for evaluation of demonstration projects assisted under this Act in order to improve student achievement. Such evaluation shall—

"(1) identify specific intervention strategies and implementation of such strategies that, based on theory, research and evaluation, offer the promise of improved achievement of program objectives;

"(2) use rigorous methodological designs and techniques, including longitudinal designs, control groups, and random assignment, to the extent feasible, to produce reliable evidence of effectiveness;

"(3) assess at the end the reauthorization period of each demonstration project the knowledge gained in identifying and disseminating effective management and educational practices; and

"(4) to the extent feasible, the cost of serving all students eligible to be served under such demonstration projects.

"(d) RECIPIENT EVALUATION AND QUALITY ASSURANCE IMPROVEMENT.—The Secretary is authorized to provide guidance, technical assistance, and model programs to recipients of assistance under this Act to strengthen information for quality assurance and performance information feedback at State and local levels. Such guidance and assistance shall promote the development, measurement and reporting of valid, reliable, timely and consistent performance indicators within a program in order to promote continuous program improvement. Nothing in this subsection shall be construed to establish a national data system.

"TITLE XI—CULTURAL PARTNERSHIPS FOR AT-RISK CHILDREN AND YOUTH

"SEC. 11101. SHORT TITLE.

"This title may be cited as the 'Cultural Partnerships for At-Risk Children and Youth Act of 1994'.

"SEC. 11102. FINDINGS.

"The Congress finds that—

"(1) with local school budget cuts there are inadequate arts and cultural programs available for children and youth in schools, especially at the elementary school level;

"(2) children and youth who receive instruction in the arts and humanities, or who are involved in cultural activities, remain in school longer and are more successful than children who do not receive such instruction;

"(3) school-university partnerships that upgrade teacher training in the arts and humanities have significantly contributed to improved instruction and achievement levels of school-aged children; and

"(4) museum outreach, cultural activities and informal education for at-risk children and youth have contributed significantly to the educational achievement and enhanced interest in learning of at-risk children and youth.

"SEC. 11103. DEMONSTRATION PROGRAM.

"(a) GRANTS AUTHORIZED.—

"(1) GRANT FROM SECRETARY.—(A) The Secretary, by grant, shall award all funds appropriated under section 11108 to the Committee established under subsection (b) to enable such Committee to award subgrants in accordance with paragraph (2).

"(B) The Committee established under subsection (b) may reserve not more than 5 percent of the grant funds received under paragraph (1) in each fiscal year for the costs of administration.

"(2) SUBGRANTS.—(A) From grant funds received under paragraph (1)(A) and not reserved under paragraph (1)(B), the Committee established under subsection (b) shall award subgrants to eligible entities to enable such entities to improve the educational performance and potential of at-risk children and youth by providing comprehensive and coordinated educational and cultural services to such children and youth.

"(B) Each eligible recipient may reserve not more than 5 percent of any subgrant funds received under this part in each fiscal year for the costs of administration.

"(3) ELIGIBLE ENTITIES.—For purposes of this title, the term 'eligible entity' means—

"(A) for purposes of determining eligibility for a subgrant under this title to serve in-school children and youth, a partnership between—

"(i) a local educational agency or an individual school that is eligible to participate in a schoolwide program under section 1114; and

"(ii) at least 1 institution of higher education, museum, local arts agency, or cultural entity that is accessible to individuals within the school district of such local educational agency or school, and that has a history of providing quality services to the community, which may include—

"(I) a nonprofit institution of higher education, local arts agency, cultural institution, or zoological or botanical facility; or

"(II) a private for-profit entity with an effective history of training children and youth in the arts or humanities; and

"(B) for purposes of determining eligibility for a subgrant under this title to serve out-of-school youth, a partnership between—

"(i) at least 1 entity described in clause (i) or (ii) of subparagraph (A); and

"(ii) at least 1 entity described in clause (ii) of subparagraph (A).

"(b) NATIONAL COMMITTEE ON CULTURAL PARTNERSHIPS FOR AT-RISK CHILDREN AND YOUTH.—

"(1) ESTABLISHMENT.—There is established a committee to be known as the National Committee on Cultural Partnerships for At-Risk Children and Youth (referred to in this title as the 'Committee').

"(2) MEMBERSHIP.—The Committee shall be comprised of 8 members, of whom—

"(A) 2 members shall be appointed by the Secretary of Education;

"(B) 2 members shall be appointed by the Chairperson of the National Endowment for the Humanities;

"(C) 2 members shall be appointed by the Chairperson of the National Endowment for the Arts; and

"(D) 2 members shall be appointed by the Director of the Institute of Museum Services.

"(c) AWARD OF SUBGRANTS.—

"(1) IN GENERAL.—The Committee shall award subgrants under this title to eligible entities seeking to carry out programs designed to—

"(A) promote and enhance educational and cultural activities;

"(B) provide integration of community cultural resources into the regular curriculum and school day;

"(C) focus school and cultural resources in the community on coordinated cultural services to address the needs of at-risk children and youth;

"(D) provide effective cultural programs to facilitate the transition from preschool programs to elementary school programs, including programs under the Head Start Act and part H of the Individuals with Disabilities Education Act;

"(E) facilitate school-to-work transition from secondary schools and alternative schools to job training, higher education, and employment through educational programs and activities that utilize school resources;

"(F) increase parental and community involvement in the educational, social, and cultural development of at-risk children and youth; or

"(G) develop programs and strategies that—

"(i) provide high-quality coordinated educational and cultural services; and

"(ii) are designed to integrate such coordination into the regular curriculum and to replicate the services in other schools.

"(2) SPECIAL RULE.—Subgrants awarded under this title shall be of sufficient size, scope, and quality to be effective.

"(3) COORDINATION.—(A) The Committee shall award subgrants under this title only to eligible entities that agree to coordinate activities carried out under this part with other Federal, State, and local programs designed to serve the purposes and target populations described in this title.

"(B) The Committee shall award subgrants under this title so as to ensure nonduplication of services provided by subgrant recipients and services provided by—

"(i) the National Endowment for the Humanities;

"(ii) the National Endowment for the Arts; and

"(iii) the Institute for Museum Services.

"(4) GEOGRAPHIC DISTRIBUTION.—In awarding subgrants under this title the Committee, to the extent feasible, shall ensure an equitable geographic distribution of such subgrants.

"(5) PRIORITY.—In awarding subgrants under this title the Committee may give priority to eligible entities that provide comprehensive services that extend beyond traditional school or service hours.

"(6) RENEWAL.—The recipient of a subgrant under this title may be eligible for funding for a maximum of 5 years, if the Committee determines that the eligible recipient has made satisfactory progress toward the achievement of the program goals described in the application.

"(7) CRITERIA AND PROCEDURES.—The Committee shall establish and transmit to the Secretary criteria and procedures for awarding subgrants under this title. The Secretary shall publish such criteria and procedures in the Federal Register.

"(d) APPLICATION.—

"(1) IN GENERAL.—Each eligible entity seeking a subgrant under this title shall submit an application to the Committee at such time, in such manner, and accompanied by such information as the Committee may reasonably require.

"(2) CONTENTS.—Each application submitted to the Committee pursuant to paragraph (1) shall—

"(A) describe the cultural entity or entities that will participate in the partnership;

"(B) describe the target population to be served;

"(C) describe the services to be provided;

"(D) describe a plan for evaluating the success of the program;

"(E) in the case of each local educational agency or school participating in the eligible recipient partnership, describe how the activities assisted under this title will be perpetuated beyond the duration of the subgrant;

"(F) describe the manner in which the eligible entity will seek to improve the educational achievement or future potential of at-risk children and youth through more effective coordination of cultural services in the community;

"(G) describe the overall and operational goals of the program; and

"(H) describe training that will be provided to individuals who are not trained to work with children and youth, and how teachers will be involved.

"(e) TARGET POPULATION.—To be eligible for a subgrant under this title, an eligible entity shall serve—

"(1) students enrolled in schools participating in a schoolwide program under section 1114 and the families of such students to the extent practicable;

"(2) out-of-school children and youth at risk of disadvantages resulting from teenage parenting, substance abuse, recent migration, disability, limited-English proficiency, illiteracy, being the child of a teenage parent, living in a single parent household, or dropping out of school; or

"(3) any combination of in-school and out-of-school at-risk children and youth.

"SEC. 11104. AUTHORIZED ACTIVITIES.

"(a) IN GENERAL.—Subgrants awarded under this title may be used—

"(1) to plan, develop, acquire, expand, and improve school-based or community-based coordinated educational and cultural programs to strengthen the educational performance and future potential of in-school or out-of-school at-risk children and youth through grants, cooperative agreements, contracts for services, or administrative coordination;

"(2) to provide at-risk students with integrated cultural activities designed to develop a love of learning that fosters the smooth transition of preschool children to elementary school;

"(3) to design collaborative cultural activities for students in secondary or alternative schools that ensure the smooth transition to job training, higher education, or full employment;

"(4) to provide child care for children of at-risk students who would not otherwise be able to participate in the program;

"(5) to provide transportation necessary for participation in the program;

"(6) to develop curriculum materials in the arts;

"(7) for staff development activities that encourage the integration of the arts into the curriculum;

"(8) for stipends that allow local arts and humanities professionals to work with at-risk children and youth in schools;

"(9) for training individuals who are not trained to work with children and youth;

"(10) for cultural programs that encourage the active participation of parents in the education of their children;

"(11) for programs that use the arts and culture to reform current school practices, including lengthening the school day or academic year;

"(12) for equipment or supplies that the Committee determines appropriate; and

"(13) for evaluation, administration, and supervision.

"(b) TEACHERS.—Each recipient of a subgrant under this title serving in-school children and youth shall carry out the activities described in the application with the involvement of a certified teacher or trained instructor.

"SEC. 11105. PLANNING SUBGRANTS.

"(a) IN GENERAL.—The Committee may award planning subgrants to eligible entities under this title.

"(b) AMOUNT.—A planning subgrant shall be in an amount not to exceed $50,000.

"(c) DURATION.—A planning subgrant shall be for a period of not more than 1 year.

"(d) LIMITATIONS.—An eligible entity may receive not more than 1 planning subgrant under this section.

"SEC. 11106. PAYMENTS; AMOUNTS OF AWARD; COST SHARE; LIMITATIONS.

"(a) PAYMENTS.—The Secretary shall pay to each eligible entity having an application approved under section 11103, the Federal share of the cost of the activities described in the application.

"(b) COST SHARE.—

"(1) FEDERAL SHARE.—The Federal share of a subgrant under this title shall be 80 percent of the cost of carrying out the activities described in the application.

"(2) NON-FEDERAL SHARE.—The non-Federal share of a subgrant under this title shall be 20 percent of the cost of carrying out the activities described in the application and may be in cash or in kind, fairly evaluated, including the provision of equipment, services, or facilities.

"(c) LIMITATIONS.—

"(1) NONINSTRUCTIONAL SERVICES.—Not more than 25 percent of the subgrant funds provided in any fiscal year under this title may be used for noninstructional activities such as the activities described in paragraphs (4), (5), and (12) of section 11104(a).

"(2) SUPPLEMENT AND NOT SUPPLANT.—Subgrant funds awarded under this title shall be used to supplement and not supplant the amount of funds made available from non-Federal sources, for the activities assisted under this title.

"SEC. 11107. MODELS.

"The Secretary, in consultation with the Committee, shall disseminate information concerning successful models under this title through the National Diffusion Network.

"SEC. 11108. AUTHORIZATION OF APPROPRIATIONS.

"(a) AUTHORIZATION.—Subject to subsection (b), there are authorized to be appropriated to carry out this title, $20,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) LIMITATIONS.—

"(1) CONTINGENT APPROPRIATIONS.—Notwithstanding any other provision of law, no amounts shall be made available to carry out this title in any fiscal year unless there is appropriated—

"(A) not less than $177,000,000 for the National Endowment for the Humanities under the National Foundation on the Arts and the Humanities Act of 1965;

"(B) not less than $170,000,000 for the National Endowment for the Arts under such Act; and

"(C) not less than $28,000,000 for the Institute for Museum Services under the Museum Services Act.

"(2) PLANNING SUBGRANTS.—Not more than 10 percent of the amount appropriated in each fiscal year pursuant to subsection (a) shall be used for planning subgrants under section 11105.

"TITLE XII—DISCLOSURE REQUIREMENTS

"SEC. 12001. DEFINITIONS.

"As used in this title:

"(1) DISABILITY.—The term 'disability' has the same meaning given to such term by section 3(2) of the Americans with Disabilities Act of 1990.

"(2) EDUCATIONAL ORGANIZATION.—(A) Except as provided in subparagraphs (B) and (C), the term 'educational organization' means any organization or entity that—

"(i) provides an educational program for a fee; and

"(ii) recruits students through means such as commercial media, direct mailings, school recruitment programs, school administrators, teachers or staff, or current or former participants in an educational program offered by such organization or entity.

"(B) Such term does not include—

"(i) a local educational agency, a State educational agency, a State department of education, or an elementary or secondary school;

"(ii) an institution of higher education; or

"(iii) a local organization sponsored by an elementary or secondary school, a recreational organization, an entertainment organization, a local sports activity group, or a social club.

"(C) For the purpose of section 12002 only, such term—

"(i) except as provided in clause (ii), does not include an organization or entity that provides an educational program if such organization or entity recruits, for participation in such program, solely through a local school official; and

"(ii) includes any such organization or entity that offers a local school official, teacher or other school personnel compensation or any other benefit for such recruitment, except that payment of the expenses incurred by a local school official, teacher or other school personnel in performing chaperone activities related to such program shall not be considered compensation or a benefit for such recruitment.

"(3) EDUCATIONAL PROGRAM.—(A) Except as provided in subparagraph (B), the term 'educational program' means a special honors program, seminar, citizenship experience, government study program, educational vacation, student exchange program, or other educational experience or honor—

"(i) that is generally directed toward minors or secondary school students;

"(ii) for which a tuition or enrollment fee is charged;

"(iii) that is offered away from a student's regular place of school attendance;

"(iv) that includes not less than 1 supervised night away from home; and

"(v) that is intended to enhance a student's regular course of study.

"(B) Such term does not include a recreational program, or a social or religious activity.

"(4) LOCAL SCHOOL OFFICIAL.—The term 'local school official' means the highest administrative official serving a school district, or such individual's designee.

"(5) MINOR.—The term 'minor' means an individual who has not attained the age of 18.

"(6) MEMBERSHIP ORGANIZATION.—The term 'membership organization' includes any organization that maintains a membership list or collects dues or membership fees from its members.

"(7) RECREATIONAL ORGANIZATION.—The term 'recreational organization' includes any organization or entity that has as its primary function pleasure, amusement, or sports activities.

"(8) RECREATIONAL PROGRAM.—The term 'recreational program' includes any activity or service that is intended as an entertainment pastime.

"SEC. 12002. DISCLOSURE REQUIREMENTS.

"Each educational organization, prior to enrolling a minor and prior to accepting funds for the cost of a minor's participation in an educational program operated by such organization, shall disclose the following information in written form to the minor or the minor's parent:

"(1) METHOD OF SOLICITATION AND SELECTION.—The method of solicitation and selection of participants in the educational program, including—

"(A) the origin of any mailing list used for such solicitation and selection;

"(B) any recruitment through a local school official, teacher or school personnel, including any compensation or other benefit offered to such official, teacher or personnel for the recommendation of a minor for participation in the educational program;

"(C) any open enrollment activity, including the method of outreach; and

"(D) any cooperation with, or sponsorship by, a membership organization, including a description of the cooperation or sponsorship and the name of each such organization.

"(2) COSTS AND FEES.—Information regarding the cost of the educational program and information regarding the distribution of any enrollment fee, including—

"(A) the amount paid for, and the percentage of the total educational program cost of, each feature of the educational program, including—

"(i) food;

"(ii) lodging;

"(iii) transportation;

"(iv) program staffing;

"(v) textbooks, syllabi, or other scholastic educational program materials;

"(vi) speaker fees; and

"(vii) administrative expenses, including expenses related to—

"(I) the preparation of non-scholastic educational program materials;

"(II) the provision of financial assistance;

"(III) mailing list rental or other recruitment activity; and

"(IV) administrative salaries and consulting fees;

"(B) the identity of the organization or business providing each of the features described in clauses (i) through (vii) of subparagraph (A); and

"(C) the nature of any relationship of any board member, officer, or employee of the educational organization to any organization or business described in subparagraph (B), including the salary or other compensation paid by such organization or business to such Board member, officer, or employee.

"SEC. 12003. NONDISCRIMINATORY ENROLLMENT AND SERVICE POLICY.

"(a) IN GENERAL.—Each educational organization shall include a verifiable statement in all enrollment or recruitment material that the educational organization does not—

"(1) fail or refuse to hire, or discharge, any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment; or

"(2) exclude any student from participation in an educational program, discriminate against any student in providing the benefits associated with such program (including any scholarship or financial assistance, and use of any facility), or subject the student to discrimination under such program,

on the basis of race, disability, or residence in a low-income area.

"(b) CONSTRUCTION.—Nothing in this section shall be construed to entitle a student to—

"(1) participation in an educational program or any benefit associated with such program; or

"(2) a waiver of any fee charged for such participation or benefit.

"SEC. 12004. ENFORCEMENT.

"The Secretary shall—

"(1)(A) widely disseminate information about the requirements of this title to State and local school officials and parents; and

"(B) require educational organizations to submit appropriate information or assurances regarding such organizations' compliance with this title; and

"(2) take whatever other steps the Secretary determines are appropriate to enforce this title, including—

"(A) promulgating regulations;

"(B) establishing a complaint process;

"(C) referring complaints to the relevant Federal, State, or local authorities for appropriate action;

"(D) alerting educational agencies, schools, and parents to the practices of educational organizations that violate the provisions of this title; and

"(E) imposing civil fines (not to exceed $1,000 per violation) on educational organizations that knowingly violate this title.

"TITLE XIII—TARGETED ASSISTANCE PROGRAM

"PART A—GENERAL PROVISIONS

"SEC. 13101. ALLOTMENT TO STATES.

"(a) RESERVATIONS.—From the sums appropriated to carry out this title in any fiscal year, the Secretary shall reserve not to exceed 1 percent for payments to Guam, American Samoa, the Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, the Northern Mariana Islands, and Palau, to be allotted in accordance with their respective needs for assistance under this title.

"(b) ALLOTMENT.—From the remainder of such sums the Secretary shall allot to each State an amount which bears the same ratio to the amount of such remainder as the school-age population of the State bears to the school-age population of all States, except that no State shall receive less than an amount equal to one-half of 1 percent of such remainder.

"(c) DEFINITIONS.—For purposes of this section—

"(1) The term 'school-age population' means the population aged 5 through 17.

"(2) The term 'States' includes the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 13102. ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.

"(a) DISTRIBUTION RULE.—From the sum made available each year under section 13101, the State educational agency shall distribute not less than 80 percent to local educational agencies within such State according to the relative enrollments in public and private, nonprofit schools within the school districts of such agencies, adjusted, in accordance with criteria approved by the Secretary, to provide higher per pupil allocations to local educational agencies which have the greatest numbers or percentages of children whose education imposes a higher than average cost per child, such as—

"(1) children living in areas with high concentrations of low-income families;

"(2) children from low-income families; and

"(3) children living in sparsely populated areas.

"(b) CALCULATION OF ENROLLMENTS.—

"(1) IN GENERAL.—The calculation of relative enrollments under subsection (a) shall be on the basis of the total of—

"(A) the number of children enrolled in public schools; and

"(B) the number of children enrolled in private nonprofit schools that desire that their children participate in programs or projects assisted under this title,

for the fiscal year preceding the fiscal year in which the determination is made. Nothing in this subsection shall diminish the responsibility of local educational agencies to contact, on an annual basis, appropriate officials from private nonprofit schools within the areas served by such agencies in order to determine whether such schools desire that their children participate in programs assisted under this title.

"(2) ADJUSTMENTS.—(A) Relative enrollments under subsection (a) shall be adjusted, in accordance with criteria approved by the Secretary under subparagraph (B), to provide higher per pupil allocations only to local educational agencies which serve the greatest numbers or percentages of—

"(i) children living in areas with high concentrations of low-income families;

"(ii) children from low-income families; or

"(iii) children living in sparsely populated areas.

"(B) The Secretary shall review criteria submitted by a State educational agency for adjusting allocations under paragraph (1) and shall approve such criteria only if the Secretary determines that such criteria are reasonably calculated to produce an adjusted allocation that reflects the relative needs within the State's local educational agencies based on the factors set forth in subparagraph (A).

"(c) PAYMENT OF ALLOCATIONS.—

"(1) DISTRIBUTION.—From the funds paid to a State educational agency pursuant to section 13101 for a fiscal year, such agency shall distribute to each eligible local educational agency which has submitted an application as required in section 13303 the amount of its allocation as determined under subsection (a).

"(2) ADDITIONAL FUNDS.—(A) Additional funds resulting from higher per pupil allocations provided to a local educational agency on the basis of adjusted enrollments of children described in subsection (a), may, at the discretion of the local educational agency, be allocated for expenditures to provide services for children enrolled in public and private nonprofit schools in direct proportion to the number of children described in subsection (a) and enrolled in such schools within the local educational agency.

"(B) In any fiscal year, any local educational agency that elects to allocate such additional funds in the manner described in subparagraph (A) shall allocate all additional funds to schools within the local educational agency in such manner.

"(C) The provisions of subparagraphs (A) and (B) may not be construed to require any school to limit the use of such additional funds to the provision of services to specific students or categories of students.

"PART B—STATE PROGRAMS

"SEC. 13201. STATE USES OF FUNDS.

"(a) AUTHORIZED ACTIVITIES.—A State educational agency may use funds reserved for State use under this title only for—

"(1) State administration of programs under this title including—

"(A) supervision of the allocation of funds to local educational agencies;

"(B) planning, supervision, and processing of State funds; and

"(C) monitoring and evaluation of programs and activities under this title; and

"(2) technical assistance and direct grants to local educational agencies and statewide activities which assist local educational agencies to provide targeted assistance as provided in section 13301.

"(b) LIMITATIONS AND REQUIREMENTS.—Not more than 25 percent of funds available for State programs under this title in any fiscal year may be used for State administration under subsection (a)(1).

"SEC. 13202. STATE APPLICATIONS.

"(a) APPLICATION REQUIREMENTS.—Any State which desires to receive grants under this title shall submit to the Secretary an application which—

"(1) designates the State educational agency as the State agency responsible for the administration and supervision of programs assisted under this title;

"(2) sets forth planned allocation of funds reserved for State use under section 13102(a) among the targeted assistance programs described in section 13301 and describes programs, projects, and activities which are designed to carry out such targeted assistance, together with the reasons for the selection of such programs, projects, and activities;

"(3) provides for timely public notice and public dissemination of the information provided pursuant to paragraph (2);

"(4)(A) provides for a biennial submission of data on the use of funds, the types of services furnished, and the students served under this title;

"(B) provides for an evaluation of the effectiveness of programs assisted under this title;

"(5) provides that the State educational agency will keep such records and provide such information to the Secretary as may be required for fiscal audit and program evaluation (consistent with the responsibilities of the Secretary under this title);

"(6) provides assurance that, apart from technical and advisory assistance and monitoring compliance with this title, the State educational agency has not exercised and will not exercise any influence in the decisionmaking processes of local educational agencies as to the expenditures made pursuant to an application under section 13301;

"(7) provides the following information: (A) how the State will adjust its formula to comply with section 13102(b)(2), (B) how children under section 13102(b)(2)(A) are defined, (C) the basis on which a determination of the local educational agencies under section 13102(b)(2)(A) is made, and (D) the percentage of the State grant which is proposed to be allotted on an adjusted basis under section 13102; and

"(8) contains assurances that there is compliance with the specific requirements of this title.

"(b) PERIOD OF APPLICATION.—An application filed by the State under subsection (a) shall be for a period not to exceed 3 years, and may be amended annually as may be necessary to reflect changes without filing a new application.

"(c) AUDIT RULE.—Notwithstanding section 1745 of the Omnibus Budget Reconciliation Act of 1981, local educational agencies receiving less than an average $5,000 each year under this title need not be audited more frequently than once every 5 years.

"PART C—LOCAL TARGETED ASSISTANCE PROGRAMS

"SEC. 13301. TARGETED USE OF FUNDS.

"(a) GENERAL RULE.—Funds allocated for use under this title shall be used by State and local educational agencies for targeted assistance described in subsection (b).

"(b) TARGETED ASSISTANCE.—The targeted assistance programs referred to in subsection (a) are—

"(1) programs for the acquisition and use of instructional and educational materials, including library books, reference materials, computer software and hardware for instructional use, and other curricular materials that will be used to improve student achievement;

"(2) programs to improve the higher order thinking skills of economically disadvantaged elementary and secondary school students and to prevent students from dropping out of school;

"(3) programs to combat illiteracy in the student and adult population, including parent illiteracy;

"(4) programs to provide for the educational needs of gifted and talented children;

"(5) school facility repair, renovation, improvement and construction;

"(6) school reform activities that are consistent with the Goals 2000: Educate America Act for local educational agencies that do not receive assistance under that Act;

"(7) school improvement programs or activities under sections 1118 and 1119; and

"(8) efforts to implement school uniform policies to ensure the health and safety of students and the school environment.

"SEC. 13302. AUTHORIZED ACTIVITIES.

"(a) IN GENERAL.—Activities authorized under this part may include the planning, development, or operation and expansion of programs, projects, and activities which are designed to carry out the targeted assistance described in section 13301. Such activities may include—

"(1) training of educational personnel and education policymakers in any of the targeted assistance programs described in section 13301;

"(2) guidance and pupil services; and

"(3) any other education or related activities which the State or local educational agency determines will contribute to improving the programs described in section 13301.

"(b) ADMINISTRATIVE AUTHORITY.—In order to conduct the activities authorized by this title, each State or local educational agency may use funds reserved for this title to make grants to and to enter into contracts with local educational agencies, educational service agencies, institutions of higher education, libraries, museums, and other public and private nonprofit agencies, organizations, and institutions.

"SEC. 13303. LOCAL APPLICATIONS.

"(a) CONTENTS OF APPLICATION.—A local educational agency or consortia of local educational agencies may receive an allocation of funds under this title for any year for which an application is submitted to the State educational agency and such application is certified to meet the requirements of this section. The State educational agency shall certify any such application if such application—

"(1) sets forth the planned allocation of funds among targeted assistance programs described in section 13301 and describes the programs, projects, and activities designed to carry out such targeted assistance which the State educational agency intends to support, together with the reasons for the selection of such programs, projects, and activities;

"(2) describes how assistance under this title will contribute to the goals of the program of improving student achievement or improving the quality of education for students;

"(3) agrees to keep such records, and provide such information to the State educational agency as reasonably may be required for fiscal audit and program evaluation, consistent with the responsibilities of the State agency under this title; and

"(4) provides, in the allocation of funds for the assistance authorized by this title, and in the design, planning, and implementation of such programs, for systematic consultation with parents of children attending elementary and secondary schools in the area served by the local agency, with teachers and administrative personnel in such schools, and with other groups involved in the implementation of this title (such as librarians, school counselors, and other pupil services personnel) as may be considered appropriate by the local educational agency.

"(b) PERIOD OF APPLICATION.—An application filed by a local educational agency under subsection (a) shall be for a period not to exceed 3 fiscal years, may provide for the allocation of funds among programs and purposes authorized by this title for a period of 3 years, and may be amended annually as may be necessary to reflect changes without filing a new application.

"(c) LOCAL EDUCATIONAL AGENCY DISCRETION.—Subject to the limitations and requirements of this title, a local educational agency shall have complete discretion in determining how funds under this part shall be divided among the areas of targeted assistance of this part. In exercising such discretion, a local educational agency shall ensure that expenditures

under this part carry out the purposes of this title and are intended to meet the educational needs within the schools of that local educational agency.

"PART D—AUTHORIZATION OF APPROPRIATIONS

"SEC. 13401. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $325,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this title.

"TITLE XIV—NATIONAL EDUCATION STATISTICS

"SEC. 14001. SHORT TITLE.

"This part may be cited as the 'National Education Statistics Act of 1994'.

"SEC. 14002. FINDINGS; PURPOSE; DEFINITIONS.

"(a) FINDINGS.—The Congress finds that—

"(1) a Department Office of Education was established in 1867 'for the purpose of collecting such statistics and facts as shall show the condition and progress of education in the several States and Territories, and of diffusing such information respecting the organization and management of schools and school systems and methods of teaching as shall aid the people of the United States in the establishment and maintenance of efficient school systems, and otherwise promote the cause of education throughout the country';

"(2) today, while the role of the current Department of Education is much broader, the National Center for Education Statistics within the Office of Educational Research and Improvement continues to perform those crucial original purposes; and

"(3) looking to the 21st Century, the National Center for Education Statistics must be able to design and undertake, effectively and efficiently, statistical activities that will aid in the reform of our Nation's educational systems.

"(b) PURPOSE.—It is the purpose of this part to ensure the continuation of an effective mechanism for collecting and reporting statistics and information showing the condition and progress of education in the United States and other nations in order to promote and accelerate the improvement of American education.

"(c) DEFINITIONS.—For the purpose of this part, the term—

"(1) 'Assistant Secretary' means the Assistant Secretary for Educational Research and Improvement provided for under section 202(b)(1)(E) of the Department of Education Organization Act; and

"(2) 'State' and 'United States'—

"(A) other than for the purpose of section 14011, mean each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico; and

"(B) for the purpose of section 14011, include Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau.

"SEC. 14003. NATIONAL CENTER FOR EDUCATION STATISTICS.

"(a) ESTABLISHMENT.—There is established, within the Office of Educational Research and Improvement established under section 209 of the Department of Education Organization Act, a National Center for Education Statistics (hereafter in this part referred to as the 'Center').

"(b) COMMISSIONER AND ASSOCIATE COMMISSIONERS.—

"(1) COMMISSIONER.—The Center shall be headed by a Commissioner of Education Statistics (hereafter in this part referred to as the 'Commissioner') who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall—

"(A) have substantial knowledge of programs encompassed by under the authority of the Center;

"(B) be paid in accordance with section 5315 of title 5, United States Code; and

"(C) serve for a term of 4 years, with the terms to expire every fourth June 21, beginning in 1995.

"(2) ASSOCIATE COMMISSIONERS.—The Commissioner may appoint such Associate Commissioners as the Commissioner determines are necessary and appropriate.

"SEC. 14004. DUTIES OF THE CENTER.

"(a) DUTIES.—The Center shall collect, analyze, and disseminate statistics and other information related to education in the United States and in other nations, including—

"(1) acquiring, compiling (where appropriate, on a State-by-State basis), and disseminating full and complete statistics on the condition and progress of education in the United States, including data on—

"(A) State and local education reform;

"(B) student achievement and other educational outcomes, including data on secondary school completions, dropouts, and adult literacy, which education statistics and data, whenever feasible, shall be collected, analyzed, cross-tabulated and reported by sex, race or ethnicity, and socioeconomic status;

"(C) educational access and opportunity, including data on financial aid to postsecondary students;

"(D) teaching, including data on curriculum, instruction, the conditions of the education workplace, and the supply of, and demand for, teachers, which may include data on the proportions of women and men cross-tabulated by race or ethnicity, teaching in subjects in which such individuals have been historically underrepresented;

"(E) the learning environment, including data on libraries and the incidence of crime, violence, and substance abuse;

"(F) the financing and management of education, including data on revenues and expenditures; and

"(G) the social and economic status of children;

"(2) conducting and publishing reports and analyses of the meaning and significance of such statistics;

"(3) conducting longitudinal studies, as well as regular and special surveys and data collections, necessary to report on the condition and progress of education;

"(4) assisting public and private educational agencies, organizations, and institutions in improving and automating their statistical and data collection activities; and

"(5) acquiring and disseminating data on educational activities and student achievement in the United States compared with those in foreign nations.

"(b) SPECIAL RULE.—The Center shall ensure that education statistics and data described in subsection (a)(1), whenever feasible, are collected, analyzed, cross-tabulated and reported by sex, race or ethnicity, and socioeconomic status;

"(c) TRAINING PROGRAM.—The Commissioner may establish a program to train employees of public and private educational agencies, organizations, and institutions in the use of the Center's standard statistical procedures and concepts and may establish a fellows program to temporarily appoint such employees as temporary fellows at the Center in order to assist the Center in carrying out its duties.

"SEC. 14005. PERFORMANCE OF DUTIES.

"(a) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—

"(1) IN GENERAL.—In carrying out the Commissioner's duties under this part, the Commissioner may enter into grants, contracts, and cooperative agreements.

"(2) SPECIAL RULE.—Notwithstanding any other provision of law, the grants, contracts, and cooperative agreements awarded competitively under this section may be awarded for a period of not more than 5 years, and may be renewed at the discretion of the Commissioner for an additional period of not more than 5 years.

"(b) GATHERING INFORMATION.—

"(1) SAMPLING.—The Commissioner may use the statistical method known as sampling to carry out the purpose of this part.

"(2) SOURCE OF INFORMATION.—The Commissioner may, as the Commissioner considers appropriate, use information collected—

"(A) from States, local educational agencies, schools, institutions of higher education, libraries, administrators, teachers, students, the general public, and such other individuals, organizations, agencies, and institutions as the Commissioner may consider appropriate; and

"(B) by other offices within the Department and by other Federal departments, agencies, and instrumentalities.

"(3) COLLECTION.—The Commissioner may—

"(A) enter into interagency agreements for the collection of statistics;

"(B) arrange with any agency, organization, or institution for the collection of statistics; and

"(C) assign employees of the Center to any such agency, organization, or institution to assist in such collection.

"(4) TECHNICAL ASSISTANCE AND COORDINATION.—In order to maximize the effectiveness of Federal efforts to serve the educational needs of children and youth, the Commissioner shall—

"(A) provide technical assistance to Department offices that gather data for statistical purposes; and

"(B) coordinate closely with other Department offices in the collection of data.

"SEC. 14006. REPORTS.

"(a) REPORT ON THE CONDITION AND PROGRESS OF EDUCATION.—The Commissioner shall, not later than June 1, 1995, and each succeeding June 1 thereafter, submit to the President and the Congress a statistical report on the condition and progress of education in the United States.

"(b) STATISTICAL REPORTS.—The Commissioner shall issue regular statistical reports to the President and Congress on such education topics as the Commissioner determines to be appropriate.

"(c) SPECIAL REPORTS.—The Commissioner may, whenever the Commissioner considers it appropriate, issue special reports on particular education topics.

"SEC. 14007. ADVISORY COUNCIL ON EDUCATION STATISTICS.

"(a) ESTABLISHMENT.—There is established, within the Center, an Advisory Council on Education Statistics (hereafter in this Act referred to as the 'Council').

"(b) MEMBERSHIP.—

"(1) COMPOSITION.—The Council shall be composed of—

"(A) 15 voting members who are users of education data and who are appointed by the Secretary on the basis of their experience and eminence within the field of education statistics, of whom at least—

"(i) three shall be educators;

"(ii) three shall be education policymakers;

"(iii) three shall be professional statisticians; and

"(iv) three shall be education researchers;

"(B) the Director of the Bureau of the Census and the Commissioner of the Bureau of Labor Statistics, as voting, ex officio members; and

"(C) the Assistant Secretary and the Commissioner, as nonvoting, ex officio members.

"(2) PRESIDING OFFICER.—The Secretary shall appoint the presiding officer of the Council from among the voting members of the Council.

"(3) TERMS.—Members of the Council appointed under paragraph (1)(A) shall be appointed for 3-year terms except that, in the case of initial appointments, the Secretary shall make appointments for shorter terms to the extent necessary to avoid the expiration of the terms of more than 5 members in the same calendar year.

"(4) MEETINGS.—

"(A) IN GENERAL.—The Council shall meet at the call of the presiding officer, except that the Council shall meet—

"(i) at least 2 times during each calendar year; and

"(ii) in addition, whenever 8 voting members request in writing that the presiding officer call a meeting.

"(B) QUORUM.—Nine voting members of the Council shall constitute a quorum.

"(5) SPECIAL RULE.—The Council shall review general policies for the operation of the Center and shall advise the Commissioner on standards to ensure that statistics and other information disseminated by the Center are of high quality and are not subject to partisan political influence.

"SEC. 14008. CONFIDENTIALITY.

"(a) CONFIDENTIALITY STANDARDS.—

"(1) IN GENERAL.—The Center shall develop and enforce standards designed to protect the confidentiality of persons in the collection, reporting, and publication of data under this section. This section shall not be construed to protect the confidentiality of information about institutions, organizations, and agencies that receive grants from, or have contracts or cooperative agreements with, the Federal Government.

"(2) PROHIBITION.—No person may—

"(A) use any individually identifiable information furnished under this part for any purpose other than a statistical purpose;

"(B) make any publication whereby the data furnished by any particular person under this part can be identified; or

"(C) permit anyone other than the individuals authorized by the Commissioner to examine the individual reports.

"(b) ADMINISTRATION.—

"(1) IN GENERAL.—No department, bureau, agency, officer, or employee of the Federal Government, except the Commissioner in carrying out the purposes of this part, shall require, for any reason, copies of reports that have been filed under this part with the Center or retained by any individual respondent. Copies of such reports that have been so filed or retained with the Center or any of its employees, contractors, or agents shall be immune from legal process, and shall not, without the consent of the individual concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding. This paragraph shall apply only to individually identifiable information (as defined in paragraph (4)(A)).

"(2) EMPLOYEE OR STAFF VIOLATIONS.—Whoever, being or having been an employee or staff member of the Department, having taken or subscribed the oath of office, or having sworn to observe the limitations imposed by subsection (a)(2), knowingly publishes or communicates any individually identifiable information (as defined in paragraph (4)(A)), the disclosure of which is prohibited by subsection (a)(2), and that comes into such employee or staff's possession by reason of employment (or otherwise providing services) under this part, shall be found guilty of a class E felony and imprisoned for not more than 5 years, or fined as specified in section 3571 of title 18, United States Code, or both.

"(3) TEMPORARY STAFF.—The Commissioner may utilize temporary staff, including employees of Federal, State, or local agencies or instrumentalities (including local educational agencies), and employees of private organizations to assist the Center in performing its responsibilities, but only if such temporary staff are sworn to observe the limitations imposed by this section.

"(4) DEFINITIONS.—For the purposes of this section—

"(A) the term 'individually identifiable information' means any record, response form, completed survey, or aggregation thereof from which information about particular individuals may be revealed; and

"(B) the term 'report' means a response provided by or about an individual to an inquiry from the Center and does not include a statistical aggregation from which individually identifiable information cannot be revealed.

"(5) VIOLATIONS.—Any person who uses any data provided by the Center, in conjunction with any other information or technique, to identify any individual student, teacher, administrator, or other individual and who knowingly discloses, publishes, or uses such data for a purpose other than a statistical purpose, or who otherwise violates subparagraph (A) or (B) of subsection (a)(2), shall be found guilty of a class E felony and imprisoned for not more than 5 years, or fined as specified in section 3571 of title 18, United States Code, or both.

"(6) ACCESS TO REPORTS OR RECORDS.—Nothing in this section shall restrict the right of the Secretary, the Comptroller General of the United States, the Director of the Congressional Budget Office, and the Librarian of Congress to gain access to any reports or other records, including information identifying individuals, in the Center's possession, except that the same restrictions on disclosure that apply under paragraphs (1) and (5) of subsection (b) shall apply to such individuals.

"SEC. 14009. DISSEMINATION.

"(a) GENERAL REQUESTS.—

"(1) IN GENERAL.—The Center may furnish transcripts or copies of tables and other statistical records and make special statistical compilations and surveys for State and local officials, public and private organizations, and individuals.

"(2) COMPILATIONS.—The Center shall provide State and local educational agencies opportunities to suggest the development of particular compilations of statistics, surveys, and analyses that would assist those educational agencies.

"(b) CONGRESSIONAL REQUESTS.—The Center shall furnish such special statistical compilations and surveys as the Congress may request.

"(c) JOINT STATISTICAL PROJECTS.—The Secretary may engage in joint statistical projects related to the purposes of this part, or other statistical purposes authorized by law, with nonprofit organizations or agencies, and the cost of such projects shall be shared equitably as determined by the Secretary.

"(d) FEES.—

"(1) IN GENERAL.—Statistical compilations and surveys under this section, other than those carried out pursuant to subsections (b) and (c), may be made subject to the payment of the actual or estimated cost of such work.

"(2) FUNDS RECEIVED.—All funds received in payment for work or services described in this subsection may be used to pay directly the costs of such work or services, to repay appropriations that initially bore all or part of such costs, or to refund excess sums when necessary.

"(e) ACCESS.—

"(1) OTHER FEDERAL AGENCIES.—The Center shall, consistent with section 14008, participate with other Federal agencies having a need for educational data in providing access to educational data received by the Center.

"(2) INTERESTED PARTIES.—The Center shall, in accordance with such terms and conditions as the Secretary may prescribe, provide all interested parties, including public and private agencies and individuals, direct access to data collected by the Center for the purposes of research and acquiring statistical information.

"SEC. 14010. COOPERATIVE EDUCATION STATISTICS SYSTEMS.

"(a) IN GENERAL.—The Commissioner may establish one or more national cooperative education statistics systems for the purpose of producing and maintaining, with the cooperation of the States, comparable and uniform information and data on elementary and secondary education, postsecondary education, and libraries, that are useful for policymaking at the Federal, State, and local levels. In carrying out this section, the Commissioner may provide technical assistance, and make grants and enter into contracts and cooperative agreements.

"(b) MODEL DATA SYSTEM.—

"(1) STUDY; DESIGN; PILOT.—The Commissioner, working through the cooperative education statistics system, shall study, design, and pilot a model data system that will yield information about spending for administration at the school, local educational agency, and State educational agency levels, which system shall be completed by January 1, 1997.

"(2) STUDY AND REPORT.—Upon the date of completion of the pilot model data system described in paragraph (1), the Secretary shall study the information obtained through the use of such data system and other relevant information, as well as any other data systems which are in use on such date that account for administrative expenses at the school, local educational agency, and State educational agency level, and shall report to the Congress not later than July 1, 1997, regarding—

"(A) the potential for the reduction of administrative expenses at the school, local educational agency, and State educational agency levels;

"(B) the potential usefulness of such data system to reduce such administrative expenses;

"(C) any other methods which may be employed by schools, local educational agencies or State educational agencies to reduce administrative expenses and maximize the use of funds for functions directly affecting student learning; and

"(D) if appropriate, steps which may be taken to assist schools, local educational agencies and State educational agencies to account for and reduce administrative expenses.

"SEC. 14011. NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS.

"(a) ESTABLISHMENT.—The Commissioner shall, with the advice of the National Assessment Governing Board established by section 14012, carry out, through grants, contracts, or cooperative agreements with one or more qualified organizations, or consortia thereof, a National Assessment of Educational Progress (hereafter in this part referred to as the 'National Assessment').

"(b) PURPOSE; STATE ASSESSMENTS.—

"(1) PURPOSE.—The purpose of the National Assessment is to provide a fair and accurate presentation of educational achievement in reading, writing, and the other subjects included in the third National Education Goal, regarding student achievement and citizenship. The Commissioner, in carrying out the National Assessment, shall use sampling techniques that produce data that are representative on a national and regional basis and on a State basis pursuant to paragraph (2). In addition, the Commissioner shall—

"(A) collect and report data on a periodic basis, but at least once every 2 years, on students at ages 9, 13, and 17 and in grades 4, 8, and 12;

"(B) report achievement data on a basis that ensures valid and reliable trend reporting;

"(C) include, whenever feasible, information collected, cross-tabulated, analyzed, and reported by sex, race or ethnicity and socioeconomic status;

"(D) collect and report data on students receiving services under part A of title I; and

"(E) ensure that achievement data are made available on a timely basis following official reporting, in a manner that facilitates further analysis.

"(2) STATE ASSESSMENTS.—

"(A) IN GENERAL.—The Commissioner, in carrying out the National Assessment, may conduct State assessments of student achievement in grades 4, 8, and 12.

"(B) STATE PARTICIPATION.—States wishing to participate in State assessments shall enter into an agreement with the Secretary pursuant to subsection (d)(2). Such agreement shall contain information sufficient to give States full information about the process for consensus decision-making on objectives to be tested, required in section 14012(e)(5), and of the standards for sampling, test administration, test security, data collection, validation, and reporting.

"(C) STATE REVIEW AND RELEASE OF RESULTS.—A participating State shall review and give permission for the release of results from any test of its students administered as a part of a State assessment prior to the release of such data. Refusal by a State to release its data shall not restrict the release of data from other States that have approved the release of such data.

"(3) PROHIBITED DATA.—In carrying out the National Assessment, the Commissioner shall not collect any data that are not directly related to the appraisal of educational performance, achievement, and traditional demographic reporting variables, or to the fair and accurate presentation of such information.

"(4) TECHNICAL ASSISTANCE.—In carrying out the National Assessment, the Commissioner may provide technical assistance to States, localities, and other parties.

"(c) ACCESS.—

"(1) PUBLIC ACCESS.—Except as provided in paragraph (2), the public shall have access to all data, questions, and test instruments of the National Assessment.

"(2) PERSONALLY IDENTIFIABLE INFORMATION.—

"(A) IN GENERAL.—The Commissioner shall ensure that all personally identifiable information about students, their educational performance, and their families, and that information with respect to individual schools, remains confidential, in accordance with section 552a of title 5, United States Code.

"(B) SPECIAL RULE.—Notwithstanding any other provision of law, the Secretary may decline to make available to the public for a period, not to exceed 10 years following their initial use, cognitive questions that the Secretary intends to reuse in the future.

"(d) PARTICIPATION.—

"(1) NATIONAL AND REGIONAL.—Participation in the national and regional assessments by State and local educational agencies shall be voluntary.

"(2) STATE.—Participation in assessments made on a State basis shall be voluntary. The Secretary shall enter into an agreement with any State that desires to carry out an assessment for the State under this subsection. Each such agreement shall contain provisions designed to ensure that the State will—

"(A) participate in the assessment; and

"(B) pay from non-Federal sources the non-Federal share of participation.

"(3) NON-FEDERAL SHARE.—

"(A) IN GENERAL.—For each fiscal year, the non-Federal share for the purpose of paragraph (2)(B) shall be—

"(i) the cost of conducting the assessment at the school level for all public schools in the State sample;

"(ii) the cost of coordination within the State; and

"(iii) other reasonable costs specified by the Secretary in the agreement described in paragraph (2).

"(B) SPECIAL RULE.—The non-Federal share of payments under this paragraph may be in cash or in kind, fairly valued.

"(C) ADMINISTRATIVE COSTS.—The agreement described in paragraph (2) shall describe the manner in which the costs of administering the assessment to private non-profit schools included in the State sample may be met.

"(e) REVIEW OF NATIONAL AND STATE ASSESSMENTS.—The Secretary shall provide for continuing reviews of both national and State assessments, including evaluation studies by the Center and solicitation of public comment on the conduct and usefulness of the National Assessment. The Secretary shall report to the Congress, the President, and the Nation on the findings and recommendations of such reviews. The Commissioner shall consider the findings and recommendations in designing the competition to select the organization, or organizations, through which the Office carries out the National Assessment.

"(f) COVERAGE AGREEMENTS.—

"(1) DEPARTMENT OF DEFENSE SCHOOLS.—The Secretary and the Secretary of Defense may enter into an agreement, including such terms as are mutually satisfactory, to include in the National Assessment elementary and secondary schools operated by the Department of Defense.

"(2) BUREAU OF INDIAN AFFAIRS SCHOOLS.—The Secretary and the Secretary of the Interior may enter into an agreement, including such terms as are mutually satisfactory, to include in the National Assessment schools for Indian children operated or supported by the Bureau of Indian Affairs.

"SEC. 14012. NATIONAL ASSESSMENT GOVERNING BOARD.

"(a) ESTABLISHMENT.—There is established the National Assessment Governing Board (hereafter in this part referred to as the 'Board'), which shall formulate policy guidelines for the National Assessment.

"(b) MEMBERSHIP.—

"(1) APPOINTMENT AND COMPOSITION.—The Board shall be appointed by the Secretary and be composed of—

"(A) two Governors, or former Governors, who shall not be members of the same political party;

"(B) two State legislators, who shall not be members of the same political party;

"(C) two chief State school officers;

"(D) one superintendent of a local educational agency;

"(E) one member of a State board of education;

"(F) one member of a local board of education;

"(G) three classroom teachers representing the grade levels at which the National Assessment is conducted;

"(H) one representative of business or industry;

"(I) two curriculum specialists;

"(J) three testing and measurement experts, who shall have training and experience in the field of testing and measurement;

"(K) one nonpublic school administrator or policymaker;

"(L) two school principals, of whom one shall be an elementary school principal and one shall be a secondary school principal; and

"(M) four additional members who are representatives of the general public, including parents.

"(2) ASSISTANT SECRETARY FOR EDUCATIONAL RESEARCH.—The Assistant Secretary for Educational Research and Improvement shall serve as an ex officio, non-voting member of the Board.

"(3) SPECIAL RULE.—The Secretary and the Board shall ensure at all times that the membership of the Board reflects regional, racial, gender, and cultural balance and diversity and that the Board exercises its independent judgment, free from inappropriate influences and special interests.

"(c) TERMS.—Members of the Board shall serve for terms not to exceed 4 years which shall be staggered, as determined by the Secretary. Any appointed member of the Board who changes status under subsection (b) during the term of the appointment of the member may continue to serve as a member until the expiration of such term.

"(d) VACANCIES.—As vacancies occur, new members of the Board shall be appointed by the Secretary from among individuals who are nominated by the Board after consultation with representatives of the groups listed in subsection (b)(1). For each vacancy, the Board shall nominate at least 3 individuals who, by reason of experience or training, are qualified in that particular Board vacancy.

"(e) DUTIES.—

"(1) IN GENERAL.—In carrying out its functions under this section the Board shall—

"(A) select subject areas to be assessed (consistent with section 14011(b)(1));

"(B) identify appropriate achievement goals for each age and grade in each subject area to be tested under the National Assessment;

"(C) develop assessment objectives;

"(D) develop test specifications;

"(E) design the methodology of the assessment;

"(F) develop guidelines for analysis plans and for reporting and disseminating results;

"(G) develop standards and procedures for interstate, regional, and national comparisons; and

"(H) take appropriate actions needed to improve the form and use of the National Assessment.

"(2) DELEGATION.—The Board may delegate any of the Board's procedural and administrative functions to its staff.

"(3) COGNITIVE ITEMS.—The Board shall have final authority on the appropriateness of cognitive items.

"(4) BIAS.—The Board shall take steps to ensure that all items selected for use in the National Assessment are free from racial, cultural, gender, or regional bias.

"(5) GOALS STATEMENTS.—Each learning area assessment shall have goal statements devised through a national consensus approach, providing for active participation of teachers, curriculum specialists, local school administrators, parents, and concerned members of the general public.

"(f) PERSONNEL.—

"(1) IN GENERAL.—In the exercise of its responsibilities, the Board shall be independent of the Secretary and the other offices and officers of the Department.

"(2) STAFF.—The Secretary may appoint, at the direction of the Board, such staff as the Board requires. Such appointments may include, for terms not to exceed 3 years, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, not more than 6 technical employees to administer this subsection, who may be paid without regard to

the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(g) COMMISSIONER REPORTS.—The Commissioner shall report to the Board at regular intervals on the Department's actions to implement the decisions of the Board.

"(h) ADMINISTRATION.—

"(1) LIMITATION.—Not to exceed 10 percent of the funds available for the National Assessment for any fiscal year may be used for administrative expenses (including staff, consultants, and contracts) and to carry out the Board's duties described in subsection (e).

"(2) APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—For the purposes of its administrative functions, the Board shall have the authorities authorized by the Federal Advisory Committee Act and shall be subject to the open meeting provisions of that law.

"SEC. 14013. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $100,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this title.

"TITLE XV—EDUCATION INFRASTRUCTURE

"SEC. 15001. SHORT TITLE.

"This title may be cited as the 'Education Infrastructure Act of 1994'.

"SEC. 15002. FINDINGS.

"The Congress finds that—

"(1) improving the quality of public elementary and secondary school libraries, media centers, and facilities will help our Nation meet the National Education Goals;

"(2) Federal, State, and local funding for the repair, renovation, alteration and construction of public elementary and secondary school libraries, media centers, and facilities has not adequately reflected need; and

"(3) the challenges facing our Nation's public elementary and secondary schools require the concerted and collaborative efforts of all levels of government and all sectors of the community.

"SEC. 15003. PURPOSE.

"It is the purpose of this title to help our Nation meet the National Education Goals through the repair, renovation, alteration, and construction of public elementary and secondary school libraries, media centers, and facilities, used for academic or vocational instruction.

"SEC. 15004. DEFINITIONS.

"For the purpose of this title—

"(1) the term 'alteration' means any change to an existing property for use for a different purpose or function;

"(2) the term 'construction' means the erection of a building, structure, or facility, including the concurrent installation of equipment, site preparation, associated roads, parking, and utilities, which provides area or cubage not previously available, including—

"(A) freestanding structures, additional wings, or floors, enclosed courtyards or entryways, and any other means to provide usable program space that did not previously exist; and

"(B) the complete replacement of an existing facility, but only if such replacement is less expensive than alteration, renovation, or repair of the facility;

"(3) the term 'eligible local education agency' means a local educational agency in which—

"(A) at least 15 percent of the children that reside in the geographic area served by such agency are eligible to be counted under section 1123(c)(1) of this Act; or

"(B) the United States owns Federal property described in paragraph (5) of section 9014 that has an assessed value (determined as of the time or times when acquired) aggregating 90 percent or more of the assessed value of all real property in such agency (determined as of the time or times when so acquired); and

"(C) demonstrates in the application submitted under section 15006 that such agency has urgent repair, renovation, alteration and construction needs for its public elementary or secondary school libraries, media centers, and facilities used for academic or vocational instruction;

"(4) the term 'renovation' means any change to an existing property to allow its more efficient use within such property's designated purpose; and

"(5) the term 'repair' means the restoration of a failed or failing real property facility, component, or a building system to such a condition that such facility, component, or system may be used effectively for its designated purpose, if, due to the nature or extent of the deterioration or damage to such facility, component, or system, such deterioration or damage cannot be corrected through normal maintenance.

"SEC. 15005. IMPROVEMENT OF PUBLIC ELEMENTARY AND SECONDARY EDUCATION FACILITIES PROGRAM AUTHORIZED.

"(a) PROGRAM AUTHORITY.—

"(1) IN GENERAL.—From amounts appropriated under subsection (b) for any fiscal year, the Secretary shall award grants to eligible local educational agencies with applications approved under section 15006 to carry out the authorized activities described in section 15008.

"(2) SPECIAL RULE.—The Secretary may reserve not more than 1 percent of the amount appropriated under subsection (b) to provide assistance to Indian schools in accordance with this title.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $400,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this title.

"SEC. 15006. APPLICATIONS.

"(a) APPLICATIONS REQUIRED.—Each eligible local educational agency desiring to receive a grant under this title shall submit an application to the Secretary.

"(b) APPLICATION CONTENTS.—Each application described in subsection (a) shall contain—

"(1) an assurance that the application was developed in consultation with parents and classroom teachers;

"(2) a description of each architectural, civil, structural, mechanical, or electrical deficiency to be corrected with funds provided under this title, including the priority for the repair of the deficiency;

"(3) a description of the criteria used by the applicant to determine the type of corrective action necessary to meet the purpose of this title;

"(4) a description of the corrective action to be supported with funds provided under this title;

"(5) a cost estimate of the proposed corrective action;

"(6) an identification of other resources, including unused bonding capacity, that are available to carry out the activities for which funds are requested under this title;

"(7) a description of how activities supported with funds provided under this title will promote energy conservation; and

"(8) such other information and assurances as the Secretary may reasonably require.

"SEC. 15007. AWARD OF GRANTS.

"(a) CRITERIA.—The Secretary shall award grants under this title on the basis of—

"(1) high numbers or percentages of the total number of children aged 5 to 17, inclusive, residing in the geographic area served by an eligible local educational agency who are counted under section 1123(c)(1);

"(2) the extent to which the eligible local educational agency lacks the fiscal capacity, including the ability to raise funds through the full use of such agency's bonding capacity and otherwise, to undertake the project without Federal assistance; and

"(3) such other criteria as the Secretary may prescribe by regulation.

"(b) SPECIAL RULE.—The Secretary shall only award grants under this title if the Secretary determines that sufficient funds will be provided under this title or from other sources, including the issuance of bonds, to carry out the activities for which assistance is sought.

"(c) AWARD CATEGORIES.—

"(1) IN GENERAL.—From the funds appropriated to carry out this title for each fiscal year, the Secretary shall award grants to eligible local educational agencies in each of the following categories:

"(A) Eligible local educational agencies in which the number of students enrolled is less than 2,500.

"(B) Such agencies in which such number is 2,500 or greater but less than 5,000.

"(C) Such agencies in which such number is 5,000 or greater but less than 10,000.

"(D) Such agencies in which such number is 10,000 or greater but less than 25,000.

"(E) Such agencies in which such number is 25,000 or greater but less than 50,000.

"(F) Such agencies in which such number is 50,000 or greater.

"(2) ALLOCATION AMONG CATEGORIES.—The Secretary shall allocate funds under this title among the categories described in paragraph (1) on such basis as the Secretary determines is appropriate, after considering such factors as—

"(A) the relative numbers or percentages of students counted under section 1123(c)(1); and

"(B) the relative costs of carrying out activities under this title in eligible local educational agencies in each such category.

"(d) MAXIMUM AWARD AMOUNTS.—The Secretary shall annually set the maximum award amounts for each category described in subsection (c)(1).

"(e) FREQUENCY OF AWARDS.—No local educational agency may receive more than one grant under this title in any five-year period.

"SEC. 15008. AUTHORIZED ACTIVITIES.

"(a) IN GENERAL.—Each eligible local educational agency receiving a grant under this title shall use the grant funds only to—

"(1) ensure the health and safety of students through the repair, renovation, alteration, and construction of a public elementary or secondary school library, media center, or facility, used for academic or vocational instruction; or

"(2) upgrade or alter such library, center, or facility in order to accommodate new instructional technology.

"(b) PARTICULAR ACTIVITIES.—Subject to subsection (a), each eligible local educational agency receiving a grant under this title may use the grant funds for activities such as—

"(1) meeting the requirements of section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990;

"(2) removal or containment of severely hazardous material such as asbestos, lead, and radon using a cost-effective method;

"(3) meeting Federal, State, or local codes related to fire, air, light, noise, waste disposal, building height, or other codes passed since the initial construction of such library, center, or facility; and

"(4) replacing an old such library, center, or facility that is more cost-effective to tear down than to renovate.

"SEC. 15009. REQUIREMENTS.

"(a) SPECIAL RULES.—

"(1) MAINTENANCE OF EFFORT.—An eligible local educational agency may receive a grant under this title for any fiscal year only if the Secretary finds 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 such local educational agency for the preceding fiscal year was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the fiscal year for which the determination is made.

"(2) SUPPLEMENT NOT SUPPLANT.—An eligible local educational agency shall use funds received under this title 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 repair, renovation, alteration, and construction of school facilities used for educational purposes, and not to supplant such funds.

"(b) GENERAL LIMITATIONS.—

"(1) REAL PROPERTY.—No part of any grant funds under this title shall be used for the acquisition of any interest in real property.

"(2) MAINTENANCE.—Nothing in this title shall be construed to authorize the payment of maintenance costs in connection with any projects constructed in whole or in part with Federal funds provided under this title.

"(3) ENVIRONMENTAL SAFEGUARDS.—All projects carried out with Federal funds provided under this title shall comply with all relevant Federal, State, and local environmental laws and regulations.

"(4) ATHLETIC AND SIMILAR FACILITIES.—No funds received under this title shall be used for stadiums or other facilities that are primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public.

"SEC. 15010. FAIR WAGES.

"All laborers and mechanics employed by contractors or subcontractors in the performance of any contract and subcontract for the repair, renovation, alteration, or construction, including painting and decorating, of any building or work that is financed in whole or in part by a grant under this title, shall be paid wages not less than those determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (commonly known as the Davis-Bacon Act); as amended (40 U.S.C. 276a–276a–5). The Secretary of Labor shall have the authority and functions set forth in reorganization plan of No. 14 of 1950 (15 FR 3176; 64 Stat. 1267) and section 2 of the Act of June 1, 1934 (commonly known as the Copeland Anti-Kickback Act) as amended (40 U.S.C. 276c, 48 Stat. 948).

"SEC. 15011. FEDERAL ASSESSMENT.

"The Secretary shall reserve not more than 1 percent of funds appropriated for each fiscal year under section 15005(b)—

"(1) to collect such data as the Secretary determines necessary at the school, local, and State levels; and

"(2) to conduct studies and evaluations, including national studies and evaluations, in order to—

"(A) monitor the progress of projects supported with funds provided under this title; and

"(B) evaluate the state of American public elementary and secondary school libraries, media centers, and facilities; and

"(3) to report to the Congress by July 1, 1997, regarding the findings of the studies and evaluations described in paragraph (2).

"TITLE XVI—URBAN AND RURAL EDUCATION

"SEC. 16001. DEFINITIONS.

"Except as otherwise provided, for the purposes of this title:

"(1) CENTRAL CITY.—The term 'central city' has the same meaning used by the Bureau of the Census.

"(2) COMMUNITY-BASED ORGANIZATION.—The term 'community-based organization' means a private nonprofit organization that is representative of a community or significant segments of a community and which has a proven record of providing effective educational or related services to individuals in the community.

"(3) COMMUNITY AS SCHOOL CONCEPT.—The term 'community as school concept' means the mutual sharing of the local public school's and the local community's human, financial, technical, and environmental resources to help meet each others needs;

"(4) METROPOLITAN STATISTICAL AREA.—The term 'metropolitan statistical area' has the same meaning used by the Bureau of the Census.

"(5) POVERTY LEVEL.—The term 'poverty level' means the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census for a family of 4 in such form as those criteria have been updated by increases in the Consumer Price Index for All Urban Consumers.

"(6) RURAL ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term 'rural eligible local educational agency' means a local educational agency—

"(A)(i) in which at least 15 percent of the children enrolled in the schools served by such agency are eligible to be counted under section 1123(c); and

"(ii) which is not in a metropolitan statistical area; or

"(B) in which the total enrollment in the schools served by such agency is less than 2,500 students and that does not serve schools located in a metropolitan statistical area.

"(7) STATE.—The term 'State' means each of the several States and the District of Columbia, but does not include Guam, American Samoa, the Commonwealth of Puerto Rico, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau.

"(8) URBAN ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term 'urban eligible local educational agency' means a local educational agency that—

"(A) serves the largest central city in a State;

"(B) enrolls more than 30,000 students and serves a central city with a population of at least 200,000 in a metropolitan statistical area; or

"(C) enrolls between 25,000 and 30,000 students and serves a central city with a population of at least 140,000 in a metropolitan statistical area.

"PART A—URBAN SCHOOLS

"SEC. 16101. SHORT TITLE.

"This part may be cited as the 'Urban Schools of America (USA) Act of 1994'.

"SEC. 16102. FINDINGS.

"The Congress finds that—

"(1) the ability of the Nation's major urban public school systems to meet the Nation's educational goals will determine the country's economic competitiveness and academic standing in the world community;

"(2) the quality of public education in the Nation's major urban areas has a direct effect on the economic development of the Nation's inner cities;

"(3) the success of urban public schools in boosting the achievement of its minority youth attending such schools will determine the ability of the Nation to close the gap between the 'haves and the have-nots' in society;

"(4) the cost to America's businesses to provide remedial education to secondary school graduates is approximately $30,000,000,000 per year;

"(5) urban public schools enroll a disproportionately large share of the Nation's poor and at-risk youth;

"(6) urban public schools enroll approximately one-third of the Nation's poor, 40 percent of the Nation's African-American children, and 30 percent of the Nation's Hispanic youth;

"(7) nearly 20 percent of the Nation's limited-English proficient children and 15 percent of the Nation's disabled youth are enrolled in urban public schools;

"(8) the academic performance of students in the average inner-city public school system is below that of students in most other kinds of school systems;

"(9) urban public school systems have higher dropout rates, more problems with health care, and less parental participation than other kinds of school systems;

"(10) urban preschoolers have one-half the access to early childhood development programs as do other children;

"(11) shortages of teachers in urban public school systems are 2.5 times greater than such shortages in other kinds of school systems;

"(12) declining numbers of urban minority secondary school graduates are pursuing postsecondary educational opportunities;

"(13) urban public school systems have greater problems with teenage pregnancy, discipline, drug abuse, and gangs than do other kinds of school systems;

"(14) 75 percent of urban public school buildings are over 25 years old, 33 percent of such buildings are over 50 years old, and such buildings are often in serious disrepair and create poor and demoralizing working and learning conditions;

"(15) solving the challenges facing our Nation's urban schools will require the concerted and collaborative efforts of all levels of government and all sectors of the community;

"(16) Federal and State funding of urban public schools has not adequately reflected need; and

"(17) Federal funding that is well-targeted, flexible, and accountable would contribute significantly to addressing the comprehensive needs of inner-city public schools.

"SEC. 16103. PURPOSE.

"It is the purpose of this part to provide financial assistance to—

"(1) assist urban public schools in meeting National Education Goals;

"(2) improve the educational and social well-being of urban public school children;

"(3) close the achievement gap between urban and nonurban public school children, while improving the achievement level of all children nationally;

"(4) conduct coordinated research on urban public education problems, solutions, and promising practices;

"(5) improve the Nation's global economic and educational competitiveness by improving the Nation's urban schools; and

"(6) encourage community, parental, and business collaboration in the improvement of urban schools.

"Subpart 1—Urban School Improvement

"SEC. 16121. ALLOCATION OF FUNDS.

"(a) RESERVATION.—

"(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall reserve 5 percent of the amounts appropriated or otherwise made available to carry out this subpart for any fiscal year, to provide incentive awards in accordance with section 16126.

"(2) INAPPLICABILITY.—Paragraph (1) shall not apply for the first year for which funds are appropriated to carry out this subpart.

"(b) FEDERAL ALLOTMENT.—From the remainder of the sums not reserved under subsection (a), the Secretary shall allot to each urban eligible local educational agency with an approved application in each fiscal year an amount which bears the same relationship to such funds as the amount such urban eligible local educational agency was allocated under section 1123 (or for fiscal year 1995 only, such section's predecessor authority) in the preceding fiscal year bears to the total amount received under such section in such preceding fiscal year by all urban eligible local educational agencies.

"(c) RESERVATION FOR COMMUNITY-BASED ORGANIZATIONS AND NONPROFIT PARTNERSHIPS.—Each urban eligible local educational agency shall reserve not more than 5 percent of the amounts allotted under subsection (b) for any fiscal year, to make as many grants as practicable for the activities described in section 16124 to—

"(1) community-based organizations; or

"(2) nonprofit partnerships between the urban eligible local educational agency and city-wide collaboratives of private sector businesses or universities.

"(d) PAYMENTS.—The Secretary shall make annual payments only to urban eligible local educational agencies that—

"(1) comply with the provisions of section 16125; and

"(2) demonstrate to the satisfaction of the Secretary that the data submitted pursuant to section 16125 shows progress toward meeting National Education Goals.

"(e) ADMINISTRATIVE COSTS.—Not more than 5 percent of any allotment or grant made under this subpart may be used for administrative costs.

"SEC. 16122. APPLICATION.

"(a) APPLICATION REQUIRED.—

"(1) URBAN LOCAL EDUCATIONAL AGENCIES.—

"(A) IN GENERAL.—Any urban local educational agency desiring to receive an allotment from the Secretary to carry out this subpart shall—

"(i) develop and prepare an application;

"(ii) submit to the State educational agency the application for review and comment; and

"(iii) submit the application described in clause (i) to the Secretary for approval.

"(B) DURATION.—Except as provided in section 16125, the application described in clause (i) may be for a period of not more than 5 years.

"(2) COMMUNITY-BASED ORGANIZATIONS AND NONPROFIT PARTNERSHIPS.—Any community-based organization or nonprofit partnership referred to in section 16121(c) desiring to receive a grant from an urban eligible local educational agency pursuant to section 16126 shall—

"(A) submit an application to the urban eligible local educational agency;

"(B) describe in the application the collaborative efforts undertaken with the urban eligible local educational agency in designing a program to meet the purposes of this subpart; and

"(C) describe in the application how funds will be used to help meet the education goals selected by the urban eligible local educational agency pursuant to subsection (b).

"(b) CONTENTS OF URBAN LOCAL EDUCATIONAL AGENCY APPLICATION.—Each application submitted by an urban eligible local educational agency shall include a description of—

"(1) the ranking of all schools in the urban eligible local educational agency by achievement, poverty, and racial isolation and how such schools will be served in accordance with section 16127(a);

"(2) the community served by the urban eligible local educational agency and the effects of the community on the educational conditions within the schools served by the urban eligible local educational agency;

"(3) the academic and other goals selected by the urban eligible local educational agency and their relationship to the standards set for all students under the Goals 2000: Educate America Act or title I of this Act;

"(4) how funds received under this subpart will be used to meet the National Education Goals selected by the urban eligible local educational agency;

"(5) how promising or successful models or programs will be replicated in designing activities assisted under this subpart; and

"(6) the statistical indicators and other criteria that the urban eligible local educational agency will use to measure progress toward meeting National Education Goals, and a description of what the urban eligible local educational agency has done to ensure that any assessments used to measure such progress will not have a negative effect on minority or language minority students.

"SEC. 16123. PLANNING PERIOD.

"Any urban eligible local educational agency requiring additional planning efforts to meet the provisions of this subpart may use the first 6 months of the initial program year for planning purposes, subject to approval by the Secretary, except that not more than 15 percent of the first year's allotment shall be used for such purposes. A written report of the results of such planning shall be submitted to the Secretary not later than the end of the first project year.

"SEC. 16124. USES OF FUNDS.

"(a) IN GENERAL.—Funds allotted under this subpart shall be used by urban eligible local educational agencies, community-based organizations, or nonprofit partnerships to meet National Education Goals through programs designed to—

"(1) increase the academic achievement of urban public school children to at least the national average, such as—

"(A) effective public schools programs;

"(B) tutoring, mentoring, and other activities to improve academic achievement directly;

"(C) activities designed to increase the participation of minority and female students in entry level and advanced courses in mathematics and science;

"(D) supplementary academic instruction;

"(E) efforts to improve problem-solving and higher-order thinking skills;

"(F) programs to increase student motivation for learning; and

"(G) efforts to lengthen the school day or school year, or to reduce class sizes;

"(2) ensure the readiness of all urban public school children for school, such as—

"(A) full workday, full calendar-year comprehensive early childhood development programs;

"(B) parenting classes and parent involvement activities;

"(C) activities designed to coordinate prekindergarten and child care programs;

"(D) efforts to integrate developmentally appropriate prekindergarten services into the overall public school program;

"(E) upgrading the qualifications of early childhood education staff and standards for programs;

"(F) collaborative efforts with health and social service agencies to provide comprehensive services and to facilitate the transition from home to school;

"(G) establishment of comprehensive child care centers in public secondary schools for students who are parents and their children; and

"(H) augmenting early childhood development programs to meet the special educational and cultural needs of limited-English proficient preschool children;

"(3) increase the graduation rates of urban public school students to at least the national average, such as—

"(A) dropout prevention activities and support services for public school students at-risk of dropping out of school;

"(B) reentry, outreach, and support activities to recruit students who have dropped out of school to return to school;

"(C) development of systemwide policies and practices that encourage students to stay in school;

"(D) efforts to provide individualized student support, such as mentoring programs;

"(E) collaborative activities between schools, parents, community groups, agencies, and institutions of higher education aimed at preventing individuals from dropping out of school;

"(F) programs to increase student attendance; and

"(G) alternative programs for students, especially bilingual and special education students, who have dropped out of school or are at risk of dropping out of school;

"(4) prepare urban public school students to enter higher education, pursue careers, and exercise their responsibilities as citizens, such as—

"(A) activities designed to increase the number and percentages of students, particularly minority students, enrolling in postsecondary educational institutions after graduation from public secondary schools;

"(B) in-school youth employment, vocational education, and career education programs that improve the transition from school to work;

"(C) activities designed in collaboration with colleges and universities to assist urban public school graduates in completing higher education;

"(D) efforts to increase voter registration among eligible public secondary school students;

"(E) activities designed to promote community service and volunteerism among students, parents, teachers, and the community; and

"(F) civic education and other programs designed to enhance responsible citizenship and understanding of the political process;

"(5) recruit and retain qualified teachers, such as—

"(A) school-based management projects and activities;

"(B) programs designed to test efforts to increase the professionalization of teachers or to bring teachers up to national voluntary standards;

"(C) alternative routes to certification for qualified individuals from business, the military, and other fields;

"(D) efforts to recruit and retain teachers in critical shortage areas, including early childhood teachers, mathematics and science teachers, and special education and bilingual teachers;

"(E) upgrading the skills of teacher aides and paraprofessionals to permit such individuals to become certified teachers;

"(F) activities specifically designed to increase the number of minority teachers in urban schools;

"(G) programs designed to 'grow your own' teachers;

"(H) incentives for teachers to work in inner-city public schools; and

"(I) collaborative activities with urban universities to revise and upgrade teacher training programs; or

"(6) decrease the use of drugs and alcohol among urban public school students and enhance the physical and emotional health of such students, such as—

"(A) activities designed to improve the self-esteem and self-worth of urban public school students;

"(B) the provision of health care services and other social services and the coordination of such services with other health care providers;

"(C) programs designed to improve safety and discipline and reduce in-school violence, vandalism, and gang activity;

"(D) activities that begin in the early grades and are designed to prevent drug and alcohol abuse and smoking among students and teachers;

"(E) collaborative activities with other agencies, businesses, and community groups to discourage the advertisement and glorification of drugs and alcohol;

"(F) efforts to enhance health education and nutrition education; and

"(G) alternative public schools, and schools-within-schools programs, including bilingual and special education programs for public school students with special needs.

"(b) SPECIAL RULE.—Funds allotted under this subpart may be used for the planning, development, operation, or expansion of programs and activities that are designed to assist urban public schools in meeting National Education Goals, and may include—

"(1) training of teachers and other educational personnel in subject areas, or in instructional technology and methods that will improve the delivery of services in urban settings and assist in the achievement of the National Education Goals, including staff development efforts that emphasize multicultural and gender and disability bias-free curricula;

"(2) coordination and collaboration with other municipal agencies, child care organizations, universities, or the private sector;

"(3) parental involvement and outreach efforts and other activities designed to enhance parental encouragement of student learning;

"(4) guidance and psychological counseling, social work, and other support services that contribute to progress in achieving National Education Goals;

"(5) efforts to acquire and improve access to educational technology;

"(6) programs to serve homeless children, children in desegregation programs, immigrants, migrants, or other highly mobile populations, even if such individuals do not attend a public school assisted under this subpart; and

"(7) efforts to improve and strengthen the curriculum and coordinate services across grade levels.

"(c) PRIORITY.—Each urban eligible local educational agency submitting an application shall give priority in designing the program assisted under this subpart to activities that replicate successful efforts in other urban local educational agencies or expand successful programs within the urban eligible local educational agency.

"SEC. 16125. ACCOUNTABILITY.

"(a) IN GENERAL.—The Secretary may award an allotment under this subpart to an urban eligible local educational agency to enable such an agency to operate a program under this subpart for a period of not more than 5 years. If an urban eligible local educational agency receiving an allotment under this subpart meets the accountability requirements described in subsection (b) at the end of the 5-year period, and the requirements described in subsection (c) at the end of each year, as determined by the Secretary, such agency shall be eligible to continue the project with funds under this subpart for an additional 3-year period.

"(b) REQUIREMENTS TO MOVE TOWARD NATIONAL EDUCATION GOALS.—

"(1) PROGRAM CONTINUATION.—Except as provided in paragraph (2), if after 5 years of receiving an allotment under this subpart an urban eligible local educational agency is able to demonstrate to the satisfaction of the Secretary that such agency has increased the achievement level of urban public school students in the lowest 2 quartiles in the schools served by such agency and assisted under this subpart as measured by the statistical indicators and other criteria specified in the application in excess of the average such achievement of such students in the 3-year period prior to the initiation of the project, then such agency shall be eligible to continue the project with funds under this title for an additional 5-year period upon reapplication under section 16122.

"(2) SPECIAL RULE.—If after 5 years of receiving an allotment under this subpart an urban eligible local educational agency is able to demonstrate to the Secretary that it has made significant progress in school improvement, given changes in the student population or other factors beyond such agency's control, then such agency shall be considered to have met the requirements of paragraph (1) so long as the achievement level of the schools served by such agency and assisted under this subpart did not decline over the 5-year period.

"(c) COLLECTION OF DATA.—Each urban eligible local educational agency, community-based organization, university, or nonprofit partnership receiving an allotment under this subpart shall annually collect and submit to the Secretary data based on the statistical indicators and other criteria described in the application submitted by such urban eligible local educational agency for the purposes of monitoring progress in achieving National Education Goals. Such data shall include multiple measures or indicators of each variable, and may take into consideration the mobility of students in the schools served under this subpart.

"SEC. 16126. INCENTIVE AWARDS TO EXEMPLARY PROGRAMS.

"From amounts reserved pursuant to section 16121(a) or otherwise made available, the Secretary is authorized to make competitive awards to individual public schools participating in a program assisted under this subpart that demonstrate to the satisfaction of the Secretary success in at least 3 of the following areas:

"(1) Unusual or exemplary progress in achieving the National Education Goals through programs described in section 16124.

"(2) Exemplary or unusually effective collaborative arrangements between public schools, community-based organizations, agencies, parent groups, colleges and businesses.

"(3) Identification, review, and removal of potential barriers to student performance in achieving National Education Goals, including a decrease in suspensions, expulsions, in-grade retentions, and ability groupings, and lack of access to course offerings in pre-algebra and introductory algebra.

"(4) Substantial expansion of the hours that public schools remain open for community use or student after-school recreation.

"SEC. 16127. SPECIAL RULES.

"(a) RANKING OF SCHOOLS TO DETERMINE RELATIVE NEED.—

"(1) IN GENERAL.—In order to determine which public schools are most in need of services, each urban eligible local educational agency desiring to receive an allotment under this subpart shall separately rank all public elementary and secondary schools under the jurisdiction of such agency on the basis of—

"(A) low achievement;

"(B) high poverty; and

"(C) racial isolation.

"(2) PERCENTAGE OF SCHOOLS TO BE SERVED.—Each urban eligible local educational agency that receives an allotment under this subpart shall serve at least 10 percent, but not more than 20 percent, of the public schools under the jurisdiction of such agency.

"(3) CRITERIA FOR SCHOOLS TO BE SERVED.—Subject to paragraph (2) of this subsection, each urban eligible local educational agency that receives an allotment under this subpart—

"(A) shall serve any public school that is determined to be most in need with respect to all 3 rankings described in paragraph (1);

"(B) may serve any public school that is determined to be most in need with respect to any 1 or more of such rankings; and

"(C) may serve any public school that received assistance under this title in a previous fiscal year.

"(b) FLEXIBILITY.—Each urban eligible local educational agency shall have the flexibility to serve homeless children, children in schools undergoing desegregation, immigrants, migrants, or other highly mobile populations within the program assisted under this subpart.

"Subpart 2—General Provisions

"SEC. 16131. WHITE HOUSE CONFERENCE ON URBAN EDUCATION.

"(a) AUTHORIZATION TO CALL CONFERENCE.—

"(1) IN GENERAL.—The President is authorized to call and conduct a White House Conference on Urban Education (referred to in this section as the 'Conference') which shall be held not earlier than November 1, 1995, and not later than October 30, 1996.

"(2) PURPOSE.—The purpose of the Conference shall be to—

"(A) develop recommendations and strategies for the improvement of urban education;

"(B) marshal the forces of the private sector, governmental agencies at all levels, parents, teachers, communities, and education officials to assist urban public schools in achieving National Education Goals; and

"(C) conduct the initial planning for a permanent national advisory commission on urban education.

"(b) COMPOSITION OF CONFERENCE.—

"(1) IN GENERAL.—The Conference shall be comprised of 12 individuals, including—

"(A) representatives of urban public school systems, including members of the governing body of local educational agencies, and school superintendents;

"(B) representatives of the Congress, the Department of Education, and other Federal agencies;

"(C) State elected officials and representatives from State educational agencies; and

"(D) individuals with special knowledge of and expertise in urban education.

"(2) SELECTION.—The President shall select one-third of the participants of the Conference, the Majority Leader of the Senate shall select one-third of such participants, and the Speaker of the House of Representatives shall select the remaining one-third of such participants.

"(3) REPRESENTATION.—In selecting the participants of the Conference, the President, the Majority Leader of the Senate, and the Speaker of the House of the House of Representatives shall ensure that the participants are as representative of the ethnic, racial, and linguistic diversity of cities as is practicable.

"(c) REPORT.—

"(1) IN GENERAL.—Not later than 120 days following the termination of the Conference, a final report of the Conference, containing such findings and recommendations as may be made by the Conference, shall be submitted to the President. The final report shall be made public and, not later than 90 days after receipt by the President, transmitted to the Congress together with a statement of the President containing recommendations for implementing the report.

"(2) PUBLICATION AND DISTRIBUTION.—The Conference is authorized to publish and distribute the report described in this section. Copies of the report shall be provided to the Federal depository libraries and made available to local urban public school leaders.

"PART B—RURAL SCHOOLS

"SEC. 16201. SHORT TITLE.

"This part may be cited as the 'Rural Schools of America (RSA) Act of 1994'.

"SEC. 16202. FINDINGS.

"The Congress finds that—

"(1) the ability of America's rural public school systems to meet the National Education Goals will contribute to the economic competitiveness and academic standing of the Nation in the world community;

"(2) the quality of public education in the rural areas of the Nation has a direct effect on the economic development of the rural communities of the Nation;

"(3) the success of rural public schools in boosting the achievement of minority youth attending such schools will determine the ability of the Nation to close the gap between the haves and the have-nots in society;

"(4) the cost to America's businesses to provide remedial education to secondary public school graduates is approximately $21,000,000,000 per year;

"(5) rural public schools enroll a disproportionately large share of the Nation's poor and at-risk youth;

"(6) approximately 60 percent of the Nation's public school districts are rural with a population of less than 2,500;

"(7) approximately one out of every four of America's rural children are living below the poverty line;

"(8) the academic performance of students in the average rural public school system is below that of students in most suburban school systems;

"(9) rural preschoolers have less access to early childhood development programs than other children;

"(10) shortages of teachers for rural public school systems is greater than in other kinds of school systems;

"(11) a declining number of rural public secondary school graduates are pursuing post-secondary education opportunities;

"(12) the average age of rural public school buildings is more than 45 years old and such buildings are often in serious disrepair, creating poor and demoralizing working and learning conditions;

"(13) solving the challenges facing the Nation's rural public schools will require the concerted and collaborative efforts of all levels of government and all sectors of the community;

"(14) Federal and State funding of rural public schools has not adequately reflected need; and

"(15) Federal funding that is well-targeted, flexible, and accountable would contribute significantly to addressing the comprehensive needs of rural public schools.

"SEC. 16203. PURPOSE.

"It is the purpose of this part to provide financial assistance to rural public schools most in need, to encourage the comprehensive restructuring of America's rural schools, the appropriate use of telecommunications technologies for learning, and to support innovative programs which improve performance through programs and projects designed to—

"(1) assist rural public schools in meeting National Education Goals;

"(2) encourage rural public schools to engage in school reform;

"(3) develop pilot projects that experiment with innovative ways to teach rural public school children more effectively;

"(4) improve the educational and social well-being of rural public school children;

"(5) close the achievement gap between children attending rural public schools and other children, while improving the achievement level of all children nationally;

"(6) conduct coordinated research on rural education problems, solutions, promising practices, and distance learning technologies;

"(7) improve the Nation's global economic and educational competitiveness by improving the Nation's rural public schools;

"(8) encourage community, parental, and business collaboration in the improvement of rural public schools;

"(9) encourage rural school consortia for the purpose of increasing efficiency and course offerings;

"(10) encourage a positive role for rural public schools in local rural entrepreneurship and the identification of rural community economic development opportunities;

"(11) encourage community-as-school concepts, which include the role public schools can play to assist with rural community economic revitalization; and

"(12) provide meaningful inservice opportunities for rural public school teachers.

"Subpart 1—Rural School Improvement

"SEC. 16221. ALLOTMENT OF FUNDS.

"(a) RESERVATION.—From the amount appropriated or otherwise made available to carry out this subpart for any fiscal year after the first fiscal year in which the Secretary awards allotments to State educational agencies under this subpart, the Secretary shall reserve 5 percent of such funds to provide incentive awards in accordance with section 16226.

"(b) ALLOTMENTS.—

"(1) FEDERAL ALLOTMENT.—From the remainder of the funds not reserved under subsection (a), the Secretary shall allot to each State educational agency with an approved application in each fiscal year an amount which bears the same relationship to such funds as the amount all rural eligible local educational agencies with approved applications in the State were allocated under section 1123 (or for fiscal year 1995 only, such section's predecessor authority) in the preceding fiscal year bears to the total amount received under such section (or predecessor authority) in such preceding fiscal year by all rural eligible local educational agencies with approved applications in all States.

"(2) STATE ALLOTMENT.—

"(A) RESERVATION FOR ADMINISTRATIVE EXPENSES.—From amounts received pursuant to paragraph (1), each State educational agency may reserve not more than 1 percent of such amount for administrative expenses.

"(B) RESERVATION FOR COMMUNITY-BASED ORGANIZATIONS AND NONPROFIT PARTNERSHIPS.—From amounts received under paragraph (1) for any fiscal year, each State educational agency shall reserve not more than 5 percent to make as many grants as practicable for activities in accordance with the National Education Goals and described in section 16224 to—

"(i) community-based organizations; or

"(ii) nonprofit partnerships among rural eligible local educational agencies, local colleges or universities, private sector businesses, or any combination thereof, that enter into a written agreement with at least one rural eligible local educational agency.

"(C) FORMULA.—From the remainder of amounts received pursuant to paragraph (1) and not reserved pursuant to subparagraphs (A) and (B) in each fiscal year, each State educational agency shall allot to each rural eligible local educational agency with an approved application an amount which bears the same relationship to such funds as the amount such rural eligible local educational agency was allocated under section 1123 (or for fiscal year 1995 only, such section's predecessor authority) in the preceding fiscal year bears to the total amount received under such section (or predecessor authority) in such preceding fiscal year by all rural eligible local educational agencies with approved applications in the State.

"(D) ADMINISTRATIVE COSTS.—Not more than 5 percent of any rural eligible local educational agency's allotment under this subsection may be used for administrative costs.

"(c) REALLOTMENT.—Any amounts available for reallotment pursuant to subsections (a) and (b) shall be reallotted in the same manner as the original allotments were made.

"SEC. 16222. APPLICATION.

"(a) STATE APPLICATION.—

"(1) IN GENERAL.—Each State educational agency desiring to receive an allotment in any fiscal year to carry out the provisions of this subpart shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

"(A) describe the State's approach to improving education in rural public schools;

"(B) contain such information as the Secretary may reasonably require in order to make the allotment described in section 16221(b)(1); and

"(C) contain such other information or assurances as the Secretary determines necessary to ensure compliance with this subpart.

"(b) LOCAL APPLICATION.—

"(1) IN GENERAL.—Any rural eligible local educational agency desiring to receive an allotment to carry out this subpart, shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may reasonably require.

"(2) CONTENTS OF LOCAL EDUCATIONAL AGENCY APPLICATION.—Each application submitted by a rural eligible local educational agency pursuant to paragraph (1) shall include a description of—

"(A) the community served by the rural eligible local educational agency and the effects of the community on the educational conditions within the public schools served by the rural eligible local educational agency;

"(B) the academic and other goals selected by the rural eligible local educational agency and their relationship to the standards set for all students under the Goals 2000: Educate America Act or title I of this Act;

"(C) how funds received under this subpart will be used to meet the National Educational Goals selected by the rural eligible local educational agency;

"(D) how promising or successful models or programs will be replicated in designing activities assisted under this subpart;

"(E) which federally funded programs and activities are being expanded under this subpart; and

"(F) the statistical indicators and other criteria that the rural eligible local educational agency will use to measure progress toward meeting National Education Goals.

"(3) DURATION.—Except as provided in section 16225, the application described in paragraph (1) may be for a period of not more than 5 years.

"(c) COMMUNITY-BASED ORGANIZATIONS AND NONPROFIT PARTNERSHIPS.—Any community-based organization or nonprofit partnership described in section 16221(b)(2)(B) desiring to receive a grant from a State educational agency pursuant to such section shall—

"(1) prepare and submit an application to the State educational agency;

"(2) describe in the application the collaborative efforts undertaken with a rural eligible local educational agency in designing a program to meet the purposes of this part; and

"(3) describe in the application how funds will be used to help meet the education goals selected by a rural eligible local educational agency pursuant to subsection (b) of this section.

"SEC. 16223. PLANNING PERIOD.

"Any rural eligible local educational agency requiring additional planning efforts to meet the requirements of this subpart may use the first 3 months of the initial program year for planning purposes, subject to approval by the State educational agency, except that not more than 10 percent of the first year's allotment shall be used for such purposes. A written report of the results of the plan shall be submitted to the State educational agency.

"SEC. 16224. USES OF FUNDS.

"(a) IN GENERAL.—Funds allotted under section 16221(b)(2) shall be used by rural eligible local educational agencies, or community-based organizations or nonprofit partnerships described in section 16221(b)(2)(B), to meet National Education Goals through programs designed to—

"(1) increase the academic achievement of rural public school children to at least the national average, including education reform initiatives, such as—

"(A) effective public schools programs;

"(B) tutoring, mentoring, and other activities to improve academic achievement directly;

"(C) supplementary academic instruction;

"(D) efforts to improve problem-solving and higher-order critical thinking skills;

"(E) programs to increase student motivation for learning;

"(F) efforts to lengthen the school day, school year, or reduce class sizes; and

"(G) encouraging the establishment of rural school consortia to increase efficiency and course offerings;

"(2) ensure the readiness of all rural children for school, such as—

"(A) full workday, full calendar-year comprehensive early childhood development programs;

"(B) parenting classes, including parenting classes for teenage parents, and parent involvement activities;

"(C) activities designed to coordinate prekindergarten and child care programs;

"(D) efforts to integrate developmentally appropriate prekindergarten services into the overall public school program;

"(E) improving the skills of early childhood education staff and standards for programs;

"(F) collaborative efforts with health and social service agencies to provide comprehensive services and to facilitate the transition from home to school;

"(G) establishment of comprehensive child care centers in public secondary schools for student-parents and their children; and

"(H) augmenting early childhood development programs to meet the special educational and cultural needs of limited-English proficient and migrant preschool children;

"(3) increase the graduation rates of rural public school students to at least the national average, when funds are used to serve secondary schools, such as—

"(A) dropout prevention activities and support services for students at-risk of dropping out of school;

"(B) reentry, outreach and support activities to recruit students who have dropped out of school to return to school;

"(C) development of systemwide policies and practices that encourage students to stay in school;

"(D) efforts to provide individualized student support;

"(E) collaborative activities between schools, parents, community groups, agencies, and institutions of higher education aimed at preventing individuals from dropping out of school;

"(F) programs to increase student attendance; and

"(G) alternative programs for students, especially bilingual, special education, and migrant students, who have dropped out of school or are at risk of dropping out of school;

"(4) prepare rural public school students to enter higher education, pursue careers, and exercise their responsibilities as citizens, such as—

"(A) activities designed to increase the number and percentages of students, enrolling in postsecondary educational institutions after graduation from secondary schools;

"(B) in-school youth employment, vocational education, and career education programs that improve the transition from school to work;

"(C) activities designed in collaboration with colleges and universities to assist rural public school graduates in completing higher education;

"(D) activities designed in conjunction with community colleges to provide a kindergarten through grade 14 experience for rural public school secondary school students;

"(E) efforts to increase voter registration among eligible public secondary school students attending schools served by rural eligible local educational agencies;

"(F) activities designed to promote community service and volunteerism among students, parents, teachers, and the community;

"(G) civic education, law-related education, and other programs designed to enhance responsible citizenship and understanding of the political process; and

"(H) encouraging a positive role for rural public schools in local rural entrepreneurship and the identification of rural community economic development opportunities;

"(5) recruit and retain qualified teachers, such as—

"(A) school-based management projects and activities;

"(B) programs designed to increase the status of the teaching profession;

"(C) alternative routes to certification for qualified individuals from business, the military, and other fields;

"(D) efforts to recruit and retain teachers in critical shortage areas, including early childhood teachers, mathematics and science teachers, foreign language teachers, and special education and bilingual teachers;

"(E) upgrading the skills of existing classroom teachers through the use of year-round, systematic, comprehensive inservice training programs;

"(F) upgrading the skills of teacher aides and paraprofessionals to assist such individuals in becoming certified teachers;

"(G) efforts specifically designed to increase the number of minority teachers in rural public schools;

"(H) programs designed to encourage parents and students to enter the teaching profession;

"(I) incentives for teachers to work in rural public schools;

"(J) collaborative activities with colleges and universities to revise and upgrade teacher training programs to meet the needs of rural public school students; and

"(K) training activities for the purpose of incorporating distance learning technologies; or

"(6) decrease the use of drugs and alcohol among rural public school students, and to enhance the physical and emotional health of such students, such as—

"(A) activities designed to improve the self-esteem and self-worth of rural students;

"(B) the provision of health care services and other social services and the coordination of such services with other health care providers;

"(C) programs designed to improve safety and discipline and reduce in-school violence and vandalism;

"(D) activities that begin in the early grades and are designed to prevent drug and alcohol abuse and smoking among students;

"(E) collaborative activities with other agencies, businesses, and community groups;

"(F) efforts to enhance health education and nutrition education; and

"(G) alternative public schools, and schools-within-schools programs, including bilingual, migrant, and special education programs for students with special needs.

"(b) SPECIAL RULE.—Funds allotted under section 16221(b)(2) may be used by rural eligible local educational agencies, or community-based organizations or nonprofit partnerships, described in section 16221(b)(2)(B), for the planning, development, operation, or expansion of programs and activities that are designed to assist rural public schools in meeting National Education Goals, and may include—

"(1) training of teachers and other educational personnel in subject areas, or instructional technology and methods, that will improve the delivery of services in rural settings in any of the National Education Goal areas, including staff development efforts which emphasize multicultural, gender, and disability bias-free curricula;

"(2) coordination and collaboration with other rural agencies, including State rural development councils, child care organizations, universities, or the private sector;

"(3) parental involvement and outreach efforts and other activities designed to enhance parental encouragement of student learning;

"(4) guidance counseling, psychological, social work, and other support services that contribute to progress in achieving National Education Goals;

"(5) efforts to acquire and improve access to educational technology, including distance learning technologies;

"(6) programs to serve homeless children, children in schools undergoing desegregation, immigrants, migrants, or other highly mobile populations, even if such individuals do not attend a rural public school assisted under this subpart;

"(7) efforts to improve, reform and strengthen the curriculum, especially efforts to enhance critical thinking skills among rural students, and efforts to coordinate services across grade levels; and

"(8) other activities designed to assist in achieving the National Education Goals.

"(c) PRIORITY.—Each eligible rural local educational agency submitting an application under this section shall give priority in designing the program assisted under this subpart to activities that replicate successful efforts in other local educational agencies or expand successful programs within the rural eligible local educational agency.

"SEC. 16225. ACCOUNTABILITY.

"(a) IN GENERAL.—The State educational agency may award an allotment under this subpart to a rural eligible local educational agency to enable such an agency to operate a program under this subpart for a period of not more than 5 years. If a rural eligible local educational agency receiving an allotment under this subpart meets the accountability requirements described in subsection (b) at the end of 5 years

and the requirements described in subsection (c) at the end of each year, as determined by the State educational agency, such local educational agency shall be eligible to continue the project with funds under this subpart for an additional 3 years if such local educational agency so desires.

"(b) REQUIREMENTS TO MOVE TOWARD NATIONAL EDUCATION GOALS.—

"(1) PROGRAM CONTINUATION.—If, after 5 years of receiving an allotment under this subpart, a rural eligible local educational agency is able to demonstrate to the satisfaction of the State educational agency that such rural eligible local educational agency has increased the achievement within the lowest 2 quartiles of students in rural public schools assisted under this subpart as measured by the statistical indicators and other criteria specified in the application in comparison to the year prior to the initiation of the project, then such agency shall be eligible to continue the project with funds under this subpart for an additional 5 years upon reapplication under section 16222.

"(2) SPECIAL RULE.—If, after 5 years of receiving an allotment under this subpart, a rural eligible local educational agency is able to demonstrate to the Secretary that it has made significant progress in school improvement, given changes in the student population or other factors beyond such agency's control, then such agency shall be deemed to have met the requirements of paragraph (1) so long as the average achievement level of the public schools assisted under this subpart did not decline over the previous 5-year period.

"(c) COLLECTION OF DATA AND CERTIFICATION.—

"(1) IN GENERAL.—Each rural eligible local educational agency, community-based organizations or nonprofit partnerships described in section 16221(b)(2)(B), receiving assistance under this subpart shall annually collect and submit to the State educational agency data based on the statistical indicators and other criteria described in the application submitted by such rural eligible local educational agency for the purposes of monitoring progress in achieving the National Education Goals in accordance with paragraph (2). Such data shall include multiple measures or indicators of each variable, and may take into consideration the mobility of students in the public schools served under this subpart or other special factors.

"(2) CERTIFICATION.—Each rural eligible local educational agency receiving an allotment pursuant to section 16221(b)(2) shall annually certify to the State educational agency that such rural eligible local educational agency has—

"(A) complied with the provisions of this subsection; and

"(B) made progress toward meeting National Education Goals and the goals described in section 16222(b)(2)(D).

"SEC. 16226. INCENTIVE AWARDS TO EXEMPLARY PROGRAMS.

"From amounts reserved pursuant to section 16221(a) or otherwise made available, the Secretary is authorized to make competitive awards to rural eligible local educational agencies to enable such agencies to provide assistance to individual schools participating in a program assisted under this subpart that demonstrate to the satisfaction of the Secretary at least 3 of the following:

"(1) Unusual or exemplary progress in achieving the National Education Goals through programs described in section 16224.

"(2) Exemplary or unusually effective collaborative arrangements between the schools, community-based organizations, agencies, parent groups, colleges, and businesses.

"(3) Identification, review and removal of potential barriers to student performance in the National Education Goal areas, such as suspensions and expulsions, in-grade retentions, ability grouping, lack of access to course offerings, and other such barriers.

"Subpart 2—General Provisions

"SEC. 16231. WHITE HOUSE CONFERENCE ON RURAL EDUCATION.

"(a) AUTHORIZATION TO CALL CONFERENCE.—

"(1) IN GENERAL.—The President is authorized to call and conduct a White House Conference on Rural Education (referred to in this section as the 'Conference').

"(2) DATE.—The Conference described in paragraph (1) shall be held not earlier than November 1, 1995, and not later than October 30, 1996.

"(3) PURPOSE.—The purposes of the Conference shall be to—

"(A) develop recommendations and strategies for the improvement of rural public education;

"(B) marshal the forces of the private sector, governmental agencies at all levels, parents, teachers, communities, and education officials to assist rural public schools in achieving National Education Goals, and make recommendations on the roles rural public schools can play to assist with local rural community economic revitalization; and

"(C) conduct the initial planning for a permanent national commission on rural public education.

"(b) COMPOSITION OF CONFERENCE.—

"(1) IN GENERAL.—The Conference shall be comprised of—

"(A) representatives of eligible public school systems, including members of the governing body of local educational agencies, school superintendents, and classroom teachers;

"(B) representatives of the Congress, the Department of Education, and other Federal agencies;

"(C) State elected officials and representatives from State educational agencies;

"(D) individuals with special knowledge of, and expertise in, rural education, including individuals involved with rural postsecondary education; and

"(E) individuals with special knowledge of, and expertise in, rural business.

"(2) SELECTION.—The President shall select one-third of the participants of the Conference, the Majority Leader of the Senate shall select one-third of such participants, and the Speaker of the House of Representatives shall select the remaining one-third of such participants.

"(3) REPRESENTATION.—In selecting the participants of the Conference, the President, the Majority Leader of the Senate, and the Speaker of the House of Representatives shall ensure that the participants are as representative of the ethnic, racial, and language diversity of rural areas as is practicable.

"(c) REPORT.—

"(1) IN GENERAL.—Not later than 120 days following the termination of the Conference, a final report of the Conference, containing such findings and recommendations as may be made by the Conference, shall be submitted to the President. The final report shall be made public and, not later than 90 days after receipt by the President, transmitted to the Congress together with a statement of the President containing recommendations for implementing the report.

"(2) PUBLICATION AND DISTRIBUTION.—The Conference is authorized to publish and distribute the report described in this section. Copies of the report shall be provided to the Federal depository libraries and made available to local rural school leaders and teachers.

"PART C—AUTHORIZATION OF APPROPRIATIONS

"SEC. 16301. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated $50,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this title, of which—

"(1) 50 percent shall be made available to carry out part A; and

"(2) 50 percent shall be made available to carry out part B.

"(b) FEDERAL FUNDS TO SUPPLEMENT NOT SUPPLANT NON-FEDERAL FUNDS.—An eligible local educational agency may use funds received under this title only to supplement and, to the extent practicable, increase the level of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of students participating in activities assisted under this title, and in no such case may such funds be used to supplant funds from non-Federal sources.

"TITLE XVII—GUN-FREE SCHOOLS

"SEC. 17001. GUN-FREE REQUIREMENTS.

"(a) SHORT TITLE.—This section may be cited as the "Gun-Free Schools Act of 1994".

"(b) REQUIREMENTS.—

"(1) IN GENERAL.—Except as provided in paragraph (3), no assistance may be provided to any local educational agency under this Act unless such agency has in effect a policy requiring the expulsion from school for a period of not less than one year of any student who is determined to have brought a weapon to a school under the jurisdiction of such agency, except that such policy may allow the chief administering officer of such agency to modify such expulsion requirement for a student on a case-by-case basis.

"(2) CONSTRUCTION.—Nothing in this title shall be construed to prevent a local educational agency that has expelled a student from such student's regular school setting from providing educational services to such student in an alternative setting, as provided by State law, policy, or otherwise determined by such local educational agency.

"(3) SPECIAL RULE.—(A) Any local educational agency serving a State that has enacted a State law prior to the date of enactment of the Improving America's Schools Act of 1994 which is in conflict with the not less than 1 year expulsion requirement described in paragraph (1) shall have the period of time described in subparagraph (B) to comply with such requirement.

"(B) The period of time shall be the period beginning on the date of enactment of the Improving America's Schools Act and ending 1 year after such date.

"(4) DEFINITION.—For the purpose of this section, the term 'weapon' means a firearm as such term is defined in section 921 of title 18, United States Code.

"(c) REPORT TO STATE.—Each local educational agency requesting assistance from the State educational agency that is to be provided from funds made available to the State under this Act shall provide to the State, in the application requesting such assistance—

"(1) an assurance that such local educational agency has in effect the policy required by subsection (b); and

"(2) a description of the circumstances surrounding any expulsions imposed under the policy required by subsection (b), including—

"(A) the name of the school concerned;

"(B) the number of students expelled from such school; and

"(C) the types of weapons concerned.".

TITLE II—AMENDMENTS TO THE GENERAL EDUCATION PROVISIONS ACT

PART A—APPLICABILITY OF THE GENERAL EDUCATION PROVISIONS ACT

SEC. 211. TITLE; APPLICABILITY; DEFINITIONS.

Section 400 of the General Education Provisions Act (20 U.S.C. 1221 et seq.) (hereafter in this title (other than part G) referred to as the "Act") is amended to read as follows:

"SHORT 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 or the Department has administrative responsibility as provided by law or by delegation of authority pursuant to law. The term includes each program for which the Secretary or the Department has administrative responsibility under the Department of Education Organization Act or under Federal law 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.".

SEC. 212. REPEAL.

Section 400A of the Act (20 U.S.C. 1221–3) is repealed.

PART B—THE DEPARTMENT OF EDUCATION

SEC. 221. NEW HEADING FOR PART A.

The heading for part A of the Act is amended to read as follows:

"PART A—FUNCTIONS OF THE DEPARTMENT OF EDUCATION".

SEC. 222. GENERAL AUTHORITY OF THE SECRETARY.

Section 408 of the Act (20 U.S.C. 1221e–3) is amended to read as follows:

"GENERAL AUTHORITY OF THE SECRETARY

"SEC. 408. The Secretary, in order to carry out functions otherwise vested in the Secretary 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.".

SEC. 223. REPEALS.

Sections 401, 402, 403 (20 U.S.C. 1221c), 406 (20 U.S.C. 1221e–1), 406A (20 U.S.C. 1221e–1a), 406B (20 U.S.C. 1221e–1b), 406C (20 U.S.C. 1221e–1c), and 407 (20 U.S.C. 1221e–2) of the Act are repealed.

PART C—APPROPRIATIONS AND EVALUATIONS

SEC. 231. AVAILABILITY OF APPROPRIATIONS.

(a) AMENDMENT TO HEADING.—The heading for section 412 of the Act (20 U.S.C. 1225) is amended to read as follows:

"AVAILABILITY OF APPROPRIATIONS ON ACADEMIC OR SCHOOL-YEAR BASIS; ADDITIONAL PERIOD FOR OBLIGATION OF FUNDS".

(b) AMENDMENT TO TEXT.—Section 412 of the Act (20 U.S.C. 1225) is further amended—

(1) in subsection (a)—

(A) by striking "to educational agencies or institutions";

(B) by striking "expenditure" and inserting "obligation"; and

(C) by striking "agency or institution concerned" and inserting "recipient";

(2) in subsection (b)—

(A) by amending the matter preceding paragraph (2) 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 the authorizing statute or implementing regulations of which provide a formula for allocating program funds among eligible States."; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A)—

(I) by striking "applicable program" and inserting "applicable State formula grant program"; and

(II) by striking "and expenditure" and inserting "and expended"; and

(ii) in subparagraph (B), by striking "such educational agencies or institutions" and inserting "the recipients of such funds"; and

(3) by striking subsection (c).

SEC. 232. CONTINGENT EXTENSION OF PROGRAMS.

Section 414 of the Act (20 U.S.C. 1226a) 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 two additional fiscal years unless the Congress, in the regular session that ends prior to the terminal fiscal year of such authorization or duration has passed legislation that becomes law and extends, or has rejected legislation that would have extended, the authorization or duration of such program.

"(b) The amount authorized to be appropriated for the period of automatic extension under subsection (a) of an applicable program shall be the amount authorized to be appropriated for such program for the terminal fiscal year of the applicable program.

"(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).".

SEC. 233. BIENNIAL EVALUATION REPORT.

Section 417 of the Act (20 U.S.C. 1226c) is amended to read as follows:

"BIENNIAL EVALUATION REPORT

"SEC. 417. Not later than March 31, 1995, and every 2 years thereafter, 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 in achieving their legislated intent and purposes during the 2 preceding fiscal years. Such report shall—

"(1) contain program profiles that include legislative citations, multiyear funding histories, and legislated purposes;

"(2) contain recent 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 information on the costs and benefits of the applicable programs being evaluated;

"(3) address 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;

"(5) include available data to indicate the effectiveness of the programs and projects by the race, sex, disability and age of the beneficiaries of such programs and projects; and

"(6) include the results of the program evaluations conducted in accordance with section 10107 of the Elementary and Secondary Education Act of 1965.".

SEC. 234. TECHNICAL AMENDMENTS.

(a) PAYMENTS.—Section 415 of the Act (20 U.S.C. 1226a–1) is amended by striking "Commissioner" and inserting "Secretary".

(b) PROGRAM PLANNING AND EVALUATION.—Section 420 of the Act (20 U.S.C. 1228) is amended—

(1) by striking "title I of" and all that follows through "Congress)" and inserting "title IX of the Elementary and Secondary Education Act of 1965"; and

(2) by striking "subparagraph (C) of section 3(d)(2) or section 403(1)(C) of that Act" and inserting "subsections (d) and (g) of section 9004 of such Act or residing on property described in section 9014(10) of such Act".

SEC. 235. REPEALS.

Sections 411 (20 U.S.C. 1223), 413 (20 U.S.C. 1226), 416 (20 U.S.C. 1226b), and 419 (20 U.S.C. 1227) of the Act are repealed.

PART D—ADMINISTRATION OF EDUCATION PROGRAMS

SEC. 241. JOINT FUNDING OF PROGRAMS.

Section 421A of the Act (20 U.S.C. 1231) 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 transferred or received pursuant to paragraph (1) shall be used only in accordance with the Federal law authorizing the appropriation of such funds and the Federal law appropriating such funds, and shall be made available only to parties eligible to receive such funds under such law.

"(3) If the Secretary enters into a agreement under this subsection for the administration of a project, the agency administering the project shall use such agency's procedures to select recipients of funds under such project 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 this subsection 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 under the joint project, the Secretary and the heads of the other participating agencies may develop a single set of criteria for the jointly funded project and require each applicant for such project 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 funds are awarded 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 shall meet the eligibility requirements of each such program.".

SEC. 242. COLLECTION AND DISSEMINATION OF INFORMATION.

Section 422 of the Act (20 U.S.C. 1231a) 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 regarding 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 the intended purposes of such programs.".

SEC. 243. REVIEW OF APPLICATIONS.

Section 425 of the Act (20 U.S.C. 1231b–2) is amended—

(1) in subsection (a)—

(A) by striking "Commissioner" and inserting "Secretary";

(B) by striking "and in the case of the program provided for in title I of the Elementary and Secondary Education Act of 1965,";

(C) in the third sentence, by inserting a comma after "the hearing"; and

(D) in the fourth sentence—

(i) by striking the comma after "guidelines"; and

(ii) by inserting a comma after "program";

(2) in subsection (b), by striking "Commissioner" each place such term appears and inserting "Secretary"; and

(3) in subsection (d)—

(A) by striking "Commissioner" each place such term appears and inserting "Secretary"; and

(B) by inserting before the period "or issue such other orders as the Secretary may deem appropriate to achieve such compliance".

SEC. 244. USE OF FUNDS WITHHELD.

Section 428 of the Act (20 U.S.C. 1231e) is amended to read as follows:

"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 such allotment or reallotment by such amount as the Secretary determines such allotment or reallotment 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 or reallotments of local educational agencies within the State that are not described in subsection (a), or the allotments or reallotment of all States, in accordance with the Federal law 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.".

SEC. 245. APPLICATIONS.

Subsection (a) of section 430 of the Act (20 U.S.C. 1231g) is amended by striking "for three fiscal years" and inserting "for more than 1 fiscal year".

SEC. 246. REGULATIONS.

Section 431 of the Act (20 U.S.C. 1232) is amended to read as follows:

"REGULATIONS

"SEC. 431. (a) For the purpose of this section, the term 'regulation' means any generally applicable rule, regulation, guideline, interpretation, or other requirement that—

"(1) is prescribed by the Secretary or the Department; and

"(2) has legally binding effect in connection with, or affecting, the provision of financial assistance under any applicable program.

"(b) Regulations issued by the Secretary or the Department shall contain, immediately following each substantive provision of such regulations, citations to the particular section or sections of statutory law or other legal authority on which such provision is based.

"(c) All such regulations shall be uniformly applied and enforced throughout the 50 States.

"(d) The Secretary shall promulgate regulations in accordance with chapter 5 of title 5, United States Code, except that the exemption in section 553(a)(2) of such chapter for public property, loans, grants, and benefits shall apply only to regulations—

"(1) that govern a grant competition for the first year of a new program; or

"(2) where the Secretary determines that the requirements of this subsection will cause extreme hardship to the intended beneficiaries of the program affected by such regulations.

"(e)(1) Following the enactment of any Act, or any part of any Act, affecting the administration of any applicable program, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate a schedule in accordance with which the Secretary plans to promulgate final regulations that the Secretary determines are necessary to implement such Act or part of such Act. Subject to paragraph (2) of this subsection, such schedule shall provide that all such final regulations shall be promulgated within 480 days after the date of enactment of such Act or part of such Act.

"(2) If in developing such schedule the Secretary determines in an exceptional case, for good cause, that a final regulation cannot be promulgated within the period specified in paragraph (1), the Secretary shall include in such schedule the date by which such regulation will be promulgated and the reasons for such determination.

"(3) Except as provided in the following sentence, all such final regulations shall be promulgated in accordance with such schedule. If the Secretary, for good cause, later determines that the Secretary cannot comply with such schedule for reasons unforeseen at the time such schedule was submitted, the Secretary shall notify such committees of the reasons for such finding and submit a new schedule. All such final regulations shall be promulgated in accordance with such new schedule.

"(f) Concurrently with the publication of any final regulations, the Secretary shall transmit a copy of such final regulations to the Speaker of the House of Representatives and the President pro tempore of the Senate.".

SEC. 247. RECORDS; REDUCTION IN RETENTION REQUIREMENTS.

Section 437 of the Act (20 U.S.C. 1232f) is amended—

(1) in subsection (a)—

(A) by striking "grant, subgrant, contract, subcontract, loan, or other arrangement (other than procurement contracts awarded by an administrative head of an educational agency)" and inserting "grant, subgrant, cooperative agreement, loan or other arrangement";

(B) by inserting "financial or programmatic" before "audit."; and

(C) by striking the last sentence; and

(2) in subsection (b), by striking "to any records of a recipient which may be related, or pertinent to, the grants, subgrants, contracts, subcontracts, loans, or other arrangements" and inserting "to any records maintained by a recipient that may be related, or pertinent to, grants, subgrants, cooperative agreements, loans, or other arrangements".

SEC. 247A. PRIVACY RIGHTS.

Section 438 of the Act (20 U.S.C. 1232g) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(ii) by inserting after subparagraph (A) the following new subparagraph:

"(B) No funds under any applicable program shall be made available to any State educational agency (whether or not that agency is an educational agency or institution under this section) that has a policy of denying, or effectively prevents, the parents of students the right to inspect and review the education records maintained by the State educational agency on their children who are or have been in attendance at any school of an educational agency or institution that is subject to the provisions of this section.";

(iii) in clause (iii) of subparagraph (C) (as redesignated by clause (i)), by striking "(C)" and inserting "(D)"; and

(iv) in subparagraph (D) (as redesignated by clause (i)), by striking "(B)" and inserting "(C)"; and

(B) in paragraph (2), by striking "or other rights" and inserting "rights";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting ", including the educational interests of the child for whom consent would otherwise be required" before the semicolon;

(ii) in subparagraph (H), by striking "and" after the semicolon;

(iii) in subparagraph (I), by striking the period and inserting "; and"; and

(iv) by adding at the end the following new subparagraph:

"(J)(i) the entity or persons designated in a Federal grand jury subpoena, in which case the court shall order, for good cause shown, the educational agency or institution (and any officer, director, employee, agent, or attorney for such agency or institution) on which the subpoena is served, to not disclose to any person the existence or contents of the subpoena or any information furnished to the grand jury in response to the subpoena; and

"(ii) the entity or persons designated in any other subpoena issued for a law enforcement purpose, in which case the court or other issuing agency may order, for good cause shown, the educational agency or institution (and any officer, director, employee, agent, or attorney for such agency or institution) on which the subpoena is served, to not disclose to any person the existence or contents of the subpoena or any information furnished in response to the subpoena.";

(B) in paragraph (2)—

(i) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(ii) in clause (ii) (as redesignated by clause (i)), by inserting "except as provided in paragraph (1)(J)," before "such information"; and

(iii) by adding at the end the following new subparagraph:

"(B) If a third party outside the educational agency or institution permits access to information in violation of subparagraph (A)(i), or fails to destroy information in violation of paragraph (1)(F), the educational agency or institution shall be prohibited from permitting access to information from education records to that third party for a period of at least 5 years.";

(3) in subsection (c), by striking "The Secretary shall adopt appropriate regulations to" and inserting "Not later than 240 days after the date of enactment of the Improving America's Schools Act of 1994, the Secretary shall adopt appropriate regulations, or identify existing regulations, which";

(4) in subsection (e), by inserting "effectively" before "informs"; and

(5) by adding at the end the following new subsection:

"(h) Nothing in this section shall prohibit an educational agency or institution from—

"(1) including appropriate information in the education record of any student whose presence at school is determined by school officials to pose a significant risk to the safety or well-being of that student, other students, or other members of the school community; or

"(2) disclosing such information to teachers and school officials, including teachers and school officials in other schools, who have legitimate educational interests in the behavior of the student.".

SEC. 248. TECHNICAL AMENDMENTS.

(a) HEADING FOR PART C.—The heading for part C of the Act (20 U.S.C. 1230 et seq.) is amended by striking "COMMISSIONER OF EDUCATION" and inserting "SECRETARY".

(b) SECTION 427.—Section 427 of the Act (20 U.S.C. 1231d) is amended—

(1) by striking "Commissioner" and inserting "Secretary"; and

(2) in the second sentence of the matter preceding paragraph (1), by inserting "is made" after "such determination".

(c) SECTION 430.—Section 430 of the Act (20 U.S.C. 1231g) is amended by striking "Commissioner" each place such term appears and inserting "Secretary".

(d) SECTION 433.—Section 433 of the Act (20 U.S.C. 1232b) is amended by striking "Except for emergency relief under section 7 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), all laborers" and inserting "All laborers".

(e) SECTION 434.—

(1) AMENDMENT TO HEADING.—The heading for section 434 of the Act (20 U.S.C. 1232c) is amended by striking "EDUCATIONAL".

(2) AMENDMENT TO TEXT.—Section 434 of the Act (20 U.S.C. 1232c) is amended—

(A) by striking "Commissioner" each place such term appears and inserting "Secretary";

(B) by redesignating the matter following paragraph (3) of subsection (b) as subsection (c); and

(C) in subsection (c) (as redesignated by subparagraph (B)), by striking "paragraph (3)" and inserting "subsection (b)(3)".

(f) SECTION 435.—Section 435 of the Act (20 U.S.C. 1232d) is amended—

(1) by striking "Commissioner" each place such term appears and inserting "Secretary"; and

(2) in subsection (a)—

(A) by striking the comma after "submits a plan";

(B) by striking ", in the case of programs under chapter 1 and chapter 2 of title I of the Elementary and Secondary Education Act of 1965,"; and

(C) by striking "title V of such Act" and inserting "part A of title V of the Elementary and Secondary Education Act of 1965" before "title V".

(g) SECTION 436.—Section 436 of the Act (20 U.S.C. 1232e) is amended—

(1) in subsection (a), by striking "that local education agency" and inserting "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 "Commissioner" each place such term appears and inserting "Secretary"; and

(C) in paragraph (7)(B), by striking "handicapped individuals" and inserting "individuals with disabilities".

(h) SECTION 438.—Section 438 of the Act (20 U.S.C. 1232g) is amended—

(1) in subsection (a)(4)(B)(ii), by striking the period and inserting a semicolon;

(2) in subsection (b)—

(A) in paragraph (1)(C), by striking "(iii) an administrative head of an education agency (as defined in section 408(c)), or (iv)" and inserting "or (iii)";

(B) in paragraph (1)(H), by striking "1954" and inserting "1986"; and

(C) in paragraph (3)—

(i) by striking "(C) an administrative head of an education agency or (D)" and inserting "or (C)"; and

(ii) by striking "education program" and inserting "education programs";

(3) in subsection (d), by inserting a comma after "education";

(4) in subsection (f)—

(A) by striking ", or an administrative head of an education agency,";

(B) by striking "enforce provisions of this section" and inserting "enforce this section";

(C) by striking "according to the provisions of" and inserting "in accordance with"; and

(D) by striking "comply with the provisions of this section" and inserting "comply with this section"; and

(5) in subsection (g)—

(A) by striking "of Health, Education, and Welfare"; and

(B) by striking "the provisions of".

SEC. 249. REPEALS.

Sections 421 (20 U.S.C. 1230), 423 (20 U.S.C. 1231b), 424 (20 U.S.C. 1231b-1), 426 (20 U.S.C. 1231c), 426A (20 U.S.C. 1231c-1), and 429 (20 U.S.C. 1231f) of the Act are repealed.

SEC. 250. EQUITY FOR STUDENTS, TEACHERS, AND OTHER PROGRAM BENEFICIARIES.

Subpart 1 of part C of the Act (20 U.S.C. 1231 et seq.) is further amended by inserting after section 425 the following new section:

"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 carried out under an applicable program and promoting the ability of such students, teachers and beneficiaries 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 such applicant's application the steps such applicant 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 shall be construed 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

SEC. 251. REPEAL.

Part D of the Act (20 U.S.C. 1233 et seq.) is repealed.

PART F—RELATED AMENDMENTS TO OTHER ACTS

SEC. 261. DEPARTMENT OF EDUCATION ORGANIZATION ACT.

(a) OFFICE OF PRIVATE EDUCATION.—Title II of the Department of Education Organization Act (20 U.S.C. 3411 et seq.) is amended by adding at the end the following new section:

"OFFICE OF PRIVATE EDUCATION

"SEC. 216. Subject to section 413, there shall be in the Department an Office of Private Education to ensure the maximum participation of nonpublic school students in all applicable programs, as such term is defined in section 400(c)(1) of the General Education Provisions Act, for which such children are eligible.".

(b) RULES; ACQUISITION AND MAINTENANCE OF PROPERTY.—Part B of title IV of the Department of Education Organization Act (20 U.S.C. 3471 et seq.) is amended—

(1) in section 414—

(A) by striking "(a)"; and

(B) by striking subsection (b);

(2) in section 421, by inserting "and to accept donations of services" after "personal,"; and

(3) by repealing section 427.

PART G—CONFORMING AMENDMENTS

SEC. 271. THE REHABILITATION ACT OF 1973.

(a) SECTION 9.—Section 9 of the Rehabilitation Act of 1973 (29 U.S.C. 706) is repealed.

(b) SECTION 100.—Section 100 of the Rehabilitation Act of 1973 (29 U.S.C. 720) is amended by striking subsection (d).

TITLE III—AMENDMENTS TO OTHER ACTS

PART A—AMENDMENTS TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT

SEC. 311. ALLOCATIONS UNDER SECTION 611 OF THE IDEA.

(a) MAXIMUM AMOUNT.—Subsection (a) of section 611 of the Individuals with Disabilities Education Act (hereafter in this part referred to as the "Act") (20 U.S.C. 1141(a)) 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 entitled 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) if the State is eligible for a grant under section 619, the number of such children in the State, aged 3 through 5; 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 "and the State" and inserting ", 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 (as such subpart was in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994), whichever is greater, if the State";

(B) in clause (ii)—

(i) by striking "and the State" and inserting ", 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 (as such subpart was in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994), whichever is greater, if the State"; and

(ii) by striking "; and" and inserting a period; and

(C) by striking clause (iii).

(b) STATE USES.—Subsection (b) of section 611 of the Act (20 U.S.C. 1141(b)) is amended to read as follows:

"(b)(1) Notwithstanding subsections (a) and (g), no State shall receive an amount under this section for any of the fiscal years 1995 through 1999 that is less than the sum of the amount such State 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 (as such subpart was in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994) for children with disabilities aged 3 through 21.

"(2) If, for 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 3 through 21, counted for that State's fiscal year 1994 grants 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 (as such subpart was in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994), then 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.

"(3)(A) If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all States are eligible to receive under paragraphs (1) and (2) for such year, the Secretary shall ratably reduce the allocations to such States for such year.

"(B) If additional funds become available for making payments under paragraphs (1) and (2) for such fiscal year, allocations that were reduced under subparagraph (A) shall be increased on the same basis as such allocations were reduced.".

(c) DISTRIBUTION.—Subsection (c) of section 611 of the Act (20 U.S.C. 1141(c)) 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) a State may use not more than 25 percent of such funds in accordance with paragraph (2); and

"(B) except as provided in paragraph (4), the State shall distribute at least 75 percent of such funds to local educational agencies and intermediate educational units, in accordance with subsection (d), for use in accordance with priorities established under section 612(3).'"; and

(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 5 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) FORMULA.—Subsection (d) of section 611 of the Act (20 U.S.C. 1141(d)) 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 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 (as such subpart was in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994) receives, from the sum 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) shall use such funds, for fiscal years 1995 and 1996, and may use such funds for fiscal years 1997, 1998 and 1999, to ensure that each local educational agency that received funds for fiscal year 1994 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 sum 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) JURISDICTIONS.—Paragraph (1) of section 611(e) of the Act (20 U.S.C. 1141(e)(1)) 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.".

(f) INSUFFICIENT APPROPRIATIONS.—Subsection (g) of section 611 of the Act (20 U.S.C. 1141(g)) 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 such payments were reduced.

"(C) Any State that receives any such additional funds shall distribute such funds in accordance with this section, except that any State that has used funds available under subsection (c)(2)(A)(ii) for the purposes described in subsection (d)(2) may—

"(i) deduct, from the amount that the State would otherwise be required to make available to local educational agencies and intermediate educational units, the same amount of such additional funds as the State 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 such agency under this section that such agency estimates such agency will expend.

"(B) The State educational agency shall, in accordance with this section, reallocate any funds that the State educational agency determines will not be used during the period of availability by local educational agencies and intermediate educational units, and by any such agency or unit to which such funds would be available if such agency or unit applied for such funds 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.".

SEC. 312. TREATMENT OF CHAPTER 1 STATE AGENCIES.

Part B of the Act (20 U.S.C. 1141 et seq.) 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 (as such subpart was in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994) shall be treated as if the State agency were a local educational agency.

"(b) Any State agency which desires to receive payments under section 611(d) and section 619(c)(3) for any fiscal year shall submit an application to the State educational agency. Such application shall—

"(1) include an assurance that all children with disabilities who are participating in programs and projects funded under this part receive a free appropriate public education, and that such children and their parents are provided all the rights and procedural safeguards described in this part; and

"(2) meet 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 application of this section.".

SEC. 313. INFANTS AND TODDLERS WITH DISABILITIES.

(a) AMENDMENT.—Subsection (c) of section 684 of the Act (20 U.S.C. 1484) is amended—

(1) by redesignating paragraph (2) as paragraph (6);

(2) by amending paragraph (1) to read as follows:

"(1) Except as provided in paragraphs (3), (4), and (5) 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."; and

(3) by inserting after paragraph (1) the following new paragraphs:

"(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 such section was in effect on the day preceding the date of the enactment of the Improving America's Schools Act of 1994).

"(3) Except as provided in paragraphs (4) and (5), 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), excluding any amounts allotted under paragraph (2); or

"(B) $500,000.

"(4)(A) Except as provided in paragraph (5), no State shall receive an amount under this section for any of the fiscal years 1995 through 1999 that is less than the sum of the amount such State 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 (as such subpart was in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994) for children with disabilities from birth through age 2.

"(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.

"(5)(A) If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all States are eligible to receive under this subsection for such year, the Secretary shall ratably reduce the allocations to such States for such year.

"(B) If additional funds become available for making payments under this subsection for such fiscal year, allocations that were reduced under subparagraph (A) shall be increased on the same basis as such allocations were reduced.".

(b) EFFECTIVE DATE.—Subsection (a) and the amendments made by subsection (a) shall take effect on October 1, 1994.

SEC. 314. FAMILY SUPPORT FOR FAMILIES OF CHILDREN WITH DISABILITIES.

(a) SHORT TITLE.—This section may be cited as the "Support for Families of Children With Disabilities Act of 1994".

(b) FAMILY SUPPORT FOR FAMILIES OF CHILDREN WITH DISABILITIES.—

The Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) is amended by adding at the end the following new part:

"PART I—FAMILY SUPPORT

"SEC. 701. SHORT TITLE.

"This part may be cited as the 'Families of Children With Disabilities Support Act of 1994'.

"SEC. 702. FINDINGS, PURPOSES, AND POLICY.

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

"(1) It is in the best interest of our Nation to preserve, strengthen, and maintain the family.

"(2) Families are the greatest natural resource available to their children and are the major providers of support, care, and training of their children.

"(3) Families of children with disabilities enrich the lives of all citizens through the contributions of such families to the economic, health, and social fabric of their community, State, and Nation.

"(4) A growing number of families are searching for ways to empower themselves to raise their children with disabilities at home and in their communities. Supporting such families to enable them to care for their children with disabilities at home is efficient and can be cost-effective.

"(5) Children, including children with disabilities, benefit from enduring family relationships in a nurturing home environment.

"(6) Many families experience exceptionally high financial outlays and significant physical and emotional challenges in meeting the special needs of their children with disabilities.

"(7) There are financial disincentives for families to care for their children with disabilities at home.

"(8) Most families of children with disabilities do not have access to family-centered and family-directed services to support such families in their efforts to care for their children with disabilities at home.

"(9) There is a need in each State for a comprehensive, coordinated, interagency system of family support for families of children with disabilities that is family-centered and family-directed, is easily accessible, avoids duplication, uses existing resources more efficiently, and prevents gaps in services to families in all areas of the State.

"(10) The goals of the Nation properly include the goal of providing families of children with disabilities the family support necessary to accomplish the following:

"(A) To support the family.

"(B) To enable families of children with disabilities to nurture and enjoy their children at home.

"(C) To enable families of children with disabilities to make informed choices and decisions regarding the nature of services, supports, and resources made available to such families.

"(b) PURPOSES.—The purposes of this part are as follows:

"(1) To provide financial assistance to the States to support systems change λactivities designed to assist each State to develop and implement, or expand and enhance, a family-centered and family-directed, culturally competent, community-centered, comprehensive, statewide system of family support for families of children with disabilities that is designed to—

"(A) ensure the full participation, choice and control of families of children with disabilities in decisions related to the provision of such family support for their family;

"(B) ensure the active involvement of families of children with disabilities in the planning, development, implementation, and evaluation of such a statewide system;

"(C) increase the availability of, funding for, access to, and provision of family support for families of children with disabilities;

"(D) promote training activities that are family-centered and family-directed and that enhance the ability of family members of children with disabilities to increase participation, choice, and control in the provision of family support for families of children with disabilities;

"(E) increase and promote interagency coordination among State agencies, and between State agencies and private entities that are involved in carrying out activities under section 708; and

"(F) increase the awareness of laws, regulations, policies, practices, procedures, and organizational structures, which facilitate or impede the availability or provision of family support for families of children with disabilities.

"(2) To enhance the ability of the Federal Government to—

"(A) identify Federal policies that facilitate or impede family support for families of children with disabilities, and that are consistent with the principles in subsection (c);

"(B) provide States with technical assistance and information relating to the provision of family support for families of children with disabilities;

"(C) conduct an evaluation of the program of grants to States; and

"(D) provide funding for model demonstration and innovation projects.

"(c) POLICY.—It is the policy of the United States that all programs, projects, and activities receiving assistance under this part shall be family-centered and family-directed and shall be carried out in a manner consistent with the following principles:

"(1) Family support for families of children with disabilities must focus on the needs of the entire family.

"(2) Families of children with disabilities should be supported in determining their needs and in making decisions concerning necessary, desirable, and appropriate services.

"(3) Families should play decisionmaking roles in policies and programs that affect the lives of such families.

"(4) Family needs change over time and family support for families of children with disabilities must offer options that are flexible and responsive to the unique needs and strengths and cultural values of individual families.

"(5) Family support for families of children with disabilities is proactive and not solely in response to a crisis.

"(6) Families must be supported in their efforts to promote the integration and inclusion of their children with disabilities into all aspects of community life.

"(7) Family support for families of children with disabilities should promote the use of existing social networks, strengthen natural sources of support, and help build connections to existing community resources and services.

"(8) Youth with disabilities should be involved in decisionmaking about their own lives, consistent with the unique strengths, resources, priorities, concerns, abilities, and capabilities of each such youth.

"(9) Services and supports must be provided in a manner that demonstrates respect for individual dignity, personal responsibility, self-determination, personal preferences, and cultural differences of families.

"(d) RULE OF CONSTRUCTION.—Nothing in this part shall be construed to prevent families from choosing an out-of-home placement for their children with disabilities, including institutional placement for such children.

"SEC. 703. DEFINITIONS.

"For the purposes of this part, only the following definitions shall apply:

"(1) CHILD WITH A DISABILITY.—The term 'child with a disability' means an individual who from birth through 21 years of age meets the definition of disability under paragraph (4).

"(2) COUNCIL.—The term 'Council' means a State Policy Council for Families of Children with Disabilities established by a State under section 707.

"(3) CULTURALLY COMPETENT.—The term 'culturally competent' means services, supports, or other assistance that is conducted or provided in a manner that—

"(A) is responsive to the beliefs, interpersonal styles, attitudes, language, and behaviors of those individuals receiving services; and

"(B) has the greatest likelihood of ensuring maximum participation of such individuals.

"(4) DISABILITY.—The term 'disability' means—

"(A) in the case of an individual 6 years of age or older, a significant physical or mental impairment as defined pursuant to State policy to the extent that such policy is established without regard to type of disability; and

"(B) in the case of infants and young children, birth to age 5, inclusive, a substantial developmental delay or specific congenital or acquired conditions with a high probability of resulting in a disability if services are not provided.

"(5) EXISTING COUNCIL.—The term 'existing Council' means an entity or a committee of an entity that—

"(A) is established by a State prior to the date on which the State submits an application for funding under this part;

"(B) has authority to advise the State with respect to family support for families of children with disabilities; and

"(C) may have the authority to carry out other responsibilities and duties.

"(6) FAMILY.—The term 'family' means a group of interdependent persons residing in the same household that consists of a child with a disability and one or more of the following:

"(A) A mother, father, brother, sister or any combination.

"(B) Extended blood relatives, such as a grandparent, aunt, or uncle.

"(C) An adoptive parent.

"(D) One or more persons to whom legal custody of a child with a disability has been given by a court.

"(E) A person providing short-term foster care that includes a family reunification plan with the biological family.

"(F) A person providing long-term foster care for a child with a disability.

The term does not include employees who, acting in their paid employment capacity, provide services to children with disabilities in out-of-home settings such as hospitals, nursing homes, personal care homes, board and care homes, group homes, or other facilities.

"(7) FAMILY-CENTERED AND FAMILY-DIRECTED.—The term 'family-centered and family-directed' means, with respect to a service or program, that the service or program—

"(A) facilitates the full participation, choice, and control by families of children with disabilities in—

"(i) decisions relating to the supports that will meet the priorities of the family; and

"(ii) the planning, development, implementation, and evaluation of the statewide system of family support for families of children with disabilities;

"(B) responds to the needs of the entire family of a child with a disability in a timely and appropriate manner; and

"(C) is easily accessible to and usable by families of children with disabilities.

"(8) FAMILY SATISFACTION.—The term 'family satisfaction' means the extent to which a service or support meets a need, solves a problem, or adds value for a family, as determined by the individual family.

"(9) FAMILY SUPPORT FOR FAMILIES OF CHILDREN WITH DISABILITIES.—The term 'family support for families of children with disabilities'—

"(A) means supports, resources, services, and other assistance provided to families of children with disabilities that are designed to—

"(i) support families in the efforts of such families to raise their children with disabilities in the family home;

"(ii) strengthen the role of the family as primary caregiver;

"(iii) prevent inappropriate and unwanted out-of-the-home placement and maintain family unity; and

"(iv) reunite families with children with disabilities who have been placed out of the home, whenever possible; and

"(B) includes—

"(i) service coordination that includes individualized planning and brokering for services with families in control of decisionmaking;

"(ii) goods and services, which may include specialized diagnosis and evaluation, adaptive equipment, respite care (in and out of the home), personal assistance services, homemaker or chore services, behavioral supports, assistive technology services and devices, permanency or future planning, home and vehicle modifications and repairs, equipment and consumable supplies, transportation, specialized nutrition and clothing, counseling services and mental health services for family members, family education or training services, communication services, crisis intervention, day care and child care for a child with a disability, supports and services for integrated and inclusive community activities, parent or family member support groups, peer support, sitter service or companion service, and education aids; and

"(iii) financial assistance, which may include discretionary cash subsidies, allowances, voucher or reimbursement systems, low-interest loans, or lines of credit.

"(10) INTEGRATION AND INCLUSION.—The term 'integration and inclusion' with respect to children with disabilities and their families means—

"(A) the use of the same community resources that are used by and available to other individuals and families;

"(B) the full and active participation in the same community activities and utilization of the same community resources as individuals without disabilities, living, learning, working, and enjoying life in regular contact with individuals without disabilities; and

"(C) having friendships and relationships with individuals and families of their own choosing.

"(11) LEAD ENTITY.—The term 'lead entity' means an office or entity described in section 706.

"(12) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

"(13) SERVICE COORDINATION.—The term 'service coordination'—

"(A) means those family-centered and family-directed activities that assist and enable families to receive rights and procedural safeguards and to gain access to social, medical, legal, educational, and other supports and services; and

"(B) includes—

"(i) follow-along services that assure, through a continuing relationship between a family of a child with a disability and an individual or entity, that the changing needs of the child and family are recognized and appropriately met;

"(ii) the coordination and monitoring of services provided to children with disabilities and their families;

"(iii) the provision of information to children with disabilities and their families about the availability of services and assistance to such children and their families in obtaining appropriate services; and

"(iv) the facilitation and organization of existing social networks, and natural sources of support, and community resources and services.

"(14) STATEWIDE SYSTEM OF FAMILY SUPPORT.—The term 'statewide system of family support for families of children with disabilities' means a family-centered and family-directed, culturally competent, community-centered, comprehensive, statewide system of family support for families of children with disabilities developed and implemented by a State under this part that—

"(A) addresses the needs of all families of children with disabilities, including unserved and underserved populations; and

"(B) addresses such needs without regard to the age, type of disability, race, ethnicity, or gender of such children or the particular major life activity for which such children need the assistance.

"(15) SYSTEMS CHANGE ACTIVITIES.—The term 'systems change activities' means efforts that result in laws, regulations, policies, practices, or organizational structures—

"(A) that are family-centered and family-directed;

"(B) that facilitate and increase access to, provision of, and funding for, family support services for families of children with disabilities; and

"(C) that otherwise accomplish the purposes of this part.

"(16) UNSERVED AND UNDERSERVED POPULATIONS.—The term 'unserved and underserved populations' includes populations such as individuals from racial and ethnic minority backgrounds, disadvantaged individuals, individuals with limited-English proficiency, individuals from underserved geographic areas (rural or urban), and specific groups of individuals within the population of individuals with disabilities, including individuals with disabilities attributable to physical impairment, mental impairment, or a combination of physical and mental impairments.

"SEC. 704. GRANTS TO STATES.

"(a) IN GENERAL.—The Secretary shall make grants to States on a competitive basis, in accordance with the provisions of this part, to support systems change activities designed to assist States to develop and implement, or expand and enhance, a statewide system of family support for families of children with disabilities that accomplishes the purposes described in section 702.

"(b) AWARD PERIOD AND GRANT LIMITATION.—No grant shall be awarded for a period greater than 3 years. A State shall be eligible for not more than one grant.

"(c) AMOUNT OF GRANTS.—

"(1) GRANTS TO STATES.—From amounts appropriated under section 716(a), the Secretary shall pay to each State that has an application approved under section 705, for each year of the grant period, an amount that is not less than $200,000 and not more than $500,000.

"(2) GRANTS TO TERRITORIES.—From amounts appropriated under section 716(a) for any fiscal year, the Secretary shall pay to each territory that has an application approved under section 705 not more than $100,000.

"(3) CALCULATION OF AMOUNTS.—The Secretary shall calculate a grant amount described in paragraph (1) or (2) on the basis of the following:

"(A) The amounts available for making grants under this section.

"(B) The child population of the State or territory concerned.

"(4) DEFINITIONS.—As used in this subsection:

"(A) STATE.—The term 'State' means each of the 50 States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(B) TERRITORY.—The term 'territory' means the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or the Republic of Palau (upon the entry into force and effect of the Compact of Free Association between the United States and the Republic of Palau).

"(d) PRIORITY FOR PREVIOUSLY PARTICIPATING STATES.—Amounts appropriated for purposes of carrying out the provisions of this section in each of the 2 fiscal years succeeding the fiscal year in which amounts are first appropriated for such purposes shall first be made available to a State that—

"(1) received a grant under this section during the fiscal year preceding the fiscal year concerned; and

"(2) is making significant progress in accordance with section 710.

"(e) PRIORITIES FOR DISTRIBUTION.—To the extent practicable, the Secretary shall award grants to States under this section in a manner that—

"(1) is geographically equitable; and

"(2) distributes the grants among States that have differing levels of development of statewide systems of family support for families of children with disabilities.

"SEC. 705. APPLICATION.

"A State that desires to receive a grant under this part shall submit an application to the Secretary that contains the following information and assurances:

"(1) FAMILY-CENTERED AND FAMILY-DIRECTED APPROACH.—An assurance that the State will use funds made available under this part to accomplish the purposes described in section 702 and the goals, objectives, and family-centered outcomes described in section 709(b) by carrying out systems change activities in partnership with families and in a manner that is family-centered and family-directed.

"(2) DESIGNATION OF THE LEAD ENTITY.—Information identifying the lead entity, and evidence documenting the abilities of such entity.

"(3) STATE POLICY COUNCIL FOR FAMILIES OF CHILDREN WITH DISABILITIES.—An assurance of the following:

"(A) The State has established a Council that meets the criteria set forth in section 707.

"(B) The lead entity will seek and consider on a regular and ongoing basis advice from the Council regarding the development and implementation of the strategic plan under section 709, and other policies and procedures of general applicability pertaining to the provision of family support for families of children with disabilities in the State.

"(C) The lead entity will include, in its annual progress reports, a summary of advice provided by the Council, including recommendations from the annual report of the Council and the response of the lead entity to such advice and recommendations.

"(D) The lead entity will transmit to the Council any other plans, reports, and other information required under this part.

"(4) FAMILY INVOLVEMENT.—A description of the following:

"(A) The nature and extent of the involvement of families of children with disabilities and individuals with disabilities in the development of the application.

"(B) Strategies for actively involving families of children with disabilities and individuals with disabilities in the development, implementation, and evaluation of the statewide system of family support for families of children with disabilities.

"(C) Strategies for actively involving families of children with disabilities who use family support services in decisions relating to such services.

"(5) AGENCY INVOLVEMENT.—A description of the nature and extent of involvement of various State agencies or units within State agencies in the preparation of the application and the continuing role of each agency in the statewide system of family support for families of children with disabilities.

"(6) STATE RESOURCES.—A description of the State resources and other resources that are available to commit to the statewide system of family support for families of children with disabilities.

"(7) UNMET NEEDS.—A description of unmet needs for family support for families of children with disabilities within the State.

"(8) PRELIMINARY PLAN.—A preliminary plan that contains information on the program to be carried out under the grant with respect to the goals and objectives of the State for the program and the activities that the State plans to carry out under the program (including the process for appointing individuals to the Council) and that is consistent with the purposes of this part.

"(9) ACTIVITIES.—An assurance that, except for the first year of the grant, the State shall expend not less than 65 percent of the funds made available to a State under this part for grants and contracts to conduct the activities described in section 708.

"(10) LIMIT ON ADMINISTRATIVE COSTS.—An assurance that the lead entity that receives funding under this part in any fiscal year shall use not more than 5 percent of such funds in such year for administrative expenses. Such administrative expenses shall not include expenses related to the activities of the Council.

"(11) STRATEGIC PLAN.—A description of the measures that will be taken by the State to develop a strategic plan in accordance with section 709.

"(12) EVALUATION.—An assurance that the State will conduct an annual evaluation of the statewide system of family support for families of children with disabilities in accordance with section 710.

"(13) COORDINATION WITH STATE AND LOCAL COUNCILS.—An assurance that the lead entity will coordinate the activities funded through a grant made under this part with the activities carried out by other relevant councils within the State.

"(14) SUPPLEMENT OTHER FUNDS.—An assurance, with respect to amounts received under a grant, of the following:

"(A) Such grant will be used to supplement and not supplant amounts available from other sources that are expended for programs of family support for families of children with disabilities, including the provision of family support.

"(B) Such grant will not be used to pay a financial obligation for family support for families of children with disabilities that would have been paid with amounts available from other sources if amounts under such grant had not been available.

"(15) OTHER INFORMATION AND ASSURANCES.—Such other information and assurances as the Secretary may reasonably require.

"SEC. 706. DESIGNATION OF THE LEAD ENTITY.

"(a) DESIGNATION.—The Chief Executive Officer of a State that desires to receive a grant under section 704, shall designate the office or entity (referred to in this part as the "lead entity ") responsible for—

"(1) submitting the application under section 705 on behalf of the State;

"(2) administering and supervising the use of the amounts made available under the grant;

"(3) coordinating efforts related to and supervising the preparation of the application;

"(4) coordinating the planning, development, implementation (or expansion and enhancement), and evaluation of a statewide system of family support services for families of children with disabilities among public agencies and between public agencies and private agencies, including coordinating efforts related to entering into interagency agreements; and

"(5) coordinating efforts related to the meaningful participation by families in activities carried out under a grant awarded under this part.

"(b) QUALIFICATIONS.—In designating the lead entity, the Chief Executive Officer may designate—

"(1) an office of the Chief Executive Officer;

"(2) a commission appointed by the Chief Executive Officer;

"(3) a public agency;

"(4) a council established under Federal or State law; or

"(5) another appropriate office, agency, or entity.

"(c) CAPABILITIES OF THE LEAD ENTITY.—The State shall provide, in accordance with the requirements of section 705, evidence that the lead entity has the capacity—

"(1) to promote a statewide system of family support for families of children with disabilities throughout the State;

"(2) to promote and implement systems change activities;

"(3) to maximize access to public and private funds for family support services for families of children with disabilities;

"(4) to implement effective strategies for capacity building, family and professional training, and access to and funding for family support services for families of children with disabilities across agencies;

"(5) to promote and facilitate the implementation of family support services for families of children with disabilities that are family-centered and family-directed, and flexible, and that provide families with the greatest possible decisionmaking authority and control regarding the nature and use of services and supports;

"(6) to promote leadership by families in planning, policy development, implementation, and evaluation of family support services for families of children with disabilities, and parent-professional partnerships; and

"(7) to promote and develop interagency coordination and collaboration.

"SEC. 707. STATE POLICY COUNCIL FOR FAMILY SUPPORT FOR FAMILIES OF CHILDREN WITH DISABILITIES.

"(a) ESTABLISHMENT.—A State that desires to receive financial assistance under this part shall, prior to the receipt of funds under this part, establish a State Policy Council for Families of Children with Disabilities.

"(b) APPOINTMENTS.—

"(1) MEMBERS.—Members of the Council shall be appointed by the Chief Executive Officer of the State or the appropriate official within the State responsible for making appointments in accordance with subsection (c). The appointing authority shall select members after soliciting recommendations from the State Developmental Disabilities Council, parent or family organizations, and other organizations representing the full range of disabilities covered under this part. The appointing authority shall ensure that the membership of the Council reasonably represents the population of the State and shall establish guidelines for terms of Council members.

"(2) CHAIRPERSON.—The Council shall elect a member of the Council to serve as the Chairperson of the Council. The Chairperson shall be a family member, as described in subsection (c)(1).

"(c) COMPOSITION.—The Council shall be composed of—

"(1) a majority of members who are—

"(A) individuals who are family members of children with disabilities, are eligible for family support, and represent the diversity of families within the State; and

"(B) children with disabilities, from age 18 to 21, and are representative of the demographics of the State;

"(2) members—

"(A) who are from State agencies with significant responsibility for the provision of, or payment for, family support services to families of children with disabilities, and who have sufficient authority to engage in policy planning and implementation on behalf of such agencies; and

"(B) who are from the office of the Chief Executive Officer of the State with responsibility with respect to budget and finance; and

"(3) such additional members as the appointing authority considers appropriate.

"(d) FUNCTIONS.—The Council shall—

"(1) establish formal policies regarding the operation of the Council;

"(2) advise and assist the lead entity in the performance of responsibilities described in section 706(a), particularly the promotion of interagency agreements and the promotion of meaningful participation by families in all aspects of the statewide system of family support for families of children with disabilities;

"(3) advise and assist State agencies in the development of policies and procedures relating to the provision of family support for families of children with disabilities in the State;

"(4) advise and assist the lead entity in the development of all aspects of a strategic plan under section 709, including—

"(A) the mission, purpose, and principles of the statewide system of family support for families of children with disabilities;

"(B) the statement of family-centered outcomes;

"(C) the goals, objectives, and activities;

"(D) the quality improvement or quality enhancement system;

"(E) the appeals process;

"(F) the eligibility criteria to be used for all programs, projects, and activities carried out under this part;

"(G) the analysis of the extent to which family support for families of children with disabilities is defined as a benefit and not as income; and

"(H) the approach to the evaluation of the statewide system of family support for families of children with disabilities;

"(5) advise and assist the lead entity in the implementation of systems change activities;

"(6) advise and assist the lead entity in assessing family satisfaction with the statewide system of family support for families of children with disabilities;

"(7) review, analyze, and comment on the strategic plan and updates to the plan, progress reports, and annual budgets;

"(8) advise and assist the lead entity in the identification of Federal and State barriers that impede the development of a statewide system of family support for families of children with disabilities; and

"(9) prepare and submit to the Chief Executive Officer of the State, the State legislature, and to the Secretary an annual report on the status of family support services for families of children with disabilities, and make such report available to the public.

"(e) HEARINGS AND FORUMS.—The Council is authorized to hold such hearings and forums as the Council may determine to be necessary to carry out the duties of the Council.

"(f) CONFLICT OF INTEREST.—No member of the Council shall cast a vote on any matter that would provide direct financial benefit to such member or otherwise give the appearance of a conflict of interest under applicable State law.

"(g) COMPENSATION AND EXPENSES.—The Council may, consistent with State law, use such resources to reimburse members of the Council for reasonable and necessary expenses of attending Council meetings and performing Council duties (including child care and personal assistance services), and to pay compensation to a member of the Council, if such member is not employed or must forfeit wages from other employment, for each day the member is engaged in performing Council duties.

"(h) USE OF EXISTING COUNCIL.—

"(1) IN GENERAL.—To the extent that a State has an existing Council, the existing Council shall be considered in compliance with this section if the existing Council meets the requirements under paragraph (2).

"(2) REQUIREMENTS.—An existing Council shall—

"(A) include a majority of members who are family members of children with disabilities and who are children with disabilities (from age 18 to 21);

"(B) in the case in which the existing Council does not represent the full range of families and individuals described in subsection (c)(1), adopt strategies that will ensure the full participation of such families and individuals in all activities carried out by the Council; and

"(C) carry out functions and authorities that are comparable to the functions and authorities described in subsections (d) through (g).

"(3) DOCUMENTATION OF COMPLIANCE.—Any State that has an existing Council shall include in a grant application submitted under section 705 and in subsequent annual progress reports submitted to the Secretary under section 710, a description of the measures that are being taken or that are planned, to ensure that the existing Council of the State complies with this section.

"SEC. 708. AUTHORIZED ACTIVITIES.

"A State that receives a grant under section 704 may use the funds made available through the grant to carry out systems change activities, which accomplish the purposes described in section 702, such as the following activities:

"(1) TRAINING AND TECHNICAL ASSISTANCE.—The State may support training and technical assistance activities for family members, service providers, community members, professionals, members of the Council, students and others that will do the following:

"(A) Increase family participation, choice, and control in the provision of family support for families of children with disabilities.

"(B) Promote partnerships with families of children with disabilities at all levels of the service system.

"(C) Develop or strengthen family-centered and family-directed approaches to services, including service coordination services, service planning services, and respite care services.

"(D) Assist families of children with disabilities in accessing natural and community supports and in obtaining benefits and services.

"(2) INTERAGENCY COORDINATION.—The State may support activities that conduct the following:

"(A) Identification and coordination of Federal and State policies, resources, and services, relating to the provision of family support services for families of children with disabilities, including entering into interagency agreements.

"(B) Interagency work groups to enhance public funding options and coordinate access to funding for family support services for families of children with disabilities, with special attention to the issues of family involvement in the identification, planning, use, delivery, and evaluation of such services.

"(C) Documentation and dissemination of information about interagency activities that promote coordination with respect to family support services for families of children with disabilities, including evidence of increased participation of State and local health, maternal and child health, social service, mental health, mental retardation and developmental disabilities, child protection, education, early intervention, developmental disabilities councils, agencies, and departments.

"(3) LOCAL OR REGIONAL COUNCILS.—The State may support the development or enhancement of local or regional councils to review the status of family support for families of children with disabilities in the local or regional area, to advise and assist with the planning, development, implementation, and evaluation of family support for families of children with disabilities in such local or regional area, and to provide recommendations to the State regarding improvements and plans.

"(4) OUTREACH.—The State may conduct outreach activities to locate families who are eligible for family support for families of children with disabilities and to identify groups who are unserved or underserved. Such activities may involve the creation or maintenance of, support of, or provision of, assistance to statewide and community parent organizations, and organizations that provide family support to families of children with disabilities.

"(5) POLICY STUDIES.—The State may support policy studies that relate to the development and implementation, or expansion and enhancement, of a statewide system of family support for families of children with disabilities. Such studies may address issues regarding eligibility and access to services.

"(6) HEARINGS AND FORUMS.—The State may conduct hearings and forums to solicit input from families of children with disabilities regarding family support programs, policies, and plans for such families. Such hearings and forums may be conducted in collaboration with other statewide councils.

"(7) PUBLIC AWARENESS AND EDUCATION.—The State may develop and disseminate information relating to family support for families of children with disabilities designed to provide information to such families, parent groups and organizations, public and private agencies that are in contact with children with disabilities and families of such children, students, policymakers, and the public. Such information may relate to the nature, cost, and availability of, and accessibility to, family support for families of children with disabilities, the impact of family support for families of children with disabilities on other benefits, and the efficacy of family support for families of children with disabilities with respect to enhancing the quality of family life.

"(8) NEEDS ASSESSMENT.—The State may conduct a needs assessment, which may, in part, be based on existing State data.

"(9) PROGRAM DATA.—The State may support the compilation and evaluation of appropriate data related to the statewide system of family support for families of children with disabilities.

"(10) PILOT DEMONSTRATION PROJECTS.—The State may support pilot demonstration projects to demonstrate new approaches to the provision of family support for families of children with disabilities. Such projects may include the demonstration of family-centered and family-directed service coordination, approaches to improve access to services, including independent service coordination, peer support networks, and voucher programs.

"(11) OTHER ACTIVITIES.—The State may support other systems change activities that accomplish the purposes described in section 702.

"SEC. 709. STRATEGIC PLAN.

"(a) IN GENERAL.—Not later than 6 months after the date on which assistance is received by a State under this part, the lead entity of the State, in conjunction with the Council, shall prepare and submit to the Secretary a strategic plan designed to achieve the purposes and policy of this part.

"(b) CONTENTS.—The strategic plan shall include—

"(1) a statement of the mission, purpose, and principles of the statewide system of family support for families of children with disabilities in the State;

"(2) a statement of family-centered outcomes to be achieved by the statewide system of family support for families of children with disabilities;

"(3) specific goals and objectives for developing and implementing, or expanding and improving, the system for providing family support services for families of children with disabilities, and for achieving the family-centered outcomes;

"(4) systemic approaches for accomplishing the objectives and achieving the family-centered outcomes, including interagency coordination and cooperation, that builds upon state-of-the-art practices and research findings;

"(5) a description of the specific programs, projects, and activities funded under this part

and the manner in which the programs, projects, and activities accomplish the objectives and achieve the family-centered outcomes;

"(6) a description of an ongoing quality improvement or quality enhancement system, which utilizes information from ongoing measurements of the extent to which family-centered outcomes are achieved, to improve the system;

"(7) a description of an appeals process that will be used in resolving any disputes families of children with disabilities may have regarding the determination of eligibility or the provision of family support services to the family or to the child with a disability;

"(8) a description of the eligibility criteria to be used to carry out programs, projects, and activities under this part that includes all eligible families;

"(9) an analysis of the extent to which family support for a family of a child with a disability is defined as a benefit and not as income; and

"(10) a description of the plan to conduct an annual evaluation of the statewide system of family support for families of children with disabilities, in conjunction with the Council, to improve such statewide system and to document progress as required by section 710.

"(c) PERIOD AND UPDATES.—The strategic plan shall cover the period of the grant and shall be reviewed and updated on an annual basis to reflect actual experience and family satisfaction information over the preceding year and input from the Council, families of children with disabilities, and other interested parties.

"(d) RECOMMENDATIONS.—Prior to developing the strategic plan, the State shall solicit input and recommendations from interested members of the public, either by holding public hearings or through an alternative method or methods determined by the lead entity in consultation with the Council. The lead entity shall also obtain the comments and recommendations of the Council. The lead entity, in conjunction with the Council, shall consider the recommendations and attempt to reach a consensus with respect to such recommendations. If the lead entity and the Council are unable to reach a consensus, the lead entity shall include a written explanation of the reason a consensus was not reached in the strategic plan.

"(e) COMMENT.—The State shall develop a procedure for ensuring ongoing comment from the Council.

"(f) DISSEMINATION.—The State shall widely disseminate the strategic plan to families of children with disabilities, parent organizations, and other interested persons.

"(g) CONSTRUCTION.—Nothing in this section shall be construed to prevent a State from using an existing statewide strategic plan or parts thereof to meet the requirements of this section as long as such plan or the applicable parts thereof are comparable to the specifications of this section.

"SEC. 710. PROGRESS CRITERIA AND REPORTS.

"(a) GUIDELINES.—The Secretary shall develop guidelines to be used in assessing the extent to which a State that received a grant under section 704 is making significant progress in developing and implementing, or expanding and enhancing, a statewide system of family support for families of children with disabilities consistent with the purposes of this part.

"(b) PROGRESS REPORTS.—A State that receives a grant under section 704 shall submit annually to the Secretary a report that documents progress in developing and implementing, or expanding and enhancing, a statewide system of family support for families of children with disabilities consistent with this part. Such report shall include—

"(1) the results of the annual evaluation of the statewide system of family support for families of children with disabilities;

"(2) a description of the unanticipated problems with the achievement of the goals, objectives, and family-centered outcomes described in the application or strategic plan and the measures the State has taken to rectify such problems;

"(3) for the annual progress report concerning the first year of the grant period, the strategic plan developed by the State during the first year; and

"(4) for the annual progress report concerning subsequent years of the grant period, the updated strategic plan.

"SEC. 711. ADMINISTRATIVE PROVISIONS.

"(a) EVALUATION OF GRANT APPLICATIONS.—

"(1) PANELS.—The Secretary shall convene panels of experts who are competent, by virtue of their training or experience, to evaluate grant applications under this part.

"(2) COMPOSITION OF PANELS.—Panels shall be composed of a majority of family members of children with disabilities and individuals with disabilities, and may include service providers, State administrative personnel, and professionals. Panels shall include a majority of individuals who are not Federal employees.

"(3) EXPENSES AND FEES OF THE PANEL.—A member of the Panel who is not a Federal employee shall receive travel, per diem and consultant fees not to exceed the rate provided to other consultants used by the Secretary. The Secretary may use funds available under section 716 to pay expenses and fees of a member of a Panel who is not a Federal employee.

"(b) PROVISION OF INFORMATION.—To assist the Secretary in carrying out the responsibilities of the Secretary under this section, the Secretary may require States to provide relevant information, including recommendations and relevant reports of the Council.

"(c) APPEALS.—The Secretary shall establish appeals procedures for States that are found in noncompliance with the provisions of this part as the result of failure to supply information required under section 705 or 710. The Secretary shall take into consideration the comments of the Council.

"(d) EFFECT ON OTHER ASSISTANCE.—This part may not be construed as authorizing a Federal or State agency to reduce medical or other assistance available, or to alter eligibility, under any Federal law.

"(e) UNOBLIGATED FUNDS.—Any amount paid to a State for a fiscal year and remaining unobligated at the end of such year shall remain available to such State for the next fiscal year for the purposes for which such amount was paid.

"SEC. 712. TECHNICAL ASSISTANCE.

"(a) IN GENERAL.—The Secretary shall make grants, or enter into contracts or cooperative agreements, with appropriate public or private agencies and organizations, including institutions of higher education, with documented experience, expertise, and capacity, for the purpose of providing technical assistance and information with respect to the development and implementation, or expansion and enhancement, of a statewide system of family support for families of children with disabilities.

"(b) PURPOSE.—With respect to States receiving assistance under this part, the technical assistance and information described under subsection (a) shall be provided to the State agency designated as the lead entity, the Council, family members of children with disabilities, organizations, service providers, and policymakers involved with children with disabilities and their families. Such technical assistance shall also be available to States that do not receive assistance under this part. Such technical assistance and information shall—

"(1) facilitate effective systems change activities;

"(2) promote effective approaches to the development and implementation, or expansion and enhancement of, the statewide systems of family support for families of children with disabilities that increase access to, funding for, and awareness of family support for families of children with disabilities;

"(3) promote partnerships with families at all levels of the service system;

"(4) foster awareness and understanding of Federal, State, and local laws, regulations, policies, practices, procedures, and organizational structures, that facilitate, and overcome barriers to, funding for, and access to family support for families of children with disabilities;

"(5) foster the development and replication of effective approaches to strategic plan development, interagency coordination, training, outreach to underserved groups, and public awareness activities;

"(6) facilitate service delivery capacity, training, and the improvement of data collection and evaluation systems;

"(7) promote effective approaches to the development of family-centered and family-directed services, including approaches to the development and measurement of family-centered outcomes described in section 709(b)(2), and the assessment of family satisfaction; and

"(8) coordinate and facilitate an annual meeting of the chairpersons of the Councils.

"(c) REQUEST FOR TECHNICAL ASSISTANCE.—A request for technical assistance by a lead entity in a State receiving assistance under this part shall be made in conjunction with the Council.

"(d) REPORTS TO THE SECRETARY.—An entity providing the technical assistance under this section shall submit periodic reports to the Secretary regarding Federal policies and procedures identified within the States that facilitate or impede the delivery of family support to families of children with disabilities. The report shall include recommendations to the Secretary regarding the delivery of services, coordination with other programs, and integration of the policies and principles described in section 702 in other Federal legislation.

"SEC. 713. EVALUATION.

"(a) IN GENERAL.—The Secretary shall make grants, or enter into contracts or cooperative agreements, with appropriate public or private agencies and organizations, including institutions of higher education, with documented experience, expertise, and capacity for the purpose of conducting a national evaluation of the program of grants to States authorized by this part.

"(b) PURPOSE.—The purpose of an evaluation under subsection (a) shall be to assess the status and effects of State efforts to develop and implement, or expand and enhance, statewide systems of family support for families of children with disabilities in a manner consistent with the provisions of this part, particularly in terms of the impact of such efforts on families of children with disabilities, and to recommend amendments to this part that are necessary to assist States to fully accomplish the purposes of this part. The Secretary or recipient of assistance under this section shall work with the States to consider and develop an information system designed to report and compile, from information provided by the States, including the Council, a qualitative and quantitative description of the impact of the program of grants to States authorized by this part on—

"(1) families of children with disabilities, including families from ethnic and racial minority backgrounds;

"(2) access to and funding for family support for families of children with disabilities; and

"(3) the involvement of families at all levels of the service system.

"(c) REPORT TO CONGRESS.—Not later than 2½ years after the date of enactment of this part,

the Secretary shall prepare and submit to the appropriate committees of Congress a report concerning the results of the evaluation conducted under this section.

"(d) CONFLICT OF INTEREST.—The Secretary shall assure that a recipient of a grant, contract, or cooperative agreement under this section is independent from, and free from, any financial or personal relationships with the recipient of a grant, contract, or cooperative agreement selected to provide technical assistance under section 712.

"SEC. 714. PROJECTS OF NATIONAL SIGNIFICANCE.

"(a) STUDY BY THE SECRETARY.—The Secretary shall review Federal programs to determine the extent to which such programs facilitate or impede access to, provision of, and funding for family support for families of children with disabilities, consistent with the policies described in section 702.

"(b) DEMONSTRATION AND INNOVATION PROJECTS.—The Secretary shall make grants or enter into contracts for projects of national significance to support the development of national and State policies and practices related to the development and implementation, or expansion and enhancement, of family-centered and family-directed systems of family support for families of children with disabilities.

"SEC. 715. CONSTRUCTION.

"Notwithstanding any other provision of this title, nothing in parts A through H of this title shall be construed to apply to this part.

"SEC. 716. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this part, $10,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 and 1997.

"(b) RESERVATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall reserve for each fiscal year 10 percent, or $600,000 (whichever is greater), of the amount appropriated pursuant to the authority of subsection (a) to carry out—

"(A) section 712, with respect to the provision of technical assistance and information to States;

"(B) section 713, with respect to the conduct of the evaluations;

"(C) section 711(a), with respect to the evaluation of grant applications; and

"(D) section 714, with respect to the conduct of projects of national significance.

"(2) SPECIAL RULE.—The Secretary shall only use funds reserved under paragraph (1) for a fiscal year to carry out section 714 for such year if the amount of funds reserved under such paragraph for such fiscal year is $700,000 or greater.".

PART B—AMENDMENTS TO THE STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT

SEC. 321. STATE LITERACY INITIATIVES.

Section 702 of the Stewart B. McKinney Homeless Assistance Act (hereafter in this part referred to as "the Act") (42 U.S.C. 11421) is amended to read as follows:

"STATE LITERACY INITIATIVES

"SEC. 702. (a) GENERAL AUTHORITY.—

"(1) GRANTS.—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 recipients of funds under the Adult Education Act, title II of the Job Training Partnership Act, the Youth Fair Chance program under part H of title IV of the Job Training Partnership Act, the Volunteers in Service to America program under part A of title I of the Domestic Volunteer Service Act of 1973, part C of this title, or the Job Opportunity and Basic Skills program under part F of title IV of the Social Security Act.

"(2) ESTIMATES AND AMOUNTS.—The Secretary of Education, in awarding grants under this section, shall give special consideration to the estimates submitted in the application submitted under subsection (b) and make such awards in whatever amounts such Secretary determines will 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.—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).".

SEC. 322. EDUCATION FOR HOMELESS CHILDREN AND YOUTH.

Subtitle B of title VII of the Act (42 U.S.C. 11431 et seq.) 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 the State's 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 such children and youth need to ensure that such children and youth have an opportunity to meet the same challenging State student 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.—The Secretary is authorized to make grants to States in accordance with the provisions of this section to enable such 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 under section 726, the Secretary is authorized to allot to each State an amount that bears the same ratio to the amount appropriated for such year under section 726 as the amount allocated under section 1122 of the Elementary and Secondary Education Act of 1965 to the State for that year bears to the total amount allocated under section 1122 to all States for that year, 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 under 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 for assistance under this subtitle, 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 the funds described in clause (i) under terms that the Secretary determines best meet the purposes of the programs described in such clause. 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;

"(2) 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 use such funds as exceed the amount such agency received for fiscal year 1990 under this subtitle to provide grants to local educational agencies in accordance with section 723.

"(B) The State educational agency may reserve not more than the greater of 5 percent of

the amount such agency 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 such agency's discretion, may provide grants to local educational agencies in accordance with section 723 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 or contracts 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 the Secretary's 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, including homeless children and youth who are preschool age, and families of such children and youth; 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 preschool programs 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 interests of the child or youth under subparagraph (A), the local educational agency shall comply, to the extent feasible, with the request made by a parent or guardian regarding school selection.

"(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; and

"(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 a 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 that receives assistance 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 such children and youth 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 such children 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.

"(10) Where applicable, each State and local educational agency shall coordinate with State and local housing agencies responsible for developing the comprehensive housing affordability strategy described in section 105 of the Cranston-Gonzalez National Affordable Housing Act to minimize educational disruption for children who become homeless.

"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 from 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 of 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 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 combined 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) a description of policies and procedures that the agency will implement to ensure that activities carried out by the agency will not isolate or stigmatize homeless children and youth.

"(c) AWARDS.—(1) The State educational agency shall, in accordance with section 722(g) and from 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, supplemental instruction, and enriched educational services that are linked to the achievement of the same challenging State content standards and challenging State student performance 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 pupil services personnel that are 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 enrichment 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 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;

"(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 pupil services (including violence prevention counseling) 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, or other appropriate locations; 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 $30,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.".

PART C—REPEAL OF IMPACT AID STATUTES

SEC. 331. REPEAL OF IMPACT AID STATUTES.

(a) PUBLIC LAW 81–815.—The Act entitled "An Act relating to the construction of school facilities in areas affected by Federal activities, and for other purposes", approved September 23, 1950 (64 Stat. 967; 20 U.S.C. 631 et seq.) is repealed.

(b) PUBLIC LAW 81–874.—The Act entitled "An Act to provide assistance for local educational agencies in areas affected by Federal activities, and for other purposes", approved September 30, 1950 (64 Stat. 1100; 20 U.S.C. 236 et seq.) is repealed.

PART D—OTHER ACTS

SEC. 341. GOALS 2000: EDUCATE AMERICA ACT.

(a) REPEALS.—Sections 231, 232, 234, and 235 of the Goals 2000: Educate America Act are repealed.

(b) GIFT AUTHORITY.—

(1) NATIONAL EDUCATION GOALS PANEL.—Section 204 of the Goals 2000: Educate America Act is amended by adding at the end the following new subsection:

"(f) GIFTS.—The Goals Panel may accept, administer, and utilize gifts or donations of services, money, or property, whether real or personal, tangible or intangible.".

(2) NATIONAL EDUCATION STANDARDS AND IMPROVEMENT COUNCIL.—Section 215 of the Goals 2000: Educate America Act is amended by adding at the end the following new subsection:

"(f) GIFTS.—The Council may accept, administer, and utilize gifts or donations of services, money, or property, whether real or personal, tangible or intangible.".

(c) LOCAL AGENCY PLAN APPROVAL.—Paragraph 4 of section 309(a) of the Goals 2000: Educate America Act is amended by inserting the words "made by the local educational agency" after the word "modifications".

(d) SAFE SCHOOLS.—Paragraph (2) of section 702(b) of the Safe Schools Act of 1994 (20 U.S.C. 5962(b)(2)) is amended by striking "10 percent" and inserting "5 percent".

(e) STATE PLANNING FOR IMPROVING STUDENT ACHIEVEMENT THROUGH INTEGRATION OF TECHNOLOGY INTO THE CURRICULUM.—Subsection (b) of section 317 of the Goals 2000: Educate America Act (20 U.S.C. 5897(b)) is amended by adding at the end the following new paragraph:

"(3) OUTLYING AREAS.—(A) From the amount appropriated pursuant to the authority of subsection (f) for fiscal year 1994, the Secretary shall reserve a total of 1 percent to provide assistance under this section to the outlying areas.

"(B) The funds reserved under subparagraph (A) shall be distributed among the outlying areas by the Secretary according to the relative need of such areas for assistance under this section.".

SEC. 342. EDUCATION COUNCIL ACT OF 1991.

Title II of the Education Council Act of 1991 (20 U.S.C. 1221–1 note) is repealed.

SEC. 343. AUGUSTUS F. HAWKINS-ROBERT T. STAFFORD ELEMENTARY AND SECONDARY SCHOOL IMPROVEMENT AMENDMENTS OF 1988.

Title IV of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (20 U.S.C. 4901 et seq.) is repealed.

SEC. 344. STAR SCHOOLS PROGRAM ASSISTANCE ACT.

The Star Schools Program Assistance Act (20 U.S.C. 4081 et seq.) is repealed.

SEC. 345. FUND FOR THE IMPROVEMENT AND REFORM OF SCHOOLS AND TEACHING ACT.

The Fund for the Improvement and Reform of Schools and Teaching Act (20 U.S.C. 4801) is repealed.

SEC. 346. TECHNOLOGY-RELATED ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES ACT OF 1988.

(a) IN GENERAL.—Title II of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2231 et seq.) is amended by striking part E.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the Technology-Related Assistance for Individuals With Disabilities Act Amendments of 1994.

SEC. 347. OFFICE OF INDIAN EDUCATION.

Title II of the Department of Education Organization Act (20 U.S.C. 3411 et seq.) (as amended by section 271) is further amended by adding at the end the following new section:

"OFFICE OF INDIAN EDUCATION

"SEC. 217. (a) There shall be in the Department an Office of Indian Education (hereafter in this section referred to as the 'Office').

"(b)(1) The Office shall be headed by a Director of Indian Education (hereafter in this section referred to as the 'Director') who shall—

"(A) be appointed by the Secretary; and

"(B) report directly to the Assistant Secretary for Elementary and Secondary Education.

"(2) The Director shall—

"(A) be responsible for administering title VI of the Elementary and Secondary Education Act of 1965;

"(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;

"(C) coordinate the development of policy and practice for all programs in the Department relating to Indian persons; and

"(D) assist the Assistant Secretary of the Office of Educational Research and Improvement in identifying research priorities related to the education of Indian persons.

"(3) The Director shall be a career appointee in the Senior Executive Service, and shall be paid at a level determined by the Secretary.

"(c)(1) The Secretary shall give preference to Indian individuals with respect to all personnel actions of the Office.

"(2) Such preference shall be implemented in the same fashion as the preference given to any Indian under section 2609 of the Revised Statutes (25 U.S.C. 45).".

SEC. 348. INDIAN EDUCATION ACT OF 1988.

The Indian Education Act of 1988 (25 U.S.C. 2601 note) is repealed.

SEC. 349. HIGHER EDUCATION ACT OF 1965.

(a) SHORT TITLE.—This section may be cited as the "Equity in Athletics Disclosure Act".

(b) FINDINGS.—The Congress finds that—

(1) participation in athletic pursuits plays an important role in teaching young Americans how to work on teams, handle challenges and overcome obstacles;

(2) participation in athletic pursuits plays an important role in keeping the minds and bodies of young Americans healthy and physically fit;

(3) there is increasing concern among citizens, educators, and public officials regarding the athletic opportunities for young men and women at institutions of higher education;

(4) a recent study by the National Collegiate Athletic Association found that in Division I–A institutions, only 20 percent of the average athletic department operations budget of $1,310,000 is spent on women's athletics; 15 percent of the average recruiting budget of $318,402 is spent on recruiting female athletes; the average scholarship expenses for men is $1,300,000 and $505,246 for women; and an average of 143 grants are awarded to male athletes and 59 to women athletes;

(5) female college athletes receive less than 18 percent of the athletics recruiting dollar and less than 24 percent of the athletics operating dollar;

(6) male college athletes receive approximately $179,000,000 more per year in athletic scholarship grants than female college athletes;

(7) prospective students and prospective student athletes should be aware of the commitments of an institution to providing equitable athletic opportunities for its men and women students; and

(8) knowledge of an institution's expenditures for women's and men's athletic programs would help prospective students and prospective student athletes make informed judgments about the commitments of a given institution of higher education to providing equitable athletic benefits to its men and women students.

(c) AMENDMENT.—Section 485 of the Higher Education Act of 1965 (20 U.S.C. 1092) is amended by adding at the end the following new subsection:

"(g) DISCLOSURE OF ATHLETIC PROGRAM PARTICIPATION RATES AND FINANCIAL SUPPORT DATA.—

"(1) DATA REQUIRED.—Each institution of higher education that participates in any program under this title, and has an intercollegiate athletic program, shall annually submit a report to the Secretary that contains the following information:

"(A) For each men's team, women's team, and any team that includes both male and female athletes, the following data:

"(i) The total number of participants and their gender.

"(ii) The total athletic scholarship expenditures.

"(iii) A figure that represents the total athletic scholarship expenditures divided by the total number of participants.

"(iv) The total number of contests for the team.

"(v) The per capita operating expenses for the team.

"(vi) The per capita recruiting expenses for the team.

"(vii) The per capita personnel expenses for the team.

"(viii) Whether the head coach is male or female and whether the head coach is full time or part time.

"(ix) The number of assistant coaches that are male and the number of assistant coaches that are female and whether each particular coach is full time or part time.

"(x) The number of graduate assistant coaches that are male and the number of graduate assistant coaches that are female.

"(xi) The number of volunteer assistant coaches that are male and the number of volunteer assistant coaches that are female.

"(xii) The ratio of participants to coaches.

"(xiii) The average annual institutional compensation of the head coaches of men's sports teams, across all offered sports, and the average annual compensation of the head coaches of women's sports teams, across all offered sports.

"(xiv) The average annual institutional compensation of each of the assistant coaches of men's sports teams, across all offered sports, and the average annual compensation of the assistant coaches of women's sports teams, across all offered sports.

"(xv) The total annual revenues generated from attendance at athletic contests across all men's teams and women's teams.

"(B) A statement of the following data:

"(i) The ratio of male participants to female participants in the entire athletic program.

"(ii) The ratio of male athletic scholarship expenses to female athletic scholarship expenses in the entire athletic program.

"(2) DISCLOSURE TO PROSPECTIVE STUDENTS.—An institution of higher education described in paragraph (1) that offers admission to a potential student shall provide to such student, upon request, the information contained in the report submitted by such institution to the Secretary under paragraph (1), except that all such students shall be informed of their right to request such information.

"(3) DISCLOSURE TO THE PUBLIC.—An institution of higher education described in paragraph (1) shall make available to the public, upon request, the information contained in the report submitted by such institution to the Secretary under paragraph (1).

"(4) SECRETARY'S DUTY TO PUBLISH A REPORT OF THE DATA.—On or before July 1, 1995, and each July 1 thereafter, the Secretary, using the reports submitted under this subsection, shall compile, publish, and submit to the appropriate committees of the Congress, a report that includes the information contained in such reports identified by (A) the individual institutions, and (B) by the athletic conferences recognized by the National Collegiate Athletic Association and the National Association of Intercollegiate Athletics.

"(5) DEFINITION.—For the purposes of this subsection, the term 'operating expenses' means all nonscholarship expenditures.".

(d) EFFECTIVE DATE.—The amendment made by subsection (c) shall take effect on July 1, 1994.

SEC. 350. RURAL COMMUNITY SERVICE.

Title XI of the Higher Education Act of 1965 (20 U.S.C. 1136 et seq.) is amended by adding at the end the following new part:

"PART C—RURAL COMMUNITY SERVICE

"SEC. 1171. FINDINGS; PURPOSE.

"(a) FINDINGS.—The Congress finds that—

"(1) the Nation's rural centers are facing increasingly pressing problems and needs in the areas of economic development, community infrastructure and service, social policy, public health, housing, crime, education, environmental concerns, planning and work force preparation;

"(2) there are, in the Nation's rural institutions, people with underutilized skills, knowledge, and experience who are capable of providing a vast range of services toward the amelioration of the problems described in paragraph (1);

"(3) the skills, knowledge, and experience in these rural institutions, if applied in a systematic and sustained manner, can make a significant contribution to the solution of such problems; and

"(4) the application of such skills, knowledge, and experience is hindered by the limited funds available to redirect attention to solutions to such rural problems.

"(b) PURPOSE.—It is the purpose of this part to provide incentives to rural academic institutions to enable such institutions to work with private and civic organizations to devise and implement solutions to pressing and severe problems in their communities.

"SEC. 1172. PROGRAM.

"The Secretary is authorized to carry out a program of providing assistance to eligible institutions to enable such institutions to carry out

the authorized activities described in section 1174 in accordance with the provisions of this part.

"SEC. 1173. APPLICATIONS FOR RURAL COMMUNITY SERVICE GRANTS.

"(a) APPLICATION.—

"(1) IN GENERAL.—Each eligible institution desiring a grant under this part shall submit to the Secretary an application at such time, in such form, and containing or accompanied by such information and assurances, as the Secretary may require by regulation.

"(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

"(A) describe the activities and services for which assistance is sought; and

"(B) contain assurances that the eligible institution will enter into a consortium to carry out the provisions of this part that includes, in addition to the eligible institution, one or more of the following entities:

"(i) A community college.

"(ii) A rural local educational agency.

"(iii) A local government.

"(iv) A business or other employer.

"(v) A nonprofit institution.

"(3) WAIVER.—The Secretary may waive the consortium requirements described in paragraph (2) for any applicant who can demonstrate to the satisfaction of the Secretary that the applicant has devised an integrated and coordinated plan which meets the purpose of this part.

"(b) SELECTION PROCEDURES.—The Secretary, by regulation, shall develop a formal procedure for the submission of applications under this part and shall publish in the Federal Register an announcement of that procedure and the availability of funds under this part.

"SEC. 1174. AUTHORIZED ACTIVITIES.

"Grant funds made available under this part shall be used to support planning, applied research, training, resource exchanges or technology transfers, the delivery of services, or other activities the purpose of which is to design and implement programs to assist rural communities to meet and address their pressing and severe problems, such as any of the following:

"(1) Work force preparation.

"(2) Rural poverty and the alleviation of such poverty.

"(3) Health care, including health care delivery and access as well as health education, prevention and wellness.

"(4) Underperforming school systems and students.

"(5) Problems faced by the elderly and individuals with disabilities in rural settings.

"(6) Problems faced by families and children.

"(7) Campus and community crime prevention, including enhanced security and safety awareness measures as well as coordinated programs addressing the root causes of crime.

"(8) Rural housing.

"(9) Rural infrastructure.

"(10) Economic development.

"(11) Rural farming and environmental concerns.

"(12) Other problem areas which participants in the consortium described in section 1173(a)(2)(B) concur are of high priority in rural areas.

"(13)(A) Problems faced by individuals with disabilities and economically disadvantaged individuals regarding accessibility to institutions of higher education and other public and private community facilities.

"(B) Amelioration of existing attitudinal barriers that prevent full inclusion of individuals with disabilities in their community.

"SEC. 1175. PEER REVIEW.

"The Secretary shall designate a peer review panel to review applications submitted under this part and make recommendations for funding to the Secretary. In selecting the peer review panel, the Secretary may consult with other appropriate Cabinet-level Federal officials and with non-Federal organizations, to ensure that the panel will be geographically balanced and be composed of representatives from public and private institutions of higher education, labor, business, and State and local government, who have expertise in rural community service or in education.

"SEC. 1176. DISBURSEMENT OF FUNDS.

"(a) MULTIYEAR AVAILABILITY.—Subject to the availability of appropriations, grants under this part may be awarded on a multiyear basis, except that no institution, individually or as a participant in a consortium, may receive a grant under this part for more than 5 years.

"(b) EQUITABLE GEOGRAPHIC DISTRIBUTION.—The Secretary shall award grants under this part in a manner that achieves an equitable geographic distribution of such grants.

"(c) MATCHING REQUIREMENT.—An applicant under this part and the local governments associated with its application shall contribute to the conduct of the program supported by the grant an amount from non-Federal funds equal to at least one-fourth of the amount grant, which contribution may be in cash or in kind, fairly evaluated.

"(d) The Secretary shall, to the maximum extent possible, coordinate this program with the Corporation for National and Community Service.

"SEC. 1177. DESIGNATION OF RURAL GRANT INSTITUTIONS.

"The Secretary shall publish a list of eligible institutions and shall designate such institutions of higher education as 'Rural Grant Institutions'. The Secretary shall establish a national network of Rural Grant Institutions so that the results of individual projects achieved in 1 rural area can be generalized, disseminated, replicated and applied throughout the Nation.

"SEC. 1178. DEFINITIONS.

"As used in this part:

"(1) RURAL AREA.—The term 'rural area' means any area that—

"(A) is outside an urban area, as such term is defined by the Bureau of the Census; and

"(B) contains a population of 75,000 or less.

"(2) ELIGIBLE INSTITUTION.—The term 'eligible institution' means an institution of higher education, or a consortium of such institutions any one of which meets all the requirements of this paragraph, which—

"(A) draws a substantial portion of its undergraduate students from the rural area served by such institution or consortium, or from contiguous areas;

"(B) carries out programs to make postsecondary educational opportunities more accessible to residents of such rural areas, or contiguous areas;

"(C) has the present capacity to provide resources responsive to the needs and priorities of such rural areas and contiguous areas;

"(D) offers a range of professional, technical, or graduate programs sufficient to sustain the capacity of such institution to provide such resources; and

"(E) has demonstrated and sustained a sense of responsibility to such rural area and contiguous areas and the people of such areas.

"SEC. 1179. AUTHORIZATION OF APPROPRIATIONS; FUNDING RULE.

"There are authorized to be appropriated $5,000,000 for fiscal year 1995 and such sums as may be necessary in each of the 4 succeeding fiscal years to carry out the provisions of this part.".

SEC. 350A. REHABILITATION ACT.

(a) Notwithstanding any other provision of the Rehabilitation Act of 1973, the amount otherwise payable to a State under section 111 of such Act shall be reduced—

(1) for fiscal years 1987 and 1988, by the amount by which expenditures from non-Federal sources under the State plan under title I of such Act for such year are less than the total of such expenditures for fiscal year 1972; and

(2) for fiscal year 1989, the lesser of—

(A) the amount by which expenditures from non-Federal sources under the State plan under title I of such Act for fiscal year 1989 are less than average of the total of such expenditures for fiscal years 1986, 1987, and 1988; or

(B) the amount by which expenditures from non-Federal sources under the State plan under title I of such Act for fiscal year 1988 are less than the average of the total of such expenditures for fiscal years 1985, 1986, and 1987.

(b) This section shall take effect on September 1, 1994.

SEC. 350B. HIGHER EDUCATION AMENDMENTS TO THE CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT.

(a) AMENDMENT.—The Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.) is amended—

(1) in paragraph (2) of section 232(d)—

(A) by inserting ", notwithstanding section 427(b)(2) of the Higher Education Amendments of 1992," before "has"; and

(B) by inserting "as such section was in effect on July 22, 1992" before the semicolon; and

(2) in subparagraph (B) of section 404(a)(4)—

(A) by inserting ", notwithstanding section 427(b)(2) of the Higher Education Amendments of 1992," before "has"; and

(B) by inserting "as such section was in effect on July 22, 1992" before the period.

(b) EFFECTIVE DATE.—Subsection (a) and the amendments made by subsection (a) shall take effect on the date of enactment of this Act, except that a State that, prior to such date, distributed funds under section 232 of the Carl D. Perkins Vocational and Applied Technology Education Act from funds appropriated for fiscal year 1994 for such program to proprietary institutions of higher education, as such term is defined in section 481(b) of the Higher Education Act of 1965, may continue to distribute such funds to such institutions until July 1, 1995.

SEC. 350C. TECHNICAL AMENDMENTS TO THE CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT.

The Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.) is amended—

(1) in section 101A—

(A) in paragraph (2) of subsection (a), by striking "and Palau" and all that follows through the end of the subsection, and inserting "the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau."; and

(B) in the matter preceding paragraph (1) of subsection (b), by inserting "the Republic of" immediately before "Palau";

(2) in clause (ii) of section 112(f)(1)(B), by striking "Palau" and all that follows through "99-658)", and inserting "the Federated States of Micronesia, the Republic of the Marshall Islands, the Republic of Palau"; and

(3) in paragraph (33) of section 521, by striking "and Palau" and all that follows through the end of the paragraph, and inserting "the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.".

SEC. 350D. TECHNICAL AMENDMENT TO THE SECOND MORRILL ACT.

Section 5 the Act of August 30, 1890 (26 Stat. 417, chapter 841; 7 U.S.C. 326a) (commonly known as the "Second Morrill Act") is amended by striking "and the Trust Territory of the Pacific Islands or its successor governments" and

inserting "the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau".

SEC. 350E. DEFINITIONS FOR PART A OF TITLE III.

Section 312 of the Higher Education Act of 1965 (20 U.S.C. 1058) is amended—

(1) in paragraph (1) of subsection (b)—

(A) in subparagraph (D), by striking "and" after the semicolon; and

(B) by adding after subparagraph (E) the following new subparagraph:

"(F) located in a State; and";

(2) by redesignating subsection (f) as subsection (g); and

(3) by inserting after subsection (e) the following new subsection:

"(f) STATE.—For the purpose of this part 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, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.".

SEC. 350F. AUTHORIZATION OF APPROPRIATIONS FOR THE NATIONAL EARLY INTERVENTION SCHOLARSHIP AND PARTNERSHIP PROGRAM.

Section 404G of the Higher Education Act of 1965 (20 U.S.C. 1070a–27) is amended by striking the second sentence thereof.

SEC. 350G. LENDER-OF-LAST-RESORT PROGRAMS.

(a) AMENDMENT.—Paragraph (1) of subsection (c) of section 428 of the Higher Education Act of 1965 (20 U.S.C. 1078(c)(1)) is amended by adding at the end the following new subparagraph:

"(G) Notwithstanding any other provision of this section, the Secretary shall exclude a loan made pursuant to a lender-of-last-resort program when making reimbursement payment calculations under subparagraphs (B) and (C).".

(b) EFFECTIVE DATE.—Subsection (a) and the amendment made by subsection (a) shall take effect on August 10, 1993.

SEC. 350H. FEDERAL CONSOLIDATION LOANS.

Paragraph (4) of section 428C(a) of the Higher Education Act of 1965 (20 U.S.C. 1078–3(a)(4)) is amended—

(1) in subparagraph (B), by striking "or" after the semicolon;

(2) in subparagraph (C), by striking the period and inserting "; or"; and

(3) by adding at the end the following new subparagraph:

"(D) made under subpart II of part B of title VIII of the Public Health Service Act.".

SEC. 350I. FACILITIES AUTHORITY OF THE STUDENT LOAN MARKETING ASSOCIATION.

Section 439 of the Higher Education Act of 1965 (20 U.S.C. 1087–2) is amended—

(1) in subparagraph (C) of subsection (d)(1)—

(A) in the matter preceding clause (i), by inserting "(including related equipment, instrumentation, and furnishings)" after "materials";

(B) in clause (ii), by striking the semicolon and inserting ", athletic facilities, dining halls, and student unions; and";

(C) in clause (iii), by striking "and" after the semicolon;

(D) in the matter following clause (iv)—

(i) by striking "15 percent" and inserting "30 percent"; and

(ii) by striking "type" and inserting "types"; and

(E) by striking clause (iv); and

(2) in subsection (n), by striking "a report of its operations and activities during each year" and inserting "a report of the Association's operations and activities, including a report with respect to all facilities transactions, during each year".

SEC. 350J. CLOCK AND CREDIT HOUR TREATMENT OF DIPLOMA NURSING SCHOOLS.

(a) AMENDMENT.—Part G of title IV of the Higher Education Act of 1965 (20 U.S.C. 1088 et seq.) is amended by inserting after section 481 the following new section:

"SEC. 481A. CLOCK AND CREDIT HOUR TREATMENT OF DIPLOMA NURSING SCHOOLS.

"Notwithstanding any other provision of this Act, any regulations promulgated by the Secretary concerning the relationship between clock hours and semester, trimester, or quarter hours in calculating student grant, loan, or work assistance under this title, shall not apply to a public or private nonprofit hospital-based school of nursing that awards a diploma at the completion of the school's program of education.".

(b) EFFECTIVE DATE.—Subsection (a) and the amendment made by subsection (a) shall take effect on July 1, 1994.

SEC. 350K. ELIGIBILITY FOR STUDENTS FROM PALAU.

Subsection (j) of section 484 of the Higher Education Act of 1965 (20 U.S.C. 1091(j)) is amended to read as follows:

"(j) ASSISTANCE UNDER SUBPARTS 1, 2, 3, 4, AND 6 OF PART A AND PART C.—Notwithstanding any other provision of law, a student shall be eligible, if otherwise qualified, for assistance under subparts 1, 2, 3, 4, and 6 of part A, and part C, of this title, if the student—

"(1) is a citizen of the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau, and attends an institution of higher education in a State or a public or nonprofit private institution of higher education in the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau; or

"(2) meets the requirements of subsection (a)(5) and attends a public or nonprofit private institution of higher education in the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau.".

SEC. 350L. FEDERAL INSURANCE FOR BONDS.

Subsection (b) of section 723 of the Higher Education Act of 1965 (20 U.S.C. 1132–c(b)) is amended—

(1) in paragraph (8)—

(A) in clause (i), by striking "and" after the semicolon;

(B) by amending clause (ii) to read as follows:

"(ii) shall be maintained in an amount not less than 10 percent of the outstanding principal of all loans under this part, with each eligible institution required to maintain in the escrow account an amount equal to 10 percent of the outstanding principal of all loans made to such institution under this part; and"; and

(C) by adding at the end the following new clause:

"(iii) shall be used to return to an eligible institution an amount equal to any remaining portion of such institution's 10 percent deposit of loan proceeds following scheduled repayment of such institution's loan;"; and

(2) in paragraph (11), by striking "regulations" and inserting "conditions".

SEC. 350M. DEFINITION OF ECONOMIC HARDSHIP.

Paragraph (1) of section 435(o) of the Higher Education Act of 1965 (20 U.S.C. 1085(o)(1)) is amended—

(1) in clause (ii) of subparagraph (A), by striking "or" after the semicolon;

(2) by redesignating subparagraph (B) as subparagraph (C);

(3) by inserting after subparagraph (A) the following new subparagraph:

"(B) such borrower does not have disposable income that is more than four times the amount specified in subparagraph (A) for a borrower who is working full-time and such borrower's Federal educational debt burden equals or exceeds 20 percent of such borrower's disposable income; or"; and

(4) in paragraph (2), by striking "(1)(B)" and inserting "(1)(C)".

SEC. 350N. AUTHORITY TO AWARD NEED-BASED AID.

Section 1544 of the Higher Education Amendments of 1992 (20 U.S.C. 1088, note) is amended to read as follows:

"SEC. 1544. AUTHORITY TO AWARD NEED-BASED AID.

"(a) EFFECT ON PENDING CASES PROHIBITED.—Nothing in this section shall in any way be construed to affect any antitrust litigation pending on the date of enactment of this Act.

"(b) IN GENERAL.—Except as provided in subsection (c), an institution of higher education that practices need-blind admissions may—

"(1) voluntarily agree with any other institution or institutions of higher education to award financial aid not awarded under the Higher Education Act of 1965 to students attending those institutions only on the basis of demonstrated financial need for such aid;

"(2) jointly discuss and voluntarily agree upon principles of need analysis for determining student financial need for aid not awarded under the Higher Education Act of 1965, provided that individual financial aid officers may exercise professional judgment with regard to individual applicants for financial aid;

"(3) use common aid application forms for aid not awarded under the Higher Education Act of 1965, provided that each such institution of higher education shall be free to request and use additional or different data from such institution's applicants; and

"(4) exchange through an independent third-party data on commonly admitted applicants regarding family and student assets, income, allowances against assets and income, number of family members, and the number of siblings in college, provided that each participating institution may retrieve such data only once for each commonly admitted applicant.

"(c) EXCEPTION.—Institutions of higher education shall not discuss or agree with each other on the prospective financial aid award to a specific applicant for financial aid.

"(d) RELATIONSHIP TO HIGHER EDUCATION ACT.—Nothing in this section shall be construed to affect the rights or obligations of an institution of higher education under sections 479A and 483.

"(e) RELATED MATTER.—No inference of unlawful conduct, combination or conspiracy shall be drawn from the fact that an institution of higher education engages in conduct authorized by this section.

"(f) DEFINITION.—For the purpose of this section the term 'institution of higher education that practices need-blind admissions' means an institution of higher education that admits as full-time students all United States citizens or aliens lawfully admitted for permanent residence (within the meaning of section 101(a)(20) of the Immigration and Nationality Act) to the undergraduate programs of such institution without regard to family financial circumstances, other than such citizens or aliens admitted from a waiting list.

"(g) SUNSET PROVISION.—This section shall expire on September 30, 1999.".

SEC. 350O. DEFERMENT ELIGIBILITY.

Subsection (f) of section 455 of the Higher Education Act of 1965 (20 U.S.C. 1087e(f)) is amended by adding at the end the following new paragraphs:

"(2) DEFINITION OF BORROWER.—For the purpose of this paragraph, the term "borrower" means an individual who is a new borrower on the date such individual applies for a loan under this part for which the first disbursement is made on or after July 1, 1993.

"(3) DEFERMENTS FOR PREVIOUS PART B LOAN BORROWERS.—A borrower of a loan made under this part, who at the time such individual applies for such loan, has an outstanding balance

of principal or interest owing on any loan made, insured, or guaranteed under part B of Title IV of the Act prior to July 1, 1993, shall be eligible for a deferment under section 427(a)(2)(C) or section 428(b)(1)(M) as such sections were in effect on July 22, 1992.".

SEC. 350P. FAMILY SUPPORT CENTER PROGRAM.

(a) ADMINISTRATIVE PROVISIONS.—Section 772(f) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11482(f)) is amended—

(1) in paragraph (1), to read as follows:

"(1) ADMINISTRATIVE COSTS.—Two percent of the amounts appropriated under this title may be used by the Secretary to administer the programs established under this title and three percent of the amounts appropriated under this title may be used by the Secretary to evaluate such program and to provide technical assistance to entities for the development and submission of applications for grants under this section.";

(2) in paragraph (3), by striking "2 years" and inserting "3 years"; and

(3) by adding at the end thereof the following new paragraph:

"(4) MINIMUM AMOUNT.—No grant made under subsection (a) may be less than $200,000 per year.".

(b) REPORT.—Section 777 of such Act (42 U.S.C. 11487) is amended by striking "1992" and inserting "1995".

(c) AUTHORIZATION FOR APPROPRIATIONS.—Section 779 of such Act (42 U.S.C. 11489) is amended by striking "for fiscal year 1993" and inserting "for each of the fiscal years 1993 through 1998".

(d) TECHNICAL AMENDMENT.—Section 774(a) of such Act (42 U.S.C. 11484(a)) is amended by striking "subsection (e)" and inserting "subsection (d)".

SEC. 350Q. THE NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES ACT OF 1965.

Subsection (c) of section 11 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(c)) is amended—

(1) in the second sentence of paragraph (1)—

(A) by striking "any fiscal year" and inserting "fiscal year 1995"; and

(B) by striking "$50,000" and inserting "$100,000"; and

(2) in the second sentence of paragraph (2)—

(A) by striking "any fiscal year" and inserting "fiscal year 1995"; and

(B) by striking "$50,000" and inserting "$100,000".

PART E—LIBRARY SERVICES AND CONSTRUCTION REAUTHORIZATION

SEC. 351. REFERENCES.

Except as otherwise specifically provided, whenever in this part an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Library Services and Construction Act (20 U.S.C. 351 et seq.).

SEC. 352. AUTHORIZATIONS.

(a) IN GENERAL.—Subsection (a) of section 4 (20 U.S.C. 351b(a)) is amended—

(1) by striking "for fiscal year 1990 and such sums as may be necessary for each of the 4 succeeding fiscal years" each place the phrase appears and inserting "for fiscal year 1995"; and

(2) in the matter following paragraph (7), by striking "each of the fiscal years 1990, 1991, 1992, 1993, and 1994" and inserting "fiscal year 1995".

(b) FAMILY LEARNING CENTERS.—Section 806 (20 U.S.C. 385e) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 806. There are authorized to be appropriated such sums as may be necessary for fiscal year 1995 to carry out this part.".

(c) LIBRARY LITERACY CENTERS.—Section 818 (20 U.S.C. 386g) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 818. There are authorized to be appropriated such sums as may be necessary for fiscal year 1995 to carry out this part.".

PART F—BUREAU OF INDIAN AFFAIRS

SEC. 361. GOALS 2000: EDUCATE AMERICA ACT.

(a) ASSISTANCE TO THE SECRETARY OF THE INTERIOR.—Section 315 of the Goals 2000: Educate America Act is amended—

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

"(c) BUREAU OF INDIAN AFFAIRS COST ANALYSIS AND STUDIES.—

"(1) IN GENERAL.—The Secretary of the Interior shall reserve from the funds received pursuant to section 304(a)(1)(B) in the first and second fiscal year for which the Secretary of the Interior receives such funds an amount not to exceed $500,000 for each such year to provide, through a contract executed, after open solicitation, with an organization or institution having extensive experience in school finance, for an analysis of—

"(A) the costs associated with meeting the academic, home-living, and residential standards of the Bureau for each Bureau funded school and annual projections of such costs; and

"(B) the feasibility and desirability of changing the method of financing for Bureau funded schools from the weighted student unit formula method in effect on the date of enactment of this Act to a school-based budget system or other alternative system of financial support.

"(2) COST ANALYSIS PURPOSE.—The purpose of the cost analysis provided for in paragraph (1)(A) shall be to provide the Bureau and the panel described in subsection (b)(4) with baseline data regarding the current state of operations funded by the Bureau and to provide a framework for the implementation of opportunity-to-learn standards or strategies. Such analysis shall evaluate the costs of providing a program in each school operated or supported by the Bureau for the next succeeding academic year and shall be based on—

"(A) the standards either published in the Federal Register and effective for schools funded by the Bureau on the date of enactment of this Act, or the State or regional standards in effect on such date for a Bureau-funded school;

"(B) the best projections of student counts and demographics as provided by the Bureau and as independently reviewed by the organization or institution selected by the Secretary to perform the analysis described in this section; and

"(C) the pay and benefit schedules and other personnel requirements for each school operated by the Bureau, as such pay and benefit schedules and requirements existed on the date of enactment of this Act.

"(3) FEASIBILITY STUDY PURPOSE.—(A) The purpose of the feasibility analysis provided for in paragraph (1)(B) shall be to determine whether it is feasible and desirable for the Bureau to replace or modify the weighted student unit formula system in effect on the date of enactment of this Act.

"(B) For the purposes of the feasibility analysis described in paragraph (1)(B), the term 'school-based budget system' means a system based upon an initial determination, at each school site, of the number of students who shall be served at the site, the needs of those students, the standards which will best meet those needs (including any standards or conditions reflecting local community input and such community's program), the personnel profile necessary to establish such program and the cost (determined on an actual basis) of funding such a program. Such a system shall include procedures to aggregate the determinations for each school site to determine the amount needed to fund all Bureau funded schools, to prepare a budget submission based upon such aggregate, and to provide for a mechanism for distributing such sums as may be appropriated based upon the determination at each school site.

"(4) RESULTS REPORT.—The contractor selected shall be required to report the results of analyses provided for in this section, in aggregate and school-specific form to the chairpersons and ranking minority members of the Committee on Education and Labor and the Committee on Appropriations of the House of Representatives and the Committee on the Indian Affairs and the Committee on Appropriations of the Senate, and to the Secretary of the Interior, not later than six months after the date of enactment of the Improving America's Schools Act of 1994. The contractor shall also be required to provide an estimate of the costs of meeting the academic and residential standards of the Bureau for each Bureau funded school for each of the three succeeding forward-funded fiscal years following the date of submission of such report. The contractor shall provide an estimate of such costs to such persons and members not later than January 1 of each succeeding fiscal year."; and

(2) by adding at the end the following new subsections:

"(e) GRANTS.—The Secretary of the Interior may use not more than one percent of the funds received pursuant to section 304(a)(1)(B) in the first and second fiscal year for which the Secretary of the Interior receives such funds for the purpose of providing grants, if requested by Bureau funded school boards, to enable such school boards to carry out activities of reform planning as such activities are described for States in section 308(b)(2)(J), or to evaluate the feasibility of becoming a contract school pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), or a grant school pursuant to the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988.

"(f) STUDY.—In cooperation with the panel established in subsection (b)(4), the Secretary of the Interior shall conduct a study to evaluate the feasibility of contracting with a private management firm for the operation of one or more Bureau operated schools to facilitate the achievement of the National Education Goals and the efficient use of funds in the education of Indian children, and to report to the persons identified in subsection (c)(4) and to the panel described in subsection (b)(4) not later than 12 months after the date of enactment of the Improving America's Schools Act of 1994.".

(b) SYSTEMIC TECHNOLOGY PLANNING.—Subsection (b) of section 317 of the Goals 2000: Educate America Act is amended by adding at the end the following new paragraph:

"(3) SECRETARY OF THE INTERIOR.—From the amount appropriated pursuant to the authority of subsection (f) in each fiscal year, the Secretary shall reserve $75,000 for the Secretary of the Interior to enable the Secretary of the Interior to conduct, directly or through a contract, systemic technology planning for Bureau funded schools.".

SEC. 362. TRIBALLY CONTROLLED SCHOOLS ACT OF 1988.

(a) NEW CONSTRUCTION.—The second sentence of paragraph (4) of section 5205(b) of the Tribally Controlled Schools Act of 1988 (25 U.S.C.

2504(b)(4)) is amended by striking "were received." and inserting "were received, except that a school receiving a grant under this part for facilities improvement and repair may use such grant funds for new construction if the tribal government or other organization provides funding for the new construction equal to at least one-fourth of the total cost of such new construction.".

(b) COMPOSITION OF GRANTS.—Subsection (b) of section 5205 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2504(b)) is further amended by adding at the end the following new paragraph:

"(5) If the Secretary fails to make a determination within 180 days of a request filed by an Indian tribe or tribal organization to include in such tribe or organization's grant the funds described in subsection (a)(2), the Secretary shall be deemed to have approved such request and the Secretary shall immediately amend the grant accordingly. Such tribe or organization may enforce its rights under subsection (a)(2) and this paragraph, including any denial of or failure to act on such tribe or organization's request, pursuant to the disputes authority described in section 5209(e).".

(c) PAYMENTS.—Subsection (a) of section 5208 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2507(a)) is amended to read as follows:

"(a) PAYMENTS.—

"(1) Except as otherwise provided in this subsection, the Secretary shall make payments to grantees under this part in 2 payments, of which—

"(A) the first payment shall be made not later than July 1 of each year in an amount equal to one-half of the amount which the grantee was entitled to receive during the preceding academic year; and

"(B) the second payment, consisting of the remainder to which the grantee is entitled for the academic year, shall be made not later than December 1 of each year.

"(2) For any school for which no payment under this part was made from Bureau funds in the preceding academic year, full payment of the amount computed for the first academic year of eligibility under this part shall be made not later than December 1 of the academic year.

"(3) With regard to funds for grantees that become available for obligation on October 1 of the fiscal year for which such funds are appropriated, the Secretary shall make payments to grantees not later than December 1 of the fiscal year.

"(4) The provisions of the Prompt Payment Act (31 U.S.C. 3901 et seq.) shall apply to the payments required to be made by paragraphs (1), (2), and (3).

"(5) Paragraphs (1), (2), and (3) shall be subject to any restriction on amounts of payments under this part that are imposed by a continuing resolution or other Act appropriating the funds involved.".

(d) APPLICABILITY.—Subsection (a) of section 5209 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2508(a)) is amended to read as follows:

"(a) CERTAIN PROVISIONS TO APPLY TO GRANTS.—All provisions of section 5, 6, 7, 104, 105(f), 106(f), 109, and 111 of the Indian Self-Determination and Education Assistance Act, except those provisions relating to indirect costs and length of contract, shall apply to grants provided under this part.".

(e) EXCEPTIONS, PROBLEMS, AND DISPUTES.—Subsection (e) of section 5209 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2508(e)) is amended—

(1) by striking "the amount of a grant under section 5205 (and the amount of any funds referred to in that section), and payments to be made under section 5208 of this Act," and inserting "a grant authorized to be made pursuant to this part or any amendment to such grant,";

(2) by striking "the amount of, or payment of, the administrative grant" and inserting "an administrative cost grant"; and

(3) by adding at the end the following new sentence: "The Equal Access to Justice Act shall apply to administrative appeals filed after September 8, 1988, by grantees regarding a grant under this part, including an administrative cost grant.".

SEC. 363. EDUCATION AMENDMENTS OF 1978.

(a) BUREAU OF INDIAN AFFAIRS.—Subsections (a) through (f) of section 1121 of the Education Amendments of 1978 (25 U.S.C. 2001 et seq.) are amended to read as follows:

"(a)(1) The purpose of the standards developed under this section shall be to afford Indian students being served by a Bureau funded school with the same opportunities as all other students to achieve the high goals embodied in the Goals 2000: Educate America Act. Consistent with the provisions of this section and section 1131, the Secretary shall take such actions as are necessary to coordinate standards developed and implemented under this section with those in the State plans developed and implemented pursuant to the Goals 2000: Educate America Act for the States in which each Bureau funded school operates. In developing and reviewing such standards and such coordination, the Secretary shall utilize the findings and recommendations of the panel established in section 315(b)(4) of the Goals 2000: Educate America Act.

"(2) The Secretary shall take immediate steps to encourage school boards of Bureau funded schools to engage their communities in adopting declarations of purposes of education in their communities, analyzing the implications of such purposes for their schools, and determining how such purposes may be made to motivate students and faculties and otherwise animate their schools by May 1, 1995. Such declarations shall represent the aspirations of a community for the kinds of persons such community wants its children to increasingly become, and shall include such purposes as assuring that all learners are becoming accomplished in ways important to themselves and respected by their parents and communities, shaping worthwhile and satisfying lives for themselves, exemplifying the best values of the community and humankind, and becoming increasingly effective in shaping the character and quality of the world all learners share.

"(b) Within 18 months of the publication of the voluntary national content standards described in section 213(a) of the Goals 2000: Educate America Act, the Secretary, in consultation with the Secretary of Education and Indian organizations and tribes, shall carry out or cause to be carried out by contract with an Indian organization a review of the standards in effect on the date of enactment of the Improving America's Schools Act of 1994 for the basic education of Indian children attending Bureau funded schools. Such review shall take into account the voluntary national content standards and other factors such as academic needs, local cultural differences, type and level of language skills, geographic isolation, and appropriate teacher-student ratios for such children, and shall be directed toward the attainment of equal educational opportunity for such children.

"(c)(1) The Secretary shall revise the minimum academic standards published in the Federal Register on September 9, 1985 (50 Fed. Reg. 174) for the basic education of Indian children based upon the review conducted under subsection (b). The Secretary shall publish such proposed standards in the Federal Register for the purpose of receiving comments from the tribes and other interested parties. The Secretary shall establish final standards, distribute such final standards to all the tribes and publish such final standards in the Federal Register. The Secretary shall revise such final standards periodically as necessary. Prior to any revision of such final standards, the Secretary shall distribute such proposed revision to all the tribes, and publish such proposed revision in the Federal Register, for the purpose of receiving comments from the tribes and other interested parties.

"(2) The standards described in paragraph (1) shall apply to Bureau schools, and subject to subsection (f), to contract and grant schools, and may also serve as a model for educational programs for Indian children in public schools. In establishing and revising such standards, the Secretary shall take into account the special needs of Indian students and the support and reinforcement of the specific cultural heritage of each tribe.

"(d) The Secretary shall provide alternative or modified standards in lieu of the standards established under subsection (c), where necessary, so that the programs of each school shall be in compliance with the minimum standards required for accreditation of schools in the State where the school is located.

"(e) A tribal governing body, or the local school board so designated by the tribal governing body, shall have the local authority to waive, in part or in whole, the standards established under subsection (c), where such standards are deemed by such body to be inappropriate. The tribal governing body or designated school board shall, within 60 days thereafter, submit to the Secretary a proposal for alternative standards that take into account the specific needs of the tribe's children. Such revised standards shall be established by the Secretary unless specifically rejected by the Secretary for good cause and in writing to the affected tribes or local school board, which rejection shall be final and unreviewable.

"(f) The Secretary, through contracting and grant-making procedures, shall assist school boards of contract and grant schools in the implementation of the standards established under subsections (c) and (d), if the school boards request that such standards, in part or in whole, be implemented. At the request of a contract or grant school board, the Secretary shall provide alternative or modified standards for the standards established under subsections (c) and (d) to take into account the needs of the Indian children and the contract or grant school.".

(b) COUNSELORS FOR BOARDING SCHOOLS AND DORMITORIES.—Subsection (a) of section 1128 of the Education Amendments of 1978 (25 U.S.C. 2008(a)) is amended by adding at the end the following: "Prior to January 1, 1996, the Secretary shall review the formula established under this section and shall take such steps as may be necessary to increase the availability of counseling services for students in off-reservation boarding schools and other Bureau funded residential facilities. Concurrent with such action, the Secretary shall review the standards established under section 1121 to be certain that adequate provision is made for parental notification regarding, and consent for, such counseling services.".

(c) SCHOOL BOARD TRAINING.—Subparagraph (A) of section 1128(c)(2) of the Education Amendments of 1978 (25 U.S.C. 2008(c)(2)(A)) is amended by striking "fiscal year 1986" and inserting "fiscal year 1992, except that the contracts for distribution of such funds shall require that such funds be distributed by the recipient organizations in a manner that assures the same pro rata share is made available for training for each school board in the system.".

(d) FORMULA ADJUSTMENT.—Subsection (c) of section 1128 of the Education Amendments of

1978 (25 U.S.C. 2008(c)) is further amended by adding at the end thereof the following new paragraph:

"(4)(A) The Secretary shall adjust the formula established under subsection (a) to use a weighted unit of 0.25 for each eligible Indian student who is enrolled in a year-long credit course in an Indian or Native language as part of the regular curriculum of a school, in considering the number of eligible Indian students served by such school.

"(B) The adjustment required under subparagraph (A) shall be used for such school after—

"(i) the certification of the Indian or Native language curriculum by the school board of such school to the Secretary, together with an estimate of the number of full-time students expected to be enrolled in the curriculum in the second school year following the school year for which the certification is made; and

"(ii) the funds appropriated for allotment under this section are designated by the appropriations Act appropriating such funds as the amount necessary to implement such adjustment at such school without reducing allotments made under this section to any school by virtue of such adjustment.".

(e) GRANT SCHOOLS.—Paragraph (3) of section 1128(g) of the Education Amendments of 1978 (25 U.S.C. 2008(g)(3)) is amended by inserting "or grant school" after "contract school" each time such term appears.

(f) AVAILABILITY.—Subsection (h) of section 1128 of the Education Amendments of 1978 (25 U.S.C. 2008(h)) is amended by inserting "of a Bureau school" after "board".

(g) SPECIAL RULE.—Section 1128 of the Education Amendments of 1978 (25 U.S.C. 2008) is amended by adding at the end the following new subsection:

"(i) Beginning with academic year 1994-1995, tuition for the out-of-State students boarding at the Richfield Dormitory in Richfield, Utah, who attend Sevier County high schools in Richfield, Utah, shall be paid from the Indian school equalization program funds at a rate not to exceed the amount per weighted student unit for that year for the instruction of such students. Such payment shall be in lieu of payments that might otherwise be paid to Bureau funded or public schools on their reservations. No additional administrative cost funds will be added to the grant.".

(h) UNIFORM DIRECT FUNDING AND SUPPORT.—Subsection (a) of section 1129 of the Education Amendments of 1978 (25 U.S.C. 2009(a)) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) Within six months after the date of enactment of the Improving America's Schools Act of 1994, the Secretary shall establish, by regulation adopted in accordance with section 1138, a system for the direct funding and support of all Bureau funded schools. Such system shall allot funds in accordance with section 1128. All amounts appropriated for distribution under this section shall be made available as provided in paragraph (2).";

(2) by striking paragraphs (2) and (3) and inserting the following new paragraph:

"(2)(A) For the purpose of affording adequate notice of funding available pursuant to the allotments made by section 1128, amounts appropriated in an appropriation Act for any fiscal year shall become available for obligation by the affected schools on July 1 of the fiscal year in which such funds are appropriated without further action by the Secretary, and shall remain available for obligation through the succeeding fiscal year.

"(B) The Secretary shall, on the basis of the amount appropriated in accordance with this paragraph—

"(i) publish, on July 1 of the fiscal year for which the funds are appropriated, the allotments to be made under section 1128 to each affected school of 85 percent of such appropriation; and

"(ii) publish, not later than October 30 of such fiscal year, the allotments to be made under section 1128 of the remaining 15 percent of such appropriation, adjusted to reflect actual student attendance.";

(3) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively; and

(4) in paragraph (3) (as redesignated by paragraph (3)) by striking "$25,000" and inserting "$35,000".

(i) STUDENT PROJECTS AND MATCHING FUNDS.—Section 1129 of the Education Amendments of 1978 (25 U.S.C. 2009) is amended by adding at the end the following new subsections:

"(g) Notwithstanding any other provision of law, where there is agreement on action between the superintendent and the school board of a Bureau funded school, the product or result of a project conducted in whole or in major part by a student may be given to that student upon the completion of such project.

"(h) Notwithstanding any other provision of law, funds received by a Bureau funded school under this title shall not be considered Federal funds for purposes of meeting a matching funds requirement in any Federal program.".

SEC. 364. STAFF OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT.

Subsection (f) of section 1509 of the Higher Education Amendments of 1986 (20 U.S.C. 4416(f)) is amended to read as follows:

"(f) APPLICABILITY.—

"(1) This section shall apply to any individual appointed after October 17, 1986, for employment in the Institute. Except as provided in subsection (d) and (g), the enactment of this title shall not affect—

"(A) the continued employment of any individual employed immediately before October 17, 1986; or

"(B) such individual's right to receive the compensation attached to such position.

"(2) This section shall not apply to an individual whose services are procured by the Institute pursuant to a written procurement contract.

"(3) This section shall not apply to employees of an entity performing services pursuant to a written contract with the Institute.".

SEC. 365. ENDOWMENT FUNDS.

Section 302 of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1832) is amended—

(1) in subsection (a), by striking "section 333" and inserting in lieu thereof "section 331"; and

(2) in subsection (b)—

(A) by amending paragraph (1) to read as follows:

"(1) provides for the investment and maintenance of a trust fund, the corpus and earnings of which shall be invested in the same manner as funds are invested under paragraph (2) of section 331(c) of the Higher Education Act of 1965, except that for purposes of this paragraph, the term 'endowment fund' means a fund established by an institution of higher education or by a foundation that is exempt from taxation and is maintained for the purpose of generating income for the support of the institution, and may include real estate;"; and

(B) in paragraph (3) by striking "same" the first time such term appears.

SEC. 366. STUDY.

The Secretary of the Interior shall conduct a study, in consultation with the board of regents of the Haskell Indian Junior College to evaluate the possible need for alternative institutional and administrative systems at Haskell Indian Junior College to support the transition of such college to a four year university. If the study's conclusions require legislation to be implemented, the study shall be accompanied by appropriate draft legislation. Such study shall be transmitted to the Committee on Indian Affairs of the Senate and the Committee on Education and Labor of the House of Representatives by June 1, 1995.

PART G—CROSS REFERENCES AND CONFORMING AMENDMENTS

SEC. 381. CROSS REFERENCES.

(a) REFUGEE EDUCATION ASSISTANCE ACT OF 1980.—(1) Paragraph (1) of section 101 of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note) is amended by striking "section 198(a)" and inserting "section 10101".

(2) Paragraph (2) of section 201(b) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note) is amended by striking "(other than section 303 of the Elementary and Secondary Education Act of 1965)".

(3) Paragraph (3) of section 301(b) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note) is amended by striking ", except that no reduction under this paragraph shall be made for any funds made available to the State under section 303 of the Elementary and Secondary Education Act of 1965".

(4) Paragraph (2) of section 401(b) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note) is amended by striking "(other than section 303 of the Elementary and Secondary Education Act of 1965)".

(b) TITLE 10.—(1) Subparagraph (A) of section 1151(b)(2) of title 10, United States Code, is amended by striking "chapter 1 of".

(2) Subparagraph (A) of section 1151(b)(3) of title 10, United States Code, is amended by striking "chapter 1 of".

(3) Subparagraph (A) of section 1598(a)(2) of title 10, United States Code, is amended by striking "chapter 1 of".

(4) Section 2194 of title 10, United States Code, is amended—

(A) in subsection (a), by striking "education agency" and inserting "educational agency"; and

(B) in subsection (e)—

(i) by striking "education agency" and inserting "educational agency";

(ii) by striking "section 1471(12)" and inserting "section 10101"; and

(iii) by striking "(20 U.S.C. 1058(b)".

(5) Subparagraph (A) of section 2410j(a)(2) of title 10, United States Code, is amended by striking "chapter 1 of".

(c) TOXIC SUBSTANCES CONTROL ACT.—(1) Subparagraph (A) of section 202(7) of the Toxic Substances Control Act (15 U.S.C. 2642(7)(A)) is amended—

(A) by striking "section 198" and inserting "section 10101"; and

(B) by striking "(20 U.S.C. 3381)".

(2) Paragraph (9) of section 202 of the Toxic Substances Control Act (15 U.S.C. 2642(9)) is amended—

(A) by striking "section 198" and inserting "section 10101"; and

(B) by striking "(20 U.S.C. 2854)".

(3) Paragraph (12) of section 202 of the Toxic Substances Control Act (15 U.S.C. 2642(12)) is amended—

(A) by striking "section 198" and inserting "section 10101"; and

(B) by striking "(20 U.S.C. 2854)".

(4) Section 302(1) of the Toxic Substances Control Act (15 U.S.C. 2662(1)(A)) is amended—

(A) in subparagraph (A)—

(i) by striking "section 198" and inserting "section 10101"; and

(ii) by striking "(20 U.S.C. 3381)"; and

(B) in subparagraph (C), by inserting "or successor authority" after "1107)".

(d) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993.—Paragraph (1) of section 386(h) of the National Defense Authorization Act for Fiscal Year 1993 (20 U.S.C. 238 note) is amended—

(1) by striking "section 1471(12)" and inserting "section 10101"; and

(2) by striking "(20 U.S.C. 2891(12))".

(e) HIGHER EDUCATION ACT OF 1965.—(1) Paragraph (1) of section 404(c) (20 U.S.C. 1070a-23(c)(1)) is amended by striking "section 1005(c)" and inserting "section 1123(c)(1)".

(2) Clause (ii) of section 418A(b)(1)(B) of the Higher Education Act of 1965 (20 U.S.C. 1070d-2(b)(1)(B)(ii)) is amended by striking "subpart 1 of part D of chapter 1" and inserting "part D".

(3) Subparagraph (A) of section 418A(c)(1) of the Higher Education Act of 1965 (20 U.S.C. 1070d-2(c)(1)(A)) is amended—

(A) by striking "subpart 1 of part D of chapter 1" and inserting "part D"; and

(B) by inserting "(or such part's predecessor authority)" after "1965".

(4) Subparagraph (A) of section 465(a)(2) of the Higher Education Act of 1965 (20 U.S.C. 1087ee(a)(2)(A)) is amended—

(A) by striking "chapter 1 of the Education Consolidation and Improvement Act of 1981" and inserting "title I of the Elementary and Secondary Education Act of 1965"; and

(B) by striking "section 111(c)" and inserting "section 1123(c)(1)".

(5) Subsection (a) of section 469 of the Higher Education Act of 1965 (20 U.S.C. 1087ii(a)) is amended by striking "chapter 1 of".

(6) Subsection (b) of section 501 of the Higher Education Act of 1965 (20 U.S.C. 1102(b)) is amended—

(A) in subparagraph (B) of paragraph (1), by striking "sections 1005 and 1006 of chapter 1 of title I" and inserting "section 1123"; and

(B) in subclause (II) of paragraph (2)(A)(ii), by striking "sections 1005 and 1006" and inserting "section 1123".

(7) Subsection (b) of section 572 of the Higher Education Act of 1965 (20 U.S.C. 1111a(b)) is amended by striking "of chapter 1".

(8) Paragraph (1) of section 581(b) of the Higher Education Act of 1965 (20 U.S.C. 1113(b)(1)) is amended by striking "part A or subpart 1 of part D of chapter 1" and inserting "part A or D".

(9) Paragraph (3) of section 581(c) of the Higher Education Act of 1965 (20 U.S.C. 1113(c)(3)) is amended by striking "chapter 1 of".

(10) Subparagraph (C) of section 586(d)(1) of the Higher Education Act of 1965 (20 U.S.C. 1114(d)(1)(C)) is amended by striking "chapter 1 of".

(11) Subparagraph (D) of section 586(d)(1) of the Higher Education Act of 1965 (20 U.S.C. 1114(d)(1)(D)) is amended by striking "chapter 1 of".

(12) Subclause (I) of section 1144(b)(1)(B)(iv) of the Higher Education Act of 1965 (20 U.S.C. 1138c(b)(1)(B)(iv)(I)) is amended by striking "chapter 1 of".

(f) EDUCATION AMENDMENTS OF 1978.—Subsection (h) of section 1203 of the Education Amendments Act of 1978 (20 U.S.C. 1221-1 note) is amended by striking "section 183" and inserting "part F of title I".

(g) INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—(1) Clause (ii) of section 602(a)(21)(A) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(a)(21)(A)(ii)) is amended by striking "chapter 1 of".

(2) Paragraph (2) of section 613(a) of the Individuals with Disabilities Education Act (20 U.S.C. 1413(a)(2)) is amended by striking ", including subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965,".

(3) Subparagraph (B) of section 622(c)(2) of the Individuals with Disabilities Education Act (20 U.S.C. 1422(c)(2)) is amended by striking "and subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965,".

(h) EDUCATION AMENDMENTS OF 1972.—Subparagraph (B) of section 908(2) of the Education Amendments of 1972 (20 U.S.C. 1687(2)(B)) is amended by striking "section 198(a)(10)" and inserting "section 10101".

(i) DEPARTMENT OF EDUCATION ORGANIZATION ACT.—Section 204 of the Department of Education Organization Act (20 U.S.C. 3414) is amended by striking "subpart 1 of part B" and inserting "part D".

(j) EDUCATION AND TRAINING FOR A COMPETITIVE AMERICA ACT OF 1988.—The Education and Training for a Competitive America Act of 1988 (20 U.S.C. 5001 et seq.) is repealed.

(k) EDUCATIONAL PARTNERSHIPS ACT OF 1988.—The Educational Partnerships Act of 1988 (20 U.S.C. 5031 et seq.) is repealed.

(l) SECONDARY SCHOOLS BASIC SKILLS DEMONSTRATION ASSISTANCE ACT OF 1988.—The Secondary Schools Basic Skills Demonstration Assistance Act of 1988 (20 U.S.C. 5061 et seq.) is repealed.

(m) EXCELLENCE IN MATHEMATICS, SCIENCE AND ENGINEERING EDUCATION ACT OF 1990.—The Excellence in Mathematics, Science and Engineering Education Act of 1990 (20 U.S.C. 5311 et seq.) is repealed.

(n) NATIONAL ENVIRONMENTAL EDUCATION ACT.—Paragraph (5) of section 3 of the National Environmental Education Act (20 U.S.C. 5502(5)) is amended—

(1) by striking "local education" and inserting "local educational"; and

(2) by striking "section 198" and inserting "section 10101".

(o) JOB TRAINING PARTNERSHIP ACT.—(1) Paragraph (23) of section 4 of the Job Training Partnership Act (29 U.S.C. 1503(23)) is amended by striking "section 1471(23)" and inserting "section 10101".

(2) Subparagraph (B) of section 263(a)(2) of the Job Training Partnership Act (29 U.S.C. 1643(a)(2)(B)) is amended by striking "chapter 1 of".

(3) Subparagraph (B) of section 263(g)(1) of the Job Training Partnership Act (29 U.S.C. 1643(g)(1)(B)) is amended by striking "chapter 1 of".

(4) Paragraph (2) of section 265(b) of the Job Training Partnership Act (29 U.S.C. 1645(b)(2)) is amended by striking "parts A through D of chapter 1" and inserting "parts A through C".

(p) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993.—Paragraph (3) of section 1091(l) of the National Defense Authorization Act for Fiscal Year 1993 (32 U.S.C. 501 note) is amended by inserting "(as such section was in effect on the day preceding the date of enactment of this Act)" after "1965".

(q) SAFE DRINKING WATER ACT.—Section 1461 of the Safe Drinking Water Act (42 U.S.C. 300j-21(6)) is amended—

(1) in subparagraph (A) of paragraph (3)—

(A) by striking "section 198" and inserting "section 10101"; and

(B) by striking "(20 U.S.C. 3381)"; and

(2) in paragraph (6)—

(A) by striking "section 198" and inserting "section 10101"; and

(B) by striking "(20 U.S.C. 2854)".

(r) CIVIL RIGHTS ACT OF 1964.—Subparagraph (B) of section 606(2) of the Civil Rights Act of 1964 (42 U.S.C. 2000d-4a(2)(B)) is amended by striking "section 198(a)(10)" and inserting "section 10101".

(s) OLDER AMERICANS ACT OF 1965.—(1) Section 338(a) of the Older Americans Act of 1965 (42 U.S.C. 3030g-11(a)) is amended—

(A) by striking "section 1005(d)(2)" and inserting "1121(c)(1)(A)"; and

(B) by striking "(20 U.S.C. 2711(d)(2))".

(2) Section 338A of the Older Americans Act of 1965 (42 U.S.C. 3030g-12(a)(1)) is amended—

(A) in paragraph (1) of subsection (a)—

(i) by striking "section 1471" and inserting "section 10101"; and

(ii) by striking "(20 U.S.C. 2891)"; and

(B) in paragraph (3) of subsection (b)—

(i) by striking "projects under section 1015" and inserting "programs under section 1114"; and

(ii) by striking (20 U.S.C. 2025)".

(3) Subparagraph (B) of section 363(5) of the Older Americans Act of 1965 (42 U.S.C. 3030o(5)(B)) is amended—

(A) by striking "section 1471" and inserting "section 10101"; and

(B) by striking "(20 U.S.C. 2891)".

(t) CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT.—(1) Subsection (d) of section 111 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2321(d)) is amended by striking "chapter 1 of".

(2) Paragraph (14) of section 113(b) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2323(b)(14)) is amended by striking "chapter 1 of".

(3) Subsection (a) of section 115 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2325(a)) is amended—

(A) by striking "chapter 1 of"; and

(B) by inserting "of 1965" after "Secondary Education Act".

(4) Paragraph (1) of section 231(a) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2341(a)(1)) is amended by striking "section 1005" and inserting "section 1124 or such section's predecessor authority".

(5) Clause (iv) of section 231(d)(3)(A) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2341(d)(3)(A)(iv)) is amended by striking "chapter 1 of".

(6) Section 352 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2395a) is amended by striking "section 1006" and inserting "section 1124".

(7) Subsection (b) of section 353 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2396b) is amended by striking "section 1006" and inserting "section 1124".

(8) Paragraph (1) of section 368 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2396f(1)) is amended by striking "section 1006" and inserting section 1124".

(9) Paragraph (3) of section 420(a) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2420(a)(3)) is amended by striking "section 1562" and inserting "subpart 2 of part C of title II".

(10) Paragraph (20) of section 521 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2471(20) is amended by striking "section 1471(5)" and inserting "section 10101".

(11) Paragraph (21) of section 521 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2471(21)) is amended by striking "section 703(a)(1)" and inserting "section 7104".

(u) JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974.—Paragraph (2) of section 288E(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5667e-5(a)(2)) is amended by striking "chapter 1 of".

(v) AGE DISCRIMINATION ACT OF 1975.—Clause (ii) of section 309(4)(B) of the Age Discrimination Act of 1975 (42 U.S.C. 6107(4)(B)(ii)) is amended by striking "section 198(a)(10)," and inserting "section 10101".

(w) HEAD START TRANSITIONAL PROJECT ACT.—(1) Paragraph (4) of section 132 of the Head Start Transition Project Act (42 U.S.C. 9855(4)) is amended by striking "section 1471(12)" and inserting "section 10101".

(2) Subsection (a) of section 134 of the Head Start Transition Project Act (42 U.S.C. 9855b(a)) is amended by striking "of chapter 1".

(3) Subsection (b) of section 134 of the Head Start Transition Project Act (42 U.S.C. 9855b(b)) is amended by striking "of chapter 1".

(4) Subsection (d) of section 135 of the Head Start Transition Project Act (42 U.S.C. 9855c(d)) is amended by striking "schoolwide project under section 1015(a)" and inserting "schoolwide program under section 1114".

(5) Subparagraph (C) of section 136(a)(4) of the Head Start Transition Project Act (42 U.S.C. 9855d(a)(4)(C)) is amended—

(A) by striking "Follow Through Act, chapter 1 of"; and

(B) by striking "part B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965".

(6) Paragraph (8) of section 136(a) of the Head Start Transition Project Act (42 U.S.C. 9855d(a)(8)) is amended by striking "part B of chapter 1" and inserting "part C".

(7) Paragraph (10) of section 136(a) of the Head Start Transition Project Act (42 U.S.C. 9855d(a)(10)) is amended by striking "part B of chapter 1" and inserting "part C".

(x) FOLLOW THROUGH ACT.—The Follow Through Act (42 U.S.C. 9861 et seq.) is repealed.

(y) COMPREHENSIVE CHILD DEVELOPMENT ACT.—Paragraph (5) of section 670S of the Comprehensive Child Development Act (42 U.S.C. 9886(5)) is amended by striking "section 1471(12)" and inserting "section 10101".

(z) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—Subparagraph (B) of section 112(b)(2) of the National and Community Service Act of 1990 (42 U.S.C. 12524(b)(2)(B)) is amended by striking "chapter 1 of".

(aa) TRAINING TECHNOLOGY TRANSFER ACT OF 1988.—Paragraph (1) of section 6144 of the Training Technology Transfer Act of 1988 (20 U.S.C. 5124(1)) is amended by striking "section 405(d)(4)(A)(i) of the General Education Provisions Act (20 U.S.C. 1221e(d)(4)(A)(i))" and inserting "section 941(h) of the Educational Research, Development, Dissemination, and Improvement Act of 1994".

SEC. 382. ADDITIONAL REPEALS AND TECHNICAL AND CONFORMING AMENDMENTS REGARDING IMPACT AID.

(a) ADDITIONAL REPEALS.—

(1) OMNIBUS BUDGET RECONCILIATION ACT OF 1981.—Subsection (c) of section 505 of the Omnibus Budget Reconciliation Act of 1981 is repealed.

(2) EDUCATION AMENDMENTS OF 1984.—Section 302 of the Education Amendments of 1984 is repealed.

(3) DEPARTMENT OF EDUCATION APPROPRIATIONS ACT, 1991.—Section 306 of the Department of Education Appropriations Act, 1991, is repealed.

(4) NATIONAL ASSESSMENT OF CHAPTER 1 ACT.—Paragraph (2) of section 3(a) of the 1992 National Assessment of Chapter 1 Act is repealed.

(5) PUBLIC LAW 92-277.—Section 2 of Public Law 92-277 (86 Stat. 124) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1966.—Section 182 of the Elementary and Secondary Education Amendments of 1966 is amended by striking "by the Act of September 23, 1950 (Public Law 815, 81st Congress),".

(2) TOXIC SUBSTANCES CONTROL ACT.—Subparagraph (C) of section 302(1) of the Toxic Substances Control Act (15 U.S.C. 2662(1)(C)) is amended by inserting "as in effect before enactment of the Improving America's Schools Act of 1994" after "section 6 of the Act of September 30, 1950 (64 Stat. 1107),".

SEC. 383. INDIAN EDUCATION.

(a) ADULT EDUCATION ACT.—Paragraph (4) of section 322(a) of the Adult Education Act (20 U.S.C. 1203a(a)) is amended by striking "the Indian Education Act" and inserting "title VI of the Elementary and Secondary Education Act of 1965".

(b) EDUCATION AMENDMENTS OF 1978.—Paragraph (3) of section 1128(c) of the Education Amendments of 1978 (25 U.S.C. 2008(c)(3)) is amended—

(1) in clause (i) of subparagraph (A), by striking "(as determined pursuant to section 5324 of the Indian Education Act of 1988)"; and

(2) in subparagraph (B)—

(A) by striking "the later of the following" and all that follows through "(ii)"; and

(B) by inserting ", and for each fiscal year thereafter" before the period at the end thereof.

(c) INDIAN EDUCATION ASSISTANCE ACT.—Section 209 of the Indian Education Assistance Act (25 U.S.C. 458e) is amended by striking "title IV of the Act of June 23, 1972 (86 Stat. 235)" and inserting "title VI of the Elementary and Secondary Education Act of 1965".

(d) JOHNSON-O'MALLEY ACT.—Subsection (a) of section 5 of the Act of April 16, 1934, commonly known as the "Johnson-O'Malley Act" (25 U.S.C. 456(a)) is amended by striking "section 305(b)(2)(B)(ii) of the Act of June 23, 1972 (86 Stat. 235)" and inserting "section 6104(c)(4) of the Elementary and Secondary Education Act of 1965".

SEC. 384. OTHER TECHNICAL AND CONFORMING AMENDMENTS.

(a) ADULT EDUCATION ACT.—Paragraph (7) of section 342(c) of the Adult Education Act (20 U.S.C. 1206a(c)) is amended by striking "section 7004(a) of title VII" and inserting "section 7104(5)".

(b) AGE DISCRIMINATION ACT OF 1975.—Clause (ii) of section 309(4)(B) of the Age Discrimination Act of 1975 (42 U.S.C. 6107(4)(B)(ii)) is amended by striking "section 198(a)(10)" and inserting in lieu thereof "section 9101(13)".

(c) ANTI-DRUG ABUSE ACT OF 1988.—Subparagraph (A) of section 3521(d)(8) of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11841(d)(8)(A)) is amended by striking "the Drug-Free Schools and Communities Act of 1986" and inserting "part A of title V of the Elementary and Secondary Education Act of 1965".

(d) ASBESTOS SCHOOL HAZARD ABATEMENT ACT.—Section 511 of the Asbestos School Hazard Abatement Act of 1984 (20 U.S.C. 4020) is amended—

(1) in subparagraph (A) of paragraph (4), by striking "section 198(a)(10)" and inserting "section 10101"; and

(2) in subparagraph (A) of paragraph (5), by striking "section 198(a)(7)" and inserting "section 10101".

(e) CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 1990.—Subsection (c) of section 658H of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858f(c)) is amended by striking "section 1006" and inserting "section 1124".

(f) CRANSTON-GONZALEZ NATIONAL AFFORDABLE HOUSING ACT.—Paragraph (10) of section 457 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12899f(10)) is amended by striking "section 7003 of the Bilingual Education Act" and inserting "section 7104(5) of the Elementary and Secondary Education Act of 1965".

(g) FAMILY AND MEDICAL LEAVE ACT OF 1993.—Subparagraph (A) of section 108(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2618(a)(1)(A)) is amended by striking "section 1471(12) (20 U.S.C. 2891(12))" and inserting "section 10101".

(h) GOALS 2000: EDUCATION AMERICA ACT.—The Goals 2000: Educate America Act is amended—

(1) in section 3—

(A) in subsection (a)—

(i) in paragraph (6), by striking "section 1471" and inserting "section 10101"; and

(ii) in paragraph (10), by striking "section 602" and inserting "section 602(a)(17)"; and

(B) in paragraph (1) of subsection (b), by striking "section 1471" and inserting "section 10101";

(2) in paragraph (7) of section 231, by striking "chapter 1 of";

(3) in subsection (b) of section 232—

(A) in subparagraph (A) of paragraph (2), by striking "Star Schools Program Assistance Act" and inserting "Star Schools program authorized by part B of title III of the Elementary and Secondary Education Act of 1965"; and

(B) in subparagraph (F) of paragraph (3), by striking "the evaluation undertaken pursuant to section 908 of the Star Schools Program Assistance Act" and inserting "any evaluation of the Star School program undertaken by the Secretary";

(4) in subsection (b) of section 310, by striking "section 1017" and inserting "sections 1117 and 10503"; and

(5) in subsection (b) of section 311, by amending paragraphs (1) through (6) to read as follows:

"(1) Title I of the Elementary and Secondary Education Act of 1965.

"(2) Part A of title II of the Elementary and Secondary Education Act of 1965.

"(3) Part A of title V of the Elementary and Secondary Education Act of 1965.

"(4) Title VIII of the Elementary and Secondary Education Act of 1965.

"(5) Part B of title IX of the Elementary and Secondary Education Act of 1965.

"(6) The Carl D. Perkins Vocational and Applied Technology Education Act.".

(i) IMMIGRATION AND NATIONALITY ACT.—Subparagraph (D) of section 245A(h)(4) of the Immigration and Nationality Act (8 U.S.C. 1255a(h)(4)(D)) is amended to read as follows:

"(D) Title I of the Elementary and Secondary Education Act of 1965.".

(j) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—The National and Community Service Act of 1990 is amended—

(1) in section 101—

(A) in paragraph (8), by striking "section 1471(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(8))" and inserting "section 10101 of the Elementary and Secondary Education Act of 1965";

(B) in paragraph (14), by striking "section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12))" and inserting "section 10101 of the Elementary and Secondary Education Act of 1965;

(C) in paragraph (22), by striking "section 1471(21) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(21))" and inserting "section 10101 of the Elementary and Secondary Education Act of 1965"; and

(D) in paragraph (28), by striking "section 1471(23) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(23))" and inserting "section 10101 of the Elementary and Secondary Education Act of 1965";

(2) in subparagraph (B) of section 112(b)(2), by inserting "or its successor authority" after "(20 U.S.C. 2711 et seq.)"; and

(3) in subsection (b) of section 115A, by inserting ", as in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994" after "(20 U.S.C. 2727(b))".

(k) REHABILITATION ACT OF 1973.—The Rehabilitation Act of 1973 is amended—

(1) in section 202(b)(4)(A)(i), by striking "paragraphs (8) and (21), respectively, of section 1471 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891 (8) and (21))" and inserting "section 10101 of the Elementary and Secondary Education Act of 1965"; and

(2) in subparagraph (B) of section 504(b)(2), by striking "section 1471(12)" and inserting "section 10101".

(l) SCHOOL-TO-WORK OPPORTUNITIES ACT OF 1994.—The School-to-Work Opportunities Act of 1994 is amended—

(1) in paragraph (15) of section 4, by striking "section 602(17)" and inserting "section 602(a)(17)"; and

(2) in subsection (b) of section 502, by amending paragraphs (1) through (6) to read as follows:

"(1) title I of the Elementary and Secondary Education Act of 1965;

"(2) part A of title II of the Elementary and Secondary Education Act of 1965;

"(3) part A of title V of the Elementary and Secondary Education Act of 1965;

"(4) part B of title IX of the Elementary and Secondary Education Act of 1965;

"(5) title XIII of the Elementary and Secondary Education Act of 1965; and

"(6) the Carl D. Perkins Vocational and Applied Technology Education Act.".

(m) SOCIAL SECURITY ACT.—Paragraph (7) of section 402(g) of the Social Security Act (42 U.S.C. 602(g)(7)) is amended by striking "chapter 1 of the Education Consolidation and Improvement Act of 1981" and inserting "title I of the Elementary and Secondary Education Act of 1965".

(n) STATE DEPENDENT CARE DEVELOPMENT GRANTS ACT.—Section 670G of the State Dependent Care Development Grants Act (42 U.S.C. 9877) is amended—

(1) in paragraph (6), by striking "section 198(a)(10)" and inserting "section 10101 of the Elementary and Secondary Education Act of 1965"; and

(2) in paragraph (11), by striking "section 198(a)(17)" and inserting "section 10101".

(o) TRIBALLY CONTROLLED SCHOOLS ACT OF 1988.—The Tribally Controlled Schools Act of 1988 is amended—

(1) in subparagraph (C) of section 5204(a)(3), by striking "chapter 1 of"; and

(2) in section 5205—

(A) in subparagraph (A) of subsection (a)(3), by striking "chapter 1 of"; and

(B) in subsection (b)—

(i) in subparagraph (A) of paragraph (2), by striking "chapter 1 of"; and

(ii) in clause (i) of paragraph (3)(A), by striking "chapter 1 of".

TITLE IV—MISCELLANEOUS

SEC. 401. DOCUMENTS TRANSMITTED TO CONGRESS.

In documents transmitted to Congress explaining the President's budget request for the Special Education account, the Department of Education shall display amounts included in the request to offset the termination of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 by the Improving America's Schools Act of 1994.

SEC. 402. PARENTAL INVOLVEMENT.

It is the policy of the Congress that the States, in cooperation with local educational agencies, schools, and parent groups, should be encouraged to involve parents of children who display criminal or violent behavior toward teachers, students, or others on school property in disciplinary actions affecting such children.

SEC. 403. GRANTS TO STATES FOR WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED YOUTH OFFENDERS.

(a) FINDINGS.—The Congress finds the following:

(1) Over 150,000 youth offenders age 21 and younger are incarcerated in the Nation's jails, juvenile facilities, and prisons.

(2) Most youth offenders who are incarcerated have been sentenced as first-time adult felons.

(3) Approximately 75 percent of youth offenders are high school dropouts who lack basic literacy and life skills, have little or no job experience, and lack marketable skills.

(4) The average incarcerated youth has attended school only through grade 10.

(5) Most of these youths can be diverted from a life of crime into productive citizenship with available educational, vocational, work skills, and related service programs.

(6) If not involved with educational programs while incarcerated, almost all of these youths will return to a life of crime upon release.

(7) The average length of sentence for a youth offender is about 3 years. Time spent in prison provides a unique opportunity for education and training.

(8) Even with quality education and training provided during incarceration, a period of intense supervision, support, and counseling is needed upon release to ensure effective reintegration of youth offenders into society.

(9) Research consistently shows that the vast majority of incarcerated youths will not return to the public schools to complete their education.

(10) There is a need for alternative educational opportunities during incarceration and after release.

(b) DEFINITION.—The term "youth offender" means a male or female offender under the age of 25, who is incarcerated in a State prison, including a prerelease facility.

(c) GRANT PROGRAM.—The Secretary shall establish a program in accordance with this section to provide grants to the States to assist and encourage incarcerated youths to acquire functional literacy, life, and job skills, through the pursuit of a postsecondary education certificate, or an associate of arts or bachelor's degree while in prison, and employment counseling and other related services which start during incarceration and continue through prerelease and while on parole.

(d) APPLICATION.—To be eligible for a grant under this section, a State agency shall submit to the Secretary a proposal for a youth offender program that—

(1) identifies the scope of the problem, including the number of incarcerated youths in need of postsecondary education and vocational training;

(2) lists the accredited public or private educational institution or institutions that will provide postsecondary educational services;

(3) lists the cooperating agencies, public and private, or businesses that will provide related services, such as counseling in the areas of career development, substance abuse, health, and parenting skills;

(4) describes the evaluation methods and performance measures that the State will employ, provided that such methods and measures are appropriate to meet the goals and objectives of the proposal, and that they include measures of—

(A) program completion;

(B) student academic and vocational skill attainment;

(C) success in job placement and retention; and

(D) recidivism;

(5) describes how the proposed programs are to be integrated with existing State correctional education programs (such as adult education, graduate education degree programs, and vocational training) and State industry programs;

(6) addresses the educational needs of youth offenders who are in alternative programs (such as boot camps); and

(7) describes how students will be selected so that only youth offenders eligible under subsection (f) will be enrolled in postsecondary programs.

(e) PROGRAM REQUIREMENTS.—Each State agency receiving a grant under this section shall—

(1) integrate activities carried out under the grant with the objectives and activities of the school-to-work programs of such State, including—

(A) work experience or apprenticeship programs;

(B) transitional worksite job training for vocational education students that is related to the occupational goals of such students and closely linked to classroom and laboratory instruction;

(C) placement services in occupations that the students are preparing to enter;

(D) employment-based learning programs; and

(E) programs that address State and local labor shortages;

(2) annually report to the Secretary and the Attorney General on the results of the evaluations conducted using the methods and performance measures contained in the proposal; and

(3) provide to each State not more than $1,500 annually for tuition, books, and essential materials, and not more than $300 annually for related services such as career development, substance abuse counseling, parenting skills training, and health education, for each eligible incarcerated youth.

(f) STUDENT ELIGIBILITY.—A youth offender shall be eligible for participation in a program receiving a grant under this section if the youth offender—

(1) is eligible to be released within 5 years (including a youth offender who is eligible for parole within such time); and

(2) is 25 years of age or younger.

(g) LENGTH OF PARTICIPATION.—A program receiving a grant under this section shall provide educational and related services to each participating youth offender for a period not to exceed 5 years, 1 year of which may be devoted to study in a graduate education degree program or to remedial education services for students who have obtained a high school diploma. Educational and related services shall start during the period of incarceration in prison or prerelease and may continue during the period of parole.

(h) EDUCATION DELIVERY SYSTEMS.—Correctional education agencies and cooperating institutions shall, to the extent practicable, use high-tech applications in developing programs to meet the requirements and goals of this program.

(i) ALLOCATION OF FUNDS.—From the amounts appropriated pursuant to subsection (j), the Secretary shall allot to each State an amount that bears the same relationship to such funds as the total number of eligible students in such State bears to the total number of eligible students in all States.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $18,000,000 for fiscal year 1995; and

(2) such sums as may be necessary for fiscal year 1996 and each fiscal year thereafter.

SEC. 404. LOCAL CONTROL OVER SCHOOL VIOLENCE.

(a) IN GENERAL.—In any school that receives Federal funds, if a student brings to or possesses on school property or at a school-sponsored event a weapon as such term is defined in, and in contravention of, school policy, or has demonstrated life threatening behavior in the classroom or on school premises, then the student shall be subjected to the disciplinary actions as determined by the local educational agency.

(b) INDIVIDUALS WITH DISABILITIES.—Paragraph (3) of section 615(e) of the Act (20 U.S.C. 1415(e)(3)) is amended—

(1) by striking "During" and inserting "(A) Except as provided in subparagraph (B), during", and

(2) by adding at the end the following new subparagraph:

"(B)(i) Except as provided in clause (iii), if the proceedings conducted pursuant to this section involve a child with a disability who brings to or possesses on school property or at a school-sponsored event a weapon as such term is defined in, and in contravention of, school policy, or a child with a disability who has demonstrated life threatening behavior in the classroom or on school premises, then the child may be placed in an interim alternative educational setting for not more than 90 days.

"(ii) The interim alternative educational setting described in clause (i) shall be decided by the individuals described in section 602(a)(20).

"(iii) If a parent or guardian of a child described in clause (i) requests a due process hearing pursuant to paragraph (2) of subsection (b), then the child shall remain in the alternative educational setting described in such clause during the pendency of any proceedings conducted pursuant to this section, unless the parents and the local educational agency agree otherwise.".

(c) SUNSET PROVISION.—This section, and the amendments made by this section, shall be effective during the period beginning on the date of enactment of this Act and ending on the date of enactment of an Act (enacted after the date of the enactment of this Act) that reauthorizes the Individuals With Disabilities Education Act.

(d) DEFINITIONS.—For the purposes of this section, the term "life threatening behavior" is defined as "an injury involving a substantial risk of death; loss or substantial impairment of the function of a bodily member, organ, or mental faculty that is likely to be permanent; or an obvious disfigurement that is likely to be permanent.".

SEC. 405. LOCAL CONTROL OVER VIOLENCE.

(a) AMENDMENTS.—

(1) IN GENERAL.—In paragraph (3) of section 615(e) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(e)(3)) is amended—

(A) by striking 'During' and inserting '(A) Except as provided in subparagraph (B), during'; and

(B) by adding at the end the following new subparagraph:

"(B)(i) Except as provided in clause (iii), if the proceedings conducted pursuant to this section involve a child with a disability who is determined to have brought a weapon to school under the jurisdiction of such agency, then the child may be placed in an interim alternative educational setting for not more than 90 days, consistent with State law.

"(ii) The interim alternative educational setting described in clause (i) shall be decided by the individuals described in section 602(a)(20).

"(iii) If a parent or guardian of a child described in clause (i) requests a due process hearing pursuant to paragraph (2) of subsection (b), then the child shall remain in the alternative educational setting described in such clause during the pendency of any proceedings conducted pursuant to this section, unless the parents and the local educational agency agree otherwise.".

(2) EFFECTIVE DATE.—Paragraph (1) and the amendments made by paragraph (1) shall be effective during the period beginning on the date of enactment of this Act and ending on the date of enactment of an Act (enacted after the date of the enactment of this Act) that reauthorizes the Individuals with Disabilities Education Act.

(b) Nothing in the Individuals with Disabilities Education Act shall supersede the provisions of the Gun-Free Schools Act (section 17001 of the Elementary and Secondary Education Act) when the child's behavior is unrelated to his or her disability.

SEC. 406. PROHIBITION AGAINST FUNDS FOR HOMOSEXUAL SUPPORT.

(a) PROHIBITION.—No local educational agency that receives funds under this Act shall implement or carry out a program or activity that has either the purpose or effect of encouraging or supporting homosexuality as a positive lifestyle alternative.

(b) DEFINITION.—A program or activity, for purposes of this section, includes the distribution of instructional materials, instruction, counseling, or other services on school grounds, or referral of a pupil to an organization that affirms a homosexual lifestyle.

(c) EFFECTIVE DATE.—The provisions of this section shall take effect one day following the enactment of this Act.

SEC. 407. YOUTH PROGRAMS LIMITATION.

None of the funds authorized under this Act shall be used to develop materials or programs directed at youth that are designed to directly promote or encourage sexual activity, whether homosexual or heterosexual.

SEC. 408. LIMITATION.

None of the funds authorized to be appropriated under this Act may be used to make condoms available in a public school.

SEC. 409. CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT.

Notwithstanding any other provision of law, beginning on June 1, 1994, and ending on the date of enactment of an Act reauthorizing the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.), the Secretary shall not issue any new final regulations to implement such Act.

SEC. 410. THERAPEUTIC MODEL DEMONSTRATION SCHOOLS.

(a) AUTHORIZATION.—

(1) IN GENERAL.—The Secretary of the Interior, acting through the Bureau of Indian Affairs, is authorized to establish demonstration schools based on the therapeutic model described in this section, to provide services necessary to achieve positive changes in the attitudes, behavior, and academic performance of Indian youth attending off-reservation boarding schools.

(2) PURPOSE.—The purpose of the therapeutic model demonstration schools shall be—

(A) to provide a program, based on an annual written plan, linking clinicians, counselors, and mental health professionals with academic program personnel in a culturally sensitive residential program tailored to the particular needs of Indian students;

(B) to provide for a continued evaluation of the planning and implementation of the therapeutic model in the designated schools; and

(C) to determine what steps the Bureau of Indian Affairs must take and what resources are required to transform existing off-reservation boarding schools to meet the needs of chemically dependent, emotionally disturbed, socially troubled, or other at-risk Indian youth who attend such schools.

(b) LOCATION.—The Secretary shall initiate the therapeutic model at two schools in school years 1994 through 1996, and shall give priority to—

(1) one school that is the recipient of a grant under section 5204 of the August F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 during the 1994–1995 school year; and

(2) one school operated by the Bureau of Indian Affairs during the 1995–1996 school year.

(c) SERVICES.—The demonstration schools shall provide an integrated residential environment that may include—

(1) mental health services;

(2) education;

(3) recreation therapy;

(4) social service programs;

(5) substance abuse education and prevention; and

(6) other support services for aftercare.

(d) STAFFING.—The demonstration schools shall be staffed with health and social service professionals, and educators, and may include, but not be limited to—

(1) clinical psychologists;

(2) child psychologists;

(3) substance abuse counselors;

(4) social workers; and

(5) health educators.

(e) ENROLLMENT.—Notwithstanding any other provision of law, the Secretary of the Interior may limit the enrollment at the demonstration schools.

(f) ASSISTANCE.—The Secretary is authorized to enter into agreements with other organizations and agencies, including the Indian Health Service, to carry out this section.

(g) REPORT.—Not later than July 31 of each year, the Secretary of the Interior shall submit a report to the Committee on Indian Affairs of the Senate and the Committee on Education and Labor of the House of Representatives on the progress of the Department of the Interior in the development of the demonstration schools.

SEC. 411. CRIMINAL HISTORY INVESTIGATIONS OF SCHOOL BUS DRIVERS.

(a) REQUIREMENT FOR INVESTIGATIONS.—(1) Notwithstanding any other provision of law, a local educational agency may not employ a person as a driver of a school bus of or on behalf of the agency until the agency conducts a background check under procedures that meet the guidelines set forth in section 3(b) of the National Child Protection Act of 1993 (Public Law 103–209; 107 Stat. 2491; 42 U.S.C. 5119a(b)).

(2) Subject to paragraph (3), the prohibition set forth in paragraph (1) shall take effect on the date of the enactment of this Act.

(b) INTERIM REQUIREMENT.—Prior to the establishment of the procedures referred to in subsection (a)(1), or a State's participation in the procedures referred to in subsection (a)(1), local educational agencies shall conduct a fingerprint based check through the criminal history files maintained by the Criminal Justice Information Services Division of the Federal Bureau of Investigation.

(c) DEFINITION.—In this section, the term "local educational agency" has the meaning given such term in section 10101 of the Elementary and Secondary Education Act of 1965, as amended by title I of this Act.

SEC. 412. RATE OF PAY FOR THE DEPUTY DIRECTOR OF THE NATIONAL INSTITUTE ON DISABILITY AND REHABILITATION RESEARCH.

Notwithstanding section 202(c)(2) of the Rehabilitation Act of 1973 (29 U.S.C. 761a(c)(2)), the Secretary of Education is authorized to compensate anyone appointed during calendar year 1994 to be the Deputy Director of the National Institute on Disability and Rehabilitation Research at the rate of pay for level 5 of the Senior Executive Service Schedule.

TITLE V—WORKERS TECHNOLOGY SKILL DEVELOPMENT

SEC. 501. SHORT TITLE.

This title may be cited as the "Workers Technology Skill Development Act".

SEC. 502. FINDINGS.

Congress finds and declares the following:

(1) In an increasingly competitive world economy, the companies and nations that lead in the rapid development, commercialization, and application of new and advanced technologies, and in the high-quality, competitively priced production of goods and services, will lead in

economic growth, employment, and high living standards.

(2) While the United States remains the world leader in science and invention, it has not done well in rapidly making the transition from achievement in its research laboratories to high-quality, competitively priced production of goods and services. This lag and the unprecedented competitive challenge that the United States has faced from abroad have contributed to a drop in real wages and living standards.

(3) Companies that are successfully competitive in the rapid development, commercialization, application, and implementation of advanced technologies, and in the successful delivery of goods and services, recognize that worker participation and labor-management cooperation in the deployment, application, and implementation of advanced workplace technologies make an important contribution to high-quality, competitively priced production of goods and services and in maintaining and improving real wages for workers.

(4) The Federal Government has an important role in encouraging and augmenting private sector efforts relating to the development, application, manufacture, and deployment of new and advanced technologies. The role should be to—

(A) work with private companies, States, worker organizations, nonprofit organizations, and institutions of higher education to ensure the development, application, production, and implementation of new and advanced technologies to promote the improvement of workers' skills, wages, job security, and working conditions, and a healthy environment;

(B) encourage worker and worker organization participation in the development, commercialization, evaluation, selection, application, and implementation of new and advanced technologies in the workplace; and

(C) promote the use and integration of new and advanced technologies in the workplace that enhance workers' skills.

(5) In working with the private sector to promote the technological leadership and economic growth of the United States, the Federal Government has a responsibility to ensure that Federal technology programs help the United States to remain competitive and to maintain and improve living standards and to create and retain secure jobs in economically stable communities.

SEC. 503. PURPOSES.

The purposes of this title are to—

(1) improve the ability of workers and worker organizations to recognize, develop, assess, and improve strategies for successfully integrating workers and worker organizations into the process of evaluating, selecting, and implementing advanced workplace technologies, and advanced workplace practices in a manner that creates and maintains stable well-paying jobs for workers; and

(2) assist workers and worker organizations in developing the expertise necessary for effective participation with employers in the development of strategies and programs for the successful evaluation, selection, and implementation of advanced workplace technologies and advanced workplace practices through the provision of a range of education, training, and related services.

SEC. 504. DEFINITIONS.

As used in this title:

(1) ADVANCED WORKPLACE PRACTICES.—The term "advanced workplace practices" means innovations in work organization and performance, including high-performance workplace systems, flexible production techniques, quality programs, continuous improvement, concurrent engineering, close relationships between suppliers and customers, widely diffused decisionmaking and work teams, and effective integration of production technology, worker skills and training, and workplace organization, and such other characteristics as determined appropriate by the Secretary of Labor, in consultation with the Secretary of Commerce.

(2) ADVANCED WORKPLACE TECHNOLOGIES.—The term "advanced workplace technologies" includes—

(A) numerically controlled machine tools, robots, automated process control equipment, computerized flexible manufacturing systems, associated computer software, and other technology for improving the manufacturing and industrial production of goods and commercial services, which advance the state-of-the-art; or

(B) novel industrial and commercial techniques and processes not previously generally available that improve quality, productivity, and practices, including engineering design, quality assurance, concurrent engineering, continuous process production technology, inventory management, upgraded worker skills, communications with customers and suppliers, and promotion of sustainable economic growth.

(3) DEPARTMENT.—The term "Department" means the Department of Labor.

(4) NONPROFIT ORGANIZATION.—The term "nonprofit organization" means a tax-exempt organization, as described in paragraph (3), (4), or (5) of section 501(c) of the Internal Revenue Code of 1986.

(5) SECRETARY.—The term "Secretary" means the Secretary of Labor.

(6) WORKER ORGANIZATION.—The term "worker organization" means a labor organization within the meaning of section 501(c)(5) of the Internal Revenue Code of 1986.

SEC. 505. GRANTS.

(a) IN GENERAL.—The Secretary of Labor, after consultation with the Secretary of Commerce, shall, to the extent appropriations are available, award grants to eligible entities to carry out the purposes described in section 503.

(b) ELIGIBILITY.—To be eligible to receive a grant under this section, an entity shall—

(1) be a nonprofit organization, or a partnership consortium of such institutions or organizations;

(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a description of the activities that the entity will carry out using amounts received under the grant; and

(3) agree to make available (directly or through donations from public or private entities) non-Federal contributions toward the costs of the activities to be conducted with grant funds, in an amount equal to the amount required under subsection (d).

(c) USE OF AMOUNTS.—An entity shall use amounts received under a grant awarded under this section to carry out the purposes described in section 503 through activities such as—

(1) the dissemination of information to workers, worker organizations, employers, State economic development agencies, State industrial extension programs, Advanced Technology Centers, and National Manufacturing Technology Centers regarding successful practices relating to the effective deployment of advanced workplace technologies, and advanced workplace practices;

(2) the provision of technical assistance to workers, worker organizations, employers, State economic development agencies, State industrial extension programs, Advanced Technology Centers, and National Manufacturing Technology Centers to identify advanced workplace practices and strategies that enhance the effective evaluation, selection, and implementation of advanced workplace technologies;

(3) the researching and identification of new and advanced workplace technologies, and advanced workplace practices that promote the improvement of workers' skills, wages, working conditions, and job security, that research the link between advanced workplace practices and long-term corporate performance, and that are consistent with the needs of local communities and the need for a healthy environment; and

(4) the development and dissemination of training programs and materials relating to the services provided pursuant to paragraphs (1) through (3).

(d) TERMS OF GRANTS AND NON-FEDERAL SHARES.—

(1) TERMS.—Grants awarded under this section shall be for a term not to exceed 6 years.

(2) NON-FEDERAL SHARE.—Amounts required to be contributed by an entity under subsection (b)(3) shall equal—

(A) an amount equal to 15 percent of the amount provided under the grant in the first year for which the grant is awarded;

(B) an amount equal to 20 percent of the amount provided under the grant in the second year for which the grant is awarded;

(C) an amount equal to 33 percent of the amount provided under the grant in the third year for which the grant is awarded;

(D) an amount equal to 40 percent of the amount provided under the grant in the fourth year for which the grant is awarded; and

(E) an amount equal to 50 percent of the amount provided under the grant in the fifth and sixth years for which the grant is awarded.

(e) EVALUATION.—The Department shall develop mechanisms for evaluating the effectiveness of the use of a grant awarded under this section in carrying out the purposes under section 503 and, not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, prepare and submit a report to Congress concerning such evaluation.

SEC. 506. IDENTIFICATION AND DISSEMINATION OF BEST PRACTICES.

(a) IN GENERAL.—

(1) INFORMATION.—The Secretary, in cooperation and after consultation with the Secretary of Commerce, shall assist workers, worker organizations, and employers in successfully adopting advanced workplace technologies, and advanced workplace practices by identifying, collecting, and disseminating information on best workplace practices and workplace assessment tools, including—

(A) methods, techniques, and successful models of labor-management cooperation and of worker and worker organization participation in the development, evaluation, selection, and implementation of new and advanced workplace technologies, and advanced workplace practices;

(B) methods, techniques, and successful models for the design and implementation of new and advanced workplace practices;

(C) methods, techniques, and successful models for the design and implementation of advanced forms of work organization; and

(D) methods, techniques, and successful models for the assessment of worker skills and training needs relating to the effective development, evaluation, selection, and implementation of advanced workplace technologies, and advanced workplace practices.

(2) CONTENTS.—Such information on best workplace practices shall include—

(A) summaries and analyses of best practice cases;

(B) criteria for assessment of current workplace practices; and

(C) information on the best available education and training materials and services relating to the development, implementation, and operation of systems utilizing new and advanced workplace technologies, and advanced workplace practices.

(b) DISTRIBUTION.—The information and materials developed under this section shall be distributed through an appropriate entity designated by the Secretary of Commerce to the Regional Centers for the Transfer of Manufacturing Technology, to the Manufacturing Outreach Center, to other technology training entities, and directly to others as determined appropriate by the Secretary of Labor and the Secretary of Commerce.

SEC. 507. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title such sums as may be necessary for each of the fiscal years 1995 through 1997.

(b) AVAILABILITY.—Amounts appropriated under subsection (a) shall remain available until expended.

TITLE VI—MULTIETHNIC PLACEMENT

SEC. 601. SHORT TITLE.

This title may be cited as the "Multiethnic Placement Act of 1994".

SEC. 602. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) nearly 500,000 children are in foster care in the United States;

(2) tens of thousands of children in foster care are waiting for adoption;

(3) 2 years and 8 months is the median length of time that children wait to be adopted;

(4) child welfare agencies should work to eliminate racial, ethnic, and national origin discrimination and bias in adoption and foster care recruitment, selection, and placement procedures; and

(5) active, creative, and diligent efforts are needed to recruit parents, from every race and culture, for children needing foster care or adoptive parents.

(b) PURPOSE.—It is the purpose of this title to decrease the length of time that children wait to be adopted and to prevent discrimination in the placement of children on the basis of race, color, or national origin.

SEC. 603. MULTIETHNIC PLACEMENTS.

(a) ACTIVITIES.—

(1) PROHIBITION.—An agency, or entity, that receives Federal assistance and is involved in adoption or foster care placements may not—

(A) categorically deny to any person the opportunity to become an adoptive or a foster parent, solely on the basis of the race, color, or national origin of the adoptive or foster parent, or the child, involved; or

(B) delay or deny the placement of a child for adoption or into foster care, or otherwise discriminate in making a placement decision, solely on the basis of the race, color, or national origin of the adoptive or foster parent, or the child, involved.

(2) PERMISSIBLE CONSIDERATION.—An agency or entity to which paragraph (1) applies may consider the race, color, or national origin of a child as a factor in making a placement decision if such factor is relevant to the best interests of the child involved and is considered in conjunction with other factors.

(3) DEFINITION.—As used in this subsection, the term "placement decision" means the decision to place, or to delay or deny the placement of, a child in a foster care or an adoptive home, and includes the decision of the agency or entity involved to seek the termination of birth parent rights or otherwise make a child legally available for adoptive placement.

(b) LIMITATION.—The Secretary of Health and Human Services shall not provide placement and administrative funds under section 474(a)(3) of the Social Security Act (42 U.S.C. 674(a)(3)) to an agency or entity described in subsection (a) that is not in compliance with subsection (a).

(c) EQUITABLE RELIEF.—Any individual who is aggrieved by an action in violation of subsection (a), taken by an agency or entity described in subsection (a), shall have the right to bring an action seeking relief in a United States district court of appropriate jurisdiction.

(d) CONSTRUCTION.—Nothing in this section shall be construed to affect the application of the Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.).

TITLE VII—ALBERT EINSTEIN DISTINGUISHED EDUCATOR FELLOWSHIP ACT

SEC. 701. SHORT TITLE.

This title may be cited as the "Albert Einstein Distinguished Educator Fellowship Act of 1994".

SEC. 702. FINDINGS.

The Congress finds that—

(1) the Department of Energy has unique and extensive mathematics and science capabilities that contribute to mathematics and science education programs throughout the Nation;

(2) a need exists to increase understanding, communication, and cooperation between the Congress, the Department of Energy, other Federal agencies, and the mathematics and science education community;

(3) elementary and secondary school mathematics and science teachers can provide practical insight to the Legislative and Executive branches in establishing and operating education programs; and

(4) a pilot program that placed elementary and secondary school mathematics and science teachers in professional staff positions in the Senate and the House of Representatives has proven successful and demonstrated the value of expanding the program.

SEC. 703. PURPOSE; DESIGNATION.

(a) PURPOSE.—The purpose of this title is to establish within the Department of Energy a national fellowship program for elementary and secondary school mathematics and science teachers.

(b) DESIGNATION.—A recipient of a fellowship under this title shall be known as an "Albert Einstein Fellow".

SEC. 704. DEFINITIONS.

As used in this title—

(1) the term "elementary school" has the meaning provided by section 10101(11) of the Elementary and Secondary Education Act of 1965, as amended by title I of this Act;

(2) the term "local educational agency" has the meaning provided by section 10101(15) of the Elementary and Secondary Education Act of 1965, as so amended;

(3) the term "secondary school" has the meaning provided by section 10101(21) of the Elementary and Secondary Education Act of 1965, as so amended; and

(4) the term "Secretary" means the Secretary of Energy.

SEC. 705. FELLOWSHIP PROGRAM.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—The Secretary shall establish the Albert Einstein Distinguished Educator Fellowship Program (referred to in this title as the "Program") to provide 12 elementary or secondary school mathematics or science teachers with fellowships in each fiscal year in accordance with this title.

(2) ORDER OF PRIORITY.—The Secretary may reduce the number of fellowships awarded under this title for any fiscal year in which the amount appropriated for the Program is insufficient to support 12 fellowships. If the number of fellowships awarded under this title is reduced for any fiscal year, then the Secretary shall award fellowships based on the following order of priority:

(A) Three fellowships in the Department of Energy.

(B) Two fellowships in the Senate.

(C) Two fellowships in the House of Representatives.

(D) One fellowship in each of the following entities:

(i) The Department of Education.

(ii) The National Institutes of Health.

(iii) The National Science Foundation.

(iv) The National Aeronautics and Space Administration.

(v) The Office of Science and Technology Policy.

(3) TERMS OF FELLOWSHIPS.—Each fellowship awarded under this title shall be awarded for a period of ten months that, to the extent practicable, coincides with the academic year.

(4) ELIGIBILITY.—To be eligible for a fellowship under this title, an elementary or secondary school mathematics or science teacher must demonstrate—

(A) that such teacher would bring unique and valuable contributions to the Program;

(B) that such teacher is recognized for excellence in mathematics or science education; and

(C)(i) a sabbatical leave from teaching will be granted in order to participate in the Program; or

(ii) the teacher will return to a teaching position comparable to the position held prior to participating in the Program.

(b) ADMINISTRATION.—The Secretary shall—

(1) provide for the development and administration of an application and selection process for fellowships under the Program, including a process whereby final selections of fellowship recipients are made in accordance with subsection (c);

(2) provide for the publication of information on the Program in appropriate professional publications, including an invitation for applications from teachers listed in the directories of national and State recognition programs;

(3) select from the pool of applicants 12 elementary and secondary school mathematics teachers and 12 elementary and secondary school science teachers;

(4) develop a program of orientation for fellowship recipients under this title; and

(5) not later than August 31 of each year in which fellowships are awarded, prepare and submit an annual report and evaluation of the Program to the appropriate Committees of the Senate and the House of Representatives.

(c) SELECTION.—

(1) IN GENERAL.—The Secretary shall arrange for the 24 semifinalists to travel to Washington, D.C., to participate in interviews in accordance with the selection process described in paragraph (2).

(2) FINAL SELECTION.—(A) Not later than May 1 of each year preceding each year in which fellowships are to be awarded, the Secretary shall select and announce the names of the fellowship recipients.

(B) The Secretary shall provide for the development and administration of a process to select fellowship recipients from the pool of semifinalists as follows:

(i) The Secretary shall select three fellowship recipients who shall be assigned to the Department of Energy.

(ii) The Majority Leader of the Senate and the Minority Leader of the Senate, or their designees, shall each select a fellowship recipient who shall be assigned to the Senate.

(iii) The Speaker of the House of Representatives and the Minority Leader of the House of Representatives, or their designees, shall each select a fellowship recipient who shall be assigned to the House of Representatives.

(iv) Each of the following individuals, or their designees, shall select one fellowship recipient who shall be assigned within the department, office, agency, or institute such individual administers:

(I) The Secretary of Education.

(II) The Director of the National Institutes of Health.

(III) The Director of the National Science Foundation.

(IV) The Administrator of the National Aeronautics and Space Administration.

(V) The Director of the Office of Science and Technology Policy.

SEC. 706. FELLOWSHIP AWARDS.

(a) FELLOWSHIP RECIPIENT COMPENSATION.—Each recipient of a fellowship under this title shall be paid during the fellowship period at a rate of pay that shall not exceed the minimum annual rate payable for a position under GS–13 of the General Schedule.

(b) LOCAL EDUCATIONAL AGENCY.—The Secretary shall seek to ensure that no local educational agency penalizes a teacher who elects to participate in the Program.

SEC. 707. WASTE MANAGEMENT EDUCATION RESEARCH CONSORTIUM (WERC).

The Secretary is authorized to establish a partnership of Department of Energy laboratories, academic institutions, and private sector industries to conduct environmentally related education programs, including programs involving environmentally conscious manufacturing and waste management activities that have undergraduate and graduate educational training as a component.

SEC. 708. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated for the Program $700,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 2001.

(b) WERC PROGRAM.— There are authorized to be appropriated for the WERC program under section 707 such sums as may be necessary for each of the fiscal years 1996 through 2001.

TITLE VIII—1994 INSTITUTIONS

SEC. 801. SHORT TITLE.

This title may be cited as the "Equity in Educational Land-Grant Status Act of 1994".

SEC. 802. DEFINITION.

As used in this title, the term "1994 Institutions" means any one of the following colleges:

(1) Bay Mills Community College.

(2) Blackfeet Community College.

(3) Cheyenne River Community College.

(4) D–Q University.

(5) Dullknife Memorial College.

(6) Fond Du Lac Community College.

(7) Fort Belknap Community College.

(8) Fort Berthold Community College.

(9) Fort Peck Community College.

(10) LacCourte Orielles Ojibwa Community College.

(11) Little Big Horn Community College.

(12) Little Hoop Community College.

(13) Nebraska Indian Community College.

(14) Northwest Indian College.

(15) Oglala Lakota College.

(16) Salish Kootenai College.

(17) Sinte Gleska University.

(18) Sisseton Wahpeton Community College.

(19) Standing Rock College.

(20) Stonechild Community College.

(21) Turtle Mountain Community College.

(22) Navajo Community College.

(23) United Tribes Technical College.

(24) Southwest Indian Polytechnic Institute.

(25) Institute of American Indian and Alaska Native Culture and Arts Development.

(26) Crownpoint Institute of Technology.

(27) Haskell Indian Junior College.

(28) Leech Lake Tribal College.

(29) College of the Menominee Nation.

SEC. 803. LAND-GRANT STATUS FOR 1994 INSTITUTIONS.

(a) IN GENERAL.—

(1) STATUS OF 1994 INSTITUTIONS.—Except as provided in paragraph (2), 1994 Institutions shall be considered land-grant colleges established for the benefit of agriculture and the mechanic arts in accordance with the provisions of the Act of July 2, 1862 (12 Stat. 503; 7 U.S.C. 301 et seq.).

(2) 1994 INSTITUTIONS.—(A) 1994 Institutions shall not be considered as land-grant colleges that are eligible to receive funding under—

(i) the Act of March 2, 1887 (24 Stat. 440, chapter 314; 7 U.S.C. 361a et seq.);

(ii) the Act of May 8, 1914 (38 Stat. 373, chapter 79; 7 U.S.C. 343), except as provided under section 3(b)(3) of such Act (as added by section 804(b)(1) of this title); or

(iii) the Act of August 3, 1890 (26 Stat. 417, chapter 841; 7 U.S.C. 322 et seq.).

(B) In lieu of receiving donations under the provisions of the Act of July 2, 1862, relating to the donations of public land or scrip for the endowment and maintenance of colleges for the benefit of agriculture and the mechanic arts, 1994 Institutions shall receive funding pursuant to the authorization under subsection (b).

(b) AUTHORIZATION OF APPROPRIATIONS.—For each of fiscal years 1996 through 2000, there are authorized to be appropriated $4,600,000. Amounts appropriated pursuant to this section shall be held and considered to have been granted to 1994 Institutions to establish an endowment pursuant to subsection (c).

(c) ENDOWMENT.—

(1) IN GENERAL.—In accordance with this subsection, the Secretary of the Treasury shall establish a 1994 Institutions Endowment Fund (referred to in this subsection as the "endowment fund"). The Secretary may enter into such agreements as are necessary to carry out this subsection.

(2) DEPOSIT TO THE ENDOWMENT FUND.—The Secretary shall deposit in the endowment fund any—

(A) amounts made available by appropriations pursuant to subsection (b) (referred to in this subsection as the "endowment fund corpus"); and

(B) interest earned on the endowment fund corpus.

(3) INVESTMENTS.—The Secretary shall invest the endowment fund corpus and income in interest-bearing obligations of the United States.

(4) WITHDRAWALS AND EXPENDITURES.—The Secretary may not make a withdrawal or expenditure from the endowment fund corpus. On the termination of each fiscal year, the Secretary shall withdraw the amount of income from the endowment fund for the fiscal year, and after making adjustments for the cost of administering the endowment fund, distribute the adjusted income as follows:

(A) 60 percent of the adjusted income shall be distributed among the 1994 Institutions on a pro rata basis. The proportionate share of the adjusted income received by a 1994 Institution under this subparagraph shall be based on the Indian student count (as defined in section 390(3) of the Carl D. Perkins Vocational Education Act (20 U.S.C. 2397h(3)) for each Institution for the fiscal year.

(B) 40 percent of the adjusted income shall be distributed in equal shares to the 1994 Institutions.

SEC. 804. APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—For fiscal year 1996, and for each fiscal year thereafter, there are authorized to be appropriated to the Department of the Treasury an amount equal to—

(A) $50,000; multiplied by

(B) the number of 1994 Institutions.

(2) PAYMENTS.—For each fiscal year, the Secretary of the Treasury shall pay to the treasurer of each 1994 Institution an amount equal to—

(A) the total amount made available by appropriations pursuant to paragraph (1); divided by

(B) th2 number of 1994 Institutions.

(3) USE OF FUNDS; REQUIREMENTS.—The amounts authorized to be appropriated under this subsection shall be used in the same manner as is prescribed for colleges under the Act of August 30, 1890 (26 Stat. 417, chapter 841; 7 U.S.C. 322 et seq.), and, except as otherwise provided in this subsection, the requirements of such Act shall apply to 1994 Institutions.

(b) FUNDING.—Section 3 of the Act of May 8, 1914 (38 Stat. 373, chapter 79; 7 U.S.C. 343) is amended—

(1) in subsection (b), by adding at the end the following new paragraph:

"(3) There are authorized to be appropriated for the fiscal year ending June 30, 1996, and for each fiscal year thereafter, for payment on behalf of the 1994 Institutions (as defined in section 802 of the Equity in Educational Land-Grant Status Act of 1994), $5,000,000 for the purposes set forth in section 2. Such sums shall be in addition to the sums appropriated for the several States and Puerto Rico, the Virgin Islands, and Guam under the provisions of this section. Such sums shall be distributed on the basis of a competitive application process to be developed and implemented by the Secretary and paid by the Secretary to State institutions established in accordance with the provisions of the Act of July 2, 1862 (12 Stat. 503, chapter 130; 7 U.S.C. 301 et seq.) (other than 1994 Institutions) and administered by such institutions through cooperative agreements with 1994 Institutions in the States of the 1994 Institutions in accordance with regulations that the Secretary shall adopt.";

(2) by redesignating subsection (f) as subsection (g); and

(3) by inserting after subsection (e) the following new subsection:

"(f) There shall be no matching requirement for funds made available pursuant to subsection (b)(3).".

SEC. 805. INSTITUTIONAL CAPACITY BUILDING GRANTS.

(a) DEFINITIONS.—As used in this section:

(1) FEDERAL SHARE.—The term "Federal share" means, with respect to a grant awarded under subsection (b), the share of the grant that is provided from Federal funds.

(2) NON-FEDERAL SHARE.—The term "non-Federal share" means, with respect to a grant awarded under subsection (b), the matching funds paid with funds other than funds referred to in paragraph (1), as determined by the Secretary.

(3) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(b) IN GENERAL.—

(1) INSTITUTIONAL CAPACITY BUILDING GRANTS.—For each of fiscal years 1996 through 2000, the Secretary shall make two or more institutional capacity building grants to assist 1994 Institutions with constructing, acquiring, and remodeling buildings, laboratories, and other capital facilities (including fixtures and equipment) necessary to conduct research more effectively in agriculture and sciences.

(2) REQUIREMENTS FOR GRANTS.—The Secretary shall make grants under this section—

(A) on the basis of a competitive application process under which appropriate officials of 1994 Institutions may submit applications to the Secretary in such form and manner as the Secretary may prescribe; and

(B) in such manner as to ensure geographic diversity with respect to the 1994 Institutions that are the subject of the grants.

(3) DEMONSTRATION OF NEED.—The Secretary shall require, as part of an application for a grant under this subsection, a demonstration of need. The Secretary may only award a grant under this subsection to an applicant that demonstrates a failure to obtain funding for a project after making a reasonable effort to otherwise obtain the funding.

(4) PAYMENT OF NON-FEDERAL SHARE.—A grant awarded under this subsection shall be

made on the condition that the recipient of the grant pay a non-Federal share in an amount specified by the Secretary.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Agriculture to carry out this section, $1,700,000 for each of fiscal years 1996 through 2000.

FOREST FIRES IN THE NORTHWEST

Mr. GORTON. Mr. President, the fires burning in central Washington State have captured national attention, and the devastation left behind now deserves national assistance. During the prime tourist seasons, the town of Leavenworth and the resort of Lake Clelan have suffered untold economic damage from the out-of-control forest fires. In addition to the destruction of the landscape, the fires have destroyed jobs and economic opportunities that will impact the entire region. The hard-working people of central Washington do not often ask for Federal assistance, but Mother Nature has made such aid impossible to do without.

It is my understanding that the Department of Labor has two programs that can help these communities immediately. Mr. President, those programs can help central Washingtonians get back on their feet. They do not ask for much, and we must be willing to act as heroically as they have fought the fires.

It is my understanding that once the Governor has asked for the assistance, it will be forthcoming within 24 hours. As a member of the subcommittee that appropriates funds for the Department of Labor, this Senator will see to it that the Department of Labor responds.

Mrs. MURRAY. I wish to add my voice to the comments of the senior Senator from Washington. These fires hit hard, they hit fast, and they are still burning. Damage reports are already streaming in: 94 buildings, including 38 homes, have been consumed; over 160,000 acres of prime wilderness and forestlands are now blackened. People are hurting, and it may get worse.

It is very important at this point that we send a clear signal that help is available for rebuilding and cleaning up. Does the chairman concur that emergency Department of Labor programs are available now—with fiscal year 1994 reserves—to help our communities respond to this emergency?

Mr. HARKIN. The Senators from the great State of Washington are correct. I sympathize with your plight. Last year, when the great State of Iowa was experiencing the flooding disaster, the Department of Labor provided funding under the JTPA special emergency assistance program which allowed us to hire individuals to work on projects to help restore their communities from the devastation.

Mrs. MURRAY. What does this program provide for?

Mr. HARKIN. This program employs dislocated workers to assist with the clean-up, reconstruction and restoration activities that enable the resumption of regular employment. These special temporary jobs may also facilitate the provision of much needed humanitarian assistance to victims of the disaster. these temporary jobs may be in public or private nonprofit agencies, and may last for up to 6 months. Individuals who work in these special temporary jobs may earn as much as $12,000 in base wages.

These funds may also be used to provide reemployment services and retraining activities for workers dislocated by the natural disaster who are unable to return to their previous employment. While priority is given to workers who are dislocated by the disaster—in this case, the fires—long-term unemployed workers may also participate in such disaster employment programs.

Mr. GORTON. We understand that the Secretary of Labor can respond to requests for emergency assistance quickly.

Mr. HARKIN. That's true. The Department of Labor has developed an expedited application process that States may use to access these special funds. It is my understanding that the Department of Labor is waiting to respond to a request from Governor Lowry which meets the requirements for such assistance. Based on my State's experience, funding can be provided in 24 hours or less.

Mrs. MURRAY. Are there other services available from the Department of Labor to assist us address the needs of the citizens of the great State of Washington who are being affected by this disaster?

Mr. HARKIN. Yes there are. If a presidential disaster declaration has been made, individuals who are unemployed as a result of the disaster are eligible for unemployment insurance benefits. In the case of workers who are not eligible for unemployment insurance, disaster unemployment assistance is available.

Mrs. MURRAY. Thank you very much, Mr. Chairman. We appreciate your assistance and sympathy with our situation.

Mr. GORTON. I would like to thank the chairman as well for his assurances. The people of central Washington are grateful as well.

NUCLEAR PROLIFERATION IN PAKISTAN: REAFFIRMING THE INTENT OF THE PRESSLER AMENDMENT

Mr. PRESSLER. Mr. President, in 1990 President Bush no longer could certify that Pakistan did not possess a nuclear weapon. As a consequence, U.S. assistance was cut off. Over the past year, the Clinton administration has attempted to waive current law to allow the shipment of at least 38 F-16's to Pakistan. The language in the Foreign Assistance Act which prevents the administration from sending the planes to Pakistan, as my colleagues know, is the "Pressler amendment."

In 1985 when the Pressler amendment became law, I was gravely concerned about regional arms building. Those concerns remain today. I have opposed the President's desire to exempt the F-16's for Pakistan. When the Pressler amendment was triggered in 1990, U.S. assistance ended. I did not intend to allow exemptions then. I do not intend to allow exemptions now.

Recently, I wrote a chapter for a book titled "Future Imperiled." In the chapter, I detail the history and current interpretation of the Pressler amendment. As a way of reiterating the intent of the amendment and to remind the administration of the amendment's importance in thwarting a South Asian arms race, I ask unanimous consent to place a copy of this chapter in the RECORD at this time.

THE RESTRAINT OF FURY: US NON-PROLIFERATION POLICY AND SOUTH ASIA

(By Larry Pressler)

While the end of the Cold War brings with it a waning danger of super power nuclear confrontation, the world remains troubled and unstable. A new security concern has risen from the dust and shadows of the Cold War's rubble. Regional nuclear weapons proliferation is replacing the competition for global hegemony as the world's most pressing security threat. Indeed, mounting evidence suggests that regional nuclear proliferation has been a greater danger than super power weapons-building all along—a danger that has been tolerated, or even ignored, so long as it was creeping rather than leaping, and discreet rather than blatant. This threat is no longer creeping, and it certainly is no longer discreet.

Over the last several decades, the hostilities, suspicions, and border disputes in South Asia have created a complex amalgam of policies and perceptions. Conflicting interests in this region of the world have heightened the concern that rivalries between countries will spur nuclear proliferation in the developing countries of the world. According to Peter Herrly, a US Department of Defence official, 'The growing spread of chemical and advanced weapons to Third World combat zones has undermined the restraints against escalation and could bring to a shattering end, a half-century of non-use of nuclear weapons.[1]

Traditional suspicions among South Asians have dampened hopes of establishing long-term regional security agreements. New worries and old rivalries fuel the desire for stronger, more highly modernized, nuclear-oriented militaries. This military blueprint led to a reality in which humanity's most lethal form of fury—the nuclear bomb—is precariously held in check. This fury must be restrained.

Of the numerous security considerations in South Asia, Pakistan's nuclear capability is a special concern. Anxiety over Islamabad's

[1] Footnotes at end of article.

nuclear weapons program has sparked much controversy. Pakistan's aspirations for membership to the nuclear club has raised significant US foreign policy questions. The following narrative assesses Pakistan and India's desire for nuclear military status. Further, it details US reactions and initiatives to counter the threat of nuclear weapons proliferation.

HISTORICAL RELATIONSHIPS

To understand America's pressing need to develop a specific non-proliferation policy regarding Pakistan better, one must closely examine Pakistan's relationship with India. That association is especially important to understanding both Pakistan's perceived need for building up its military as well as its actual ability to acquire nuclear weapons.

Indo-Pakistani relations have evolved into an intricate and tenuous configuration, heavily influenced by historical antagonisms. The history of conflict between these two nations, combined with each country's deep suspicions over the other's nuclear intentions, has promoted additional instability in an already unstable South Asia. In 1974, demonstrating its ability to produce highly modernized weaponry, India exploded a nuclear device. This 'peaceful' demonstration sent shock-waves around the globe, heralding India's distinct nuclear technology and its more equivocal nuclear ambitions.

In an effort to counter India's aspiring nuclear programme, Pakistan retaliated in kind with its own modernization plans. Evidence suggests that Pakistan embarked on nuclear weapons research projects shortly after the initial Indian nuclear tests in 1974.[2] According to a Carnegie Task Force report on South Asian security, 'Islambad's nuclear ambitions stem principally from its efforts to meet the threat from India's conventional military superiority and its nuclear potential, as well as to counter more subtle forms of Indian dominance in regional affairs.'[3] More assertively, a once-classified State Department memorandum claims: 'Pakistan's long-term goal is to establish a nuclear deterrent to aggression by India, which remains Pakistan's greatest security concern.[4]

And so began a South Asian chain reaction of attempted nuclear bomb acquisition. India, fearing China, built a tomb. Pakistan, partially because it considered India's nuclear programme a threat to its own national security, developed its own nuclear programme. While both India and Pakistan may believe this tit for tat nuclear policy lowers the risk of conflict, should a hot conflict erupt, the stakes would be much higher with nuclear weapons figured into the calculation. Therefore, 'The Indian high command must not go past a certain threshold that might provoke a nuclear exchange. They cannot be sure what Pakistan thinks the threshold is. One must go with impressions and guesses'[5]

The mutual suspicion over the other's clandestine nuclear arsenal and the ever-present, still unresolved disputes over Kashmir have impeded Western attempts at persuading the two nations to shrink their expanding nuclear programmes. Added to frustrated US efforts, some Indian and Pakistani military strategists enthusiastically espouse their beliefs in the presumable benefits of nuclear weapons. 'There are some senior military strategists in both countries who apparently believe that a nuclear war on the subcontinent would be winnable in both tactical and strategic terms.[6] As a result of this distorted yet discernible military perspective, India has maintained its nuclear threshold status.

India's nuclear drive can be traced to a deep-rooted desire for regional respect, command, and even economic self-sufficiency. To achieve this great, regional hegemonic status, India believes a nuclear weapons capability is essential. According to an Indian public opinion poll conducted in the early 1980s, 'more than 70 per cent of the urban residents in 15 of India's leading cities wanted the country to acquire nuclear weapons capability regardless of what its neighbours were doing.'[7] The Indian populace seems to concur with what military strategists have believed all along—calculated ambiguity keeps the region on its collective toes! This policy, 'has proven to be an extremely useful policy to keep both hawks and doves hopeful, contributes somewhat indirectly toward collective efforts of total nuclear disarmament, provides a face-saving device and can pay desired dividends in the national politics.'

India and Pakistan can choose to aggravate or to prevent the South Asian weapons competition. Unless India and Pakistan constrain their nuclear weapons research and development programmes, these technological programmes could create the political momentum within each country to build and test nuclear weapons. The main goal in the region should centre on verifiable commitments not to build nuclear weapons.

While India maintains that its nuclear objectives are peaceful, Pakistan remains suspicious. 'Whether or not India in fact possesses a number of nuclear weapons at this time, it clearly has the capability to manufacture them quickly, and Pakistani strategists have to assume that Pakistan would confront a nuclear-armed adversary in any future conflict.'[8] Politically destabilizing events involving India and Pakistan constantly offer the potential for an explosion. Regional tensions and violent internal eruptions in India or Pakistan threaten to provide just the catalyst needed to trigger a nuclear reaction. For that reason, it is necessary to counteract such risks before they escalate beyond the region. This raises a substantial foreign policy question for the United States: How can American influence stop a nuclear arms race in South Asia?

US NON-PROLIFERATION POLICY

As one nation obtains the technology and the components necessary to construct atomic weapons, it is politically difficult for another country, that feels threatened by the first, to withstand temptations to strengthen its own nuclear programme. This competition substantially increases the possibility that disputes between the two nations could end in an atomic clash.

International pleas urging India and Pakistan to halt their nuclear programmes have met significant resistance. Attempts to persuade the two nations to sign the Non-Proliferation Treaty (NPT) have been fruitless in recent years. 'India considers the treaty discriminatory since it allows the nuclear-weapon States to keep their nuclear arsenals while denying nuclear weapons to other countries, and because the treaty imposes inspections of civil nuclear facilities on non-nuclear weapon States but not on nuclear-weapons States. India has also said that it will not sign the NPT unless the nuclear-weapons States disarm.'[9]

Indian opposition to the NPT creates little reasonable incentive for the Pakistani government to support accession to the treaty. The Indian government appears willing to support only a nuclear pact that includes the world-wide elimination of all nuclear weapons. Pakistan has proposed several initiatives designed to eliminate atomic weapons in the region. The then Pakistani Prime Minister, Nawaz Sharif, advanced an agreement to control nuclear weapons in South Asia in June 1991. This proposal, supported by the United States, would allow India and Pakistan to negotiate weapons reduction with mediation provided by China, the United States, and Russia. India rejected this offer and refused to sign the Sharif agreement, citing again its opposition to regional settlements.[10]

The United States, in November 1991, urged India to reconsider its objections to signing a regional agreement with the Pakistani government. The Indian government, to date, has not accepted that request. While the two South Asian adversaries have signed an agreement not to attack each other's nuclear facilities—itself a positive move toward non-proliferation—a nuclear-free compromise has not been achieved in South Asia. Because of this continued inability to obtain a regional arms agreement, other US foreign policy action has been warranted.

While the United States has pressured India moderately to discontinue its nuclear programme, US policy has been aimed more heavily at Pakistan. The rationale for the country-specific policy is based on several factors. At the time a US policy response was being developed to address nuclear proliferation in South Asia, India's programme was already in place. Pakistan, however, had not yet acquired the technology. In addition, because of its smaller industrial base, Pakistan turned its attention to acquiring critical technology and components from abroad—sometimes in violation of US and other countries' export laws.

Pakistani violations of US domestic laws governing the export of sensitive materials and technology have been particularly vexing. In June 1984, US Customs agents arrested and charged three Pakistanis in Houston with violating US law by attempting to export krytons, extremely high-speed switches that can be used to detonate nuclear weapons. One of the suspects eventually was convicted and deported to Pakistan. In another case, Arshad Z. Pervez, a Canadian national of Pakistani origin, was arraigned in the United States in July 1987 on the charge that he attempted to bribe US Customs agents to grant licenses required for the export of maraging steel, very hard steel which can be used in uranium enrichment centrifuges. Pervez was later convicted of conspiracy to export beryllium illegally and making false statements, but was acquitted on the grounds of entrapment of attempted bribery and of illegally seeking to export maraging steel.

Yet another factor in US policy toward Pakistan was American intelligence assessments during the late 1970s and early 1980s that indicated India was not actually building nuclear weapons. On the other hand, other intelligence did indicate that Pakistan was pursuing an aggressive nuclear weapons development programme. For these reasons, US policy-makers believed India was less vulnerable to US influence than Pakistan. The United States and other industrialized countries had more leverage to manipulate the Pakistani nuclear agenda.

United States policy-makers also believed Pakistan was susceptible to a 'carrot and stick' approach in terms of US economic and military assistance because of the United States' role as a major provider of aid to Pakistan. India, on the other hand, was much more closely aligned with the former Soviet Union and received comparatively little assistance from the United States. The

level of US assistance to India was insufficient to serve as a bargaining tool in obtaining US non-proliferation objectives in India.

Another basis for focusing US initiatives on Pakistan was US concern over potential Pakistani ties to Islamic fundamentalism. Anti-Western factions have taken hold in several Islamic countries in recent years, including Iran, Libya and Syria. While certainly not governed by religious fanatics, given its religious and cultural foundations, Pakistan was viewed more likely than India to cooperate with such governments. In this regard, US foreign policy was designed to slow the possible proliferation of nuclear weapons beyond south Asia to the Middle-East.

In 1976, Congress adopted Section 669 as an amendment to the Foreign Assistance Act of 1961. This provision of law was modified in 1977 by Senator John Glenn, and it is now known as the Symington-Glenn Amendment. That amendment was designed to prohibit US assistance to any country that acquires unsafeguarded uranium enrichment technology, unless the country places all of its nuclear facilities under full-scope safeguards; or unless the President certifies he has reliable assurances that the country will neither acquire nuclear weapons nor help other nations to do so.

The Carter Administration in April 1979 invoked the Symington-Glenn Amendment after it received intelligence assessments confirming Pakistan was building a secret uranium enrichment facility. Pakistan is the only country ever to be designated as violating Section 669 and sanctioned under its terms. In late 1981, Congress enacted section 620E of the Foreign Assistance Act to allow the President, under certain conditions, to waive Section 669 sanctions. This move allowed the resumption of US assistance at a time when Pakistan ws being threatened by the Soviet invasion of Afghanistan.

In 1984, faced with mounting evidence that Pakistan wsa intensively developing a nuclear weapons capability, Congress began consideration of legislative proposals to strengthen conditions on US assistance to Pakistan. In that year, the US Senate Foreign Relations Committee considered an amendment offered by Senators Alan Cranston and John Glenn to cut off US assistance to Pakistan unless the President, on a yearly basis, was able to certify that Pakistan did not possess a nuclear explosive device, was not developing such a device, and was not acquiring technology, material, or equipment for the purpose of either manufacturing or detonating a nuclear weapon. The Cranston-Glenn Amendment was defeated in the face of strong Administration opposition.

THE PRESSLER AMENDMENT

In 1985, in an effort to curtail the fledgling nuclear programme in Pakistan, I offered a non-proliferation amendment to the US foreign aid authorization legislation. The provision, commonly known as the 'Pressler Amendment', amended Section 620E of the Foreign Assistance Act to read as follows:

No assistance shall be furnished to Pakistan and no military equipment or technology shall be sold or transferred to Pakistan, pursuant to the authorities contained in this Act or any other Act, unless the President shall have certified in writing to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, during the fiscal year in which assistance is to be furnished or military equipment or technology is to be sold or transferred, that Pakistan does not possess a nuclear explosive device and that the proposed United States assistance programme will reduce significantly the risk that Pakistan will possess a nuclear explosive device.

In 1985, the Reagan Administration welcomed the Pressler Amendment, insisting that Pakistan not develop a nuclear weapon. Because some members of the US Senate Foreign Relations Committee wished to cut off all US assistance to Pakistan in 1985, Congress, and indeed Pakistani leaders, viewed the amendment as a viable compromise—aid to Pakistan would continue, provided the President could certify that the country did not possess a nuclear explosive device.

In 1985, Pakistan faced 120,000 Soviet troops on its border, repeated cross-border raids from Afghanistan, and wanton acts of Soviet-inspired terrorism in the crowded bazaars of Peshawar and Islamabad. A draconian cut in US foreign assistance to Pakistan at that time would have undermined the security interests of both Pakistan and the United States. Nevertheless, I believed, as did the Reagan Administration, that it was important to send a strong but fair message to Pakistan. The Administration-supported Pressler Amendment compromise established a clear policy on US assistance to Pakistan. The standard merely required the President to certify that Pakistan did not possess a nuclear weapon. If the President made the certification, generous levels of economic and military assistance would be available.

From the time the Pressler Amendment was adopted until the beginning of the US Government's 1991 fiscal year (1 October, 1990), the President was able to make the required certification and the US Congress supported annually the President's request for both security and economic assistance to Pakistan. Pakistani officials were well aware of the provisions of the Pressler Amendment. They were reminded of it time and again by senior US officials. It offered no surprises. So long as Pakistan did not cross the nuclear line, it would continue to receive US assistance. Until 1990, Pakistan was among the largest recipients of US foreign assistance. In 1990, however, President George Bush was not able to certify that Pakistan did not possess a nuclear weapon. Consequently, All economic and military assistance to Pakistan was cut off.

In early spring 1991, President Bush proposed to strike the Pressler Amendment. In a letter dated 12 April, 1991, Bush indicated that this action was consistent with his approach of removing country-specific provisions from the US Foreign Assistance Act—not because he disagreed with the substance of the law's provisions.

The President indicated he would continue to hold Pakistan to the same standard embodied in the Pressler Amendment even if the amendment were struck. His letter stated:

While the proposed elimination of the Pakistan-specific certification requirement is intended to uphold the general principle of Presidential authority, I will continue to insist on unambiguous specific steps by Pakistan in meeting non-proliferation standards, including those specifically reflected in the omitted language known as the Pressler Amendment. Satisfaction of the Pressler standard will remain the essential basis for exercising the national interest waiver that is in the Administration's proposal.

The Administration's attempt to strike all provisions it perceived to be Congressional micromanagement of foreign policy, failed. During the US House of Representatives' consideration of the Foreign Assistance Act, an amendment to repeal the Pressler Amendment was offered. This effort failed by the significant margin of 151–252 on 12 June, 1991.

Despite the aid ban, the bonds of friendship continue to exist between Pakistan and the United States. Pakistan supported the Afghan freedom fighters during the brutal Soviet invasion. During the recent Persian Gulf war, Pakistan's Government, led by Prime Minister Nawaz Sharif, stood courageously with the United States—in spite of contrary pressures from powerful elements in the Pakistan military. Notwithstanding the mutual desire for continuation of the historic friendship between the United States and Pakistan, the US Congress should not retreat from its fair and principled non-proliferation objectives in that region of the world. Eliminating the Pressler Amendment in no way would further US non-proliferation policy. The current non-proliferation policy in South Asia should continue with regard to Pakistan. The solution is squarely in the hands of Pakistani leaders. They can dismantle their nuclear weapons and, by the terms of the Pressler Amendment, Pakistan once again legally would be able to receive aid.

Why does Pakistan need a nuclear programmeme? Pakistani leaders have claimed that they must do whatever is necessary to protect themselves against potential aggression from India. Although India is known to have exploded a nuclear device in 1974, there is no evidence that India has sought to develop a nuclear arsenal. Is it really protection that Pakistan seeks, or is it something else? As already mentioned, anti-Western factions have taken hold in several Islamic countries in recent years. Such forces are on the verge of victory in Algeria and have enough power to threaten the stability of Pakistan's government. The direction the now independent Soviet Islamic republics will take is unclear. Should control of these nations shift to religious fanatics, these countries suddenly could find that they have much in common, both ideologically and geographically.

This could well be enough incentive for these countries to form, at the very least, some kind of loose-knit confederation. It is true that several of these countries historically have had serious disputes. However, religious fundamentalism may very well provide the tie that binds. Past differences, at least on one level, could be put aside. The result can be a new nuclear power in the world.

Since the dissolution of the former Soviet Union, it has been fashionable to talk about a 'New World Order' in which the United States has new leadership responsibilities. As the world's sole remaining super power and faced with significant domestic problems exacerbated by excessive federal budget deficits, the United States must rethink its role in the world.

America no longer can conduct business as usual with any developing nation that continues to squander resources on the development of nuclear, chemical, or conventional weapons. For instance, in July 1992, I visited nine of the countries emerging from the former Soviet Union, as well as Latvia. Just prior to that trip, the US Senate Foreign Relations Committee considered the Strategic Arms Reduction Treaty (START) and the full Senate passed the 'Freedom Support Act' to provide aid to the former Soviet republics. Under the terms of the Lisbon Protocol to the START Treaty, Belarus, Kazakhstan and Ukraine each agreed to sign

the Nuclear Non-Proliferation Treaty as non-nuclear States parties.

Such assurances would be equally valuable from the other nations emerging from the former Soviet Union, as well as other developing countries around the world. The terms of the Pressler Amendment should be applied to other developing nations receiving aid from the United States. The United States should use economic means to encourage countries to remain non-nuclear. It should be made clear that, should they decide to pursue a nuclear weapons programme, it will be without the help of the United States.

INTERPRETING THE PRESSLER AMENDMENT

Andrew Hamilton once said: 'Power may justly be compared to a great river; while kept within its bounds it is both beautiful and useful, but when it overflow its banks, it is then too impetuous to be stemmed; it bears down all before it, and brings destruction and desolation wherever it comes.' The power of the Pakistani military machine, when kept within proper bounds, serves to protect its nation and deter potential adversaries. When, however, that military might becomes too powerful, perhaps through the illegal acquisition of U.S. technology and equipment transfers, that protection becomes the very threat it was designed to defend against.

In February 1992, reports emerged charging that U.S. manufacturers had continued private military sales to Pakistan despite the U.S. assistance embargo mandated by the Pressler Amendment. 'The Bush Administration has quietly permitted the Pakistani armed forces to buy American-made arms from commercial firms for the last year and a half; according to classified documents and Administration officials. Among the military items licensed for sale to Pakistan are spare parts for American-made F-16 fighter planes, which form the nucleus of Islamabad's Air Force. Officials said the equipment is intended to help Pakistan maintain its current arsenal.'[11] Such sales can only be made pursuant to licenses issued by the U.S. Government under authorities contained in the Arms Export Control Act. But U.S. Government-licensed commercial sales of arms and military technology violate the U.S. non-proliferation policy embodied in the Pressler Amendment.

As a result, when the then Secretary of State, James Baker, appeared before the US Senate Foreign Relations Committee in February 1992, I questioned him as to how the Administration could interpret the Pressler Amendment to allow the licensing of commercial sales of military parts and technology to Pakistan. In response, Secretary Baker stated:

"We have indeed cut off all foreign assistance to Pakistan because we were unable to certify within the parameters of [the Pressler] amendment. We have legislative history, and as a legal matter we do not believe it applies to commercial sales or exports controlled by the Department of Commerce, so we look at munitions and spare parts that are necessary to maintain the Pakistani military at current levels on a case-by-case basis."[12]

I then asked for a copy of the documents used by the Administration to reach this policy decision. I was provided an unsigned paper consisting of an outline of the reasons why a suspension of such licensing was not legally required by the Pressler Amendment:

It is not reasonable to interpret the language of the Pressler Amendment as prohibiting Executive branch licensing of arms exports pursuant to private sales.

Licensing of arms exports pursuant to private sales have consistently been treated as not covered by statutory language comparable to that used in the Pressler Amendment.

When Congress intends that provisions in foreign assistance legislation apply to private arms transactions, it consistently uses language making clear that intention.

The legislative history of the Pressler Amendment confirms that it was meant to apply to US Government sales and assistance, but not to licensing of arms exports pursuant to private sales.[13]

In a series of letters between myself and Secretary Baker from March through July 1992, I explained that the paper failed to answer how the US State Department, as a matter of law, could permit continuation of the licensing of private sales of arms and military technology in light of a straightforward statutory ban on the sale or transfer of any military equipment or technology to Pakistan.

Before being elected to Congress, I served as a lawyer at the US State Department. During my tenure there, departmental interpretations of legislation were based on memoranda of law written in a specific legal format, and signed by the lawyer responsible for providing the opinion—not unsigned papers created in response to a Senator's question after a policy decision was implemented.

On 30 July, 1992 the US Senate Foreign Relations Committee held a hearing on the Administration's interpretation of the Pressler Amendment. During that hearing, the Committee explored the process by which the Executive Branch of the United States Federal Government exercises its responsibility of interpreting and enforcing laws passed by the Legislative Branch of Government. The hearing also considered what the proper level of consultation should be between the Executive and Legislative Branches, as the process of Interpreting and implementing federal law unfolds. Finally, the hearing considered U.S. policy toward Pakistan.

During the hearing, State Department officials were presented with a letter to Secretary Baker from myself and Senators John Glenn and Alan Cranston, both of whom played an active role in the development of the Pressler Amendment. Our letter expressed our opposition to the Administration's position. A reading of the Pressler Amendment that allows the Federal Government to license the private sales of arms and military technology is without foundation within the plain language of the statute or its legislative history.

While the policy conflict between the US Congress and the Administration has yet to be resolved, the debate certainly will continue. The global stakes are simply too high to allow otherwise. The issue involves much more than simply US-Pakistani relations. It tests the United States' resolve to develop a strong non-proliferation policy.

CONCLUSION

The expressive words of Russel Watson articulately describe the consequences of modern military conflict:

The history of war is an arms race. As men keep finding more ingenious ways to kill each other, they become caught in what the war-college gurus call an 'offense-defense spiral.' The lance overcomes the shield, the bullet pierces the armor. Tanks crush men in their trenches, the missile destroys the bunker.[14]

Peace in South Asia is fragile—its delicate state predicated upon the balancing actions of the industrialized world. For the sake of future South Asian stability and to deter nuclear confrontation in the region, the United States unquestionably should maintain its nuclear non-proliferation policy toward Pakistan.

US export decisions that have steadily provided Pakistan with the wherewithal to modernize its nuclear weapons capabilities have created military and political consequences for all of South Asia. As possibilities for regional conflict multiply, so too does the potential arms market. International nuclear arms traffic renews tensions recently calmed by the demise of United States-Soviet Union rivalry. The presence of nuclear devices in South Asia increases the possibility that these weapons may be used.

As the United States attempts to reorder priorities and alliances in the aftermath of the Cold War, non-proliferation matters must be high on the agenda. In the case of South Asia, the Pressler Amendment directly confronts the issue of nuclear weapons acquisitions in the developing world. The amendment sends a strong message that the United States will not reward a nation that covertly or overtly maintains a nuclear weapons programme.

The Pressler Amendment was not designed to punish Pakistan. Rather, it reflects the commitment of the US Congress to stopping nuclear weapons proliferation and ensuring that US taxpayers are not forced to subsidize, however indirectly, the building of nuclear weapons in another country. The highly specialized technology, skill, and intelligence necessary for the Pakistani military to modernize its nuclear arsenal depends upon crucial US assistance. This assistance, if renewed or illegally continued, would sent the wrong signals to Pakistan and other nations. Arms shipments and technology transfers to Pakistan will not encourage that country to enter into an arms control regime.

In the final analysis, the issues and debate surrounding the Pressler Amendment pertain to more than Pakistan or even South Asia. They involve global concerns. Unless the United States acts decisively to stop nuclear proliferation among the world's developing nations, it will not be able to defend its non-proliferation policy. Other countries seeking membership in the nuclear club surely will reach their own conclusions from any failure on the part of America to act with resolve. Russell Watson's vision of the "offense-defense spiral" could take on a wholly new and tragic dimension. Ironically, this could occur in a world, which for the first time, is witnessing meaningful progress toward nuclear disarmament by the major powers.

NOTES

[1] Peter Herrly, "Middleweight Forces and the Army's Deployability Dilemma", in *Parameters*, September 1989, p. 47.

[2] "Memorandum: The Pakistani Nuclear Program", The US State Department, 23 June 1983, p. 5.

[3] Carnegie Task Force on Non-Proliferation and South Asian Security, *Nuclear Weapons and South Asian Security*, Washington, D.C., 1988, p. 1.

[4] "Memorandum: The Pakistani Nuclear Program", p. 1.

[5] Steve Coll, "South Asia Retains Its Nuclear Option: India and Pakistan Pose Dual Risk as Potential Flashpoints", in *The Washington Post*, 30 September, 1991, p. A01.

[6] *Ibid.*

[7] Pervaiz Iqbal Cheema, "Prospects for Nuclear Freeze in South Asia", in the *Asian Defence Journal*, December 1991, p. 23.

[8] Leonard S. Spector, *The Undeclared Bomb*, Cambridge, Massachusetts: Ballinger Publishing Company, 1988, p. 106.

[9] US Library of Congress, Congressional Research Service Issue Brief, "India and Nuclear Weapons", Washington, D.C., 1992, p. 4.

[10] Steve Coll, "Pakistan Seeks Talks on Nuclear Weapons: Announcement Timed to Improve US Ties", in *The Washington Post*, 1 June, 1991, p. A20.

[11] Murray Waas and Douglas Frantz, "Despite Ban, US Arms are Sold to Pakistan", in *The Los Angeles Times*, 6 March, 1992, p. 1.

[12] Testimony by Secretary of State James Baker before the Senate Foreign

Relations Committee. Hearing on Foreign Policy Overview, 5 February, 1992.

[13] State Department Paper, reprinted in *Congressional Record*, 19 March, 1992, p. S3950.

[14] "Borders", in *Newsweek*, 31 December, 1990, p. 31.

THE REV. CHARLES GAREL

Mr. FEINGOLD. Mr. President, I rise today to mark the passing of a great and good man. A man who was loved and respected by everyone who knew him. A man whose work in the civil rights movement and for the well-being of his fellow citizens made him not just a powerful moral force in the African-American community, which he certainly was, but also a pillar of the entire community.

The Rev. Charles Garel, a longtime community activist and civil rights leader in Madison, WI, passed away last week of complications from diabetes at the age of 81.

Reverend Garel and his wife of 51 years, Beatrice, came to Madison in 1969 to set up a halfway house for teenaged girls. They founded Garel House, a transition home for foster girls. And they assisted in providing needed housing for disabled American veterans.

As president of the Madison chapter of the NAACP and minister of the United Methodist and Mount Zion Baptist Churches, he will be remembered as a unifying voice, a problem-solver, a peacemaker, and a steadfast advocate for justice. His legacy will live on as a wonderful inspiration of commitment, compassion, and humanity for us all.

COMMENCEMENT SPEECH BY THE REVEREND RONALD COLEMAN

Mr. THURMOND. Mr. President, this is the time of year when young people throughout the Nation are celebrating their graduation from high school.

I remember 2 years ago when my daughter, Juliana, graduated from Aiken High School, I had the pleasure of listening to an especially fine commencement speech, given by the Rev. Ronald Coleman, the proud father of another graduate. I found Reverend Coleman's remarks to be inspiring and thought they contained a great deal of good advice. As a matter of fact, I want to take this opportunity to share them with my colleagues here in the Senate in the hope that they will pass them on to any young graduates they might know.

Mr. President, I request unanimous consent that a copy of Reverend Coleman's speech be placed in the RECORD following my remarks.

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

KEEP THE COURAGE TO ACHIEVE

"Be strong and of a good courage: For unto this people shall thou divide for an inheritance the land, which I swear unto their fathers to give them. Only be thou strong and very courageous, that thou mayest, observe to do according to all the law, which Moses my servant commanded thee: Turn not from it to the right hand or to the left, that thou mayest prosper whither so ever

I congratulate each of you for an academic job well done. All of you should pat yourselves on the back because today is perhaps, thus far in your school life, "the day". It represents the culmination of 12 years of laborious study, hard work, dedication, sacrifice, devotion, and competition. It represents the end of academic boot camp and you are now required to enter the battlefield of life, with the knowledge and understanding of the enemies' strategies, tactics, and methods, with the ability to counter them. The Marine slogan is true that boot camp separates the men from the boys: Likewise, does graduation separate the achievers from the nonachievers, the learned from the unlearned and the hard workers from the showoffs. Hence in the minds of some graduates, there may exist thoughts concerning this occasion because you know that only the fittest will survive, and self-survival depends upon how well the academic skills and knowledge were learned in the classroom setting, prior to this day. Guiding forces other than your own, probably, determined the pathways, roads and directions, that you should travel, as you fulfilled the essentials of life. Mother, father, sisters and others, perhaps helped mold your self-image through precepts and examples.

Nevertheless, be it resolved that on this day, May 31, 1992, at the First Baptist Church, located at the corners of York Street and Richland Avenue, and having been invited by the principal and faculty of Aiken High School, may the history books of life reflect that Reverend Coleman challenged the graduating seniors of Aiken High to keep the courage to achieve, as evidenced by the scriptural text read in your hearing. Joshua and his followers were encouraged to be strong and courageous, and to know there is no gratification in turning to the left or right. They knew to prosper one must possess the faith to believe you can achieve, and the courage to try. Success in life does not come by wishing it into existence. If success is worth having then it is worth the time, energy, drive, and determination it takes to achieve. Do not dwell on the negative aspects of life for it is said that two buckets went to the well to draw water, with a complaining and negative attitude one bucket said to the other "It amazes me that no matter how many times we leave the well full we always come back empty.

The other bucket said I was congratulating myself on the fact that no matter how many times we come to the well empty, we always leave full." There is always two sides to life. Always be optimistic and look to the brighter side of life. Hopefully the academic training, skills, knowledge and understanding that each of you acquired during your 12 years of study will enable you to keep the courage to achieve. The greatest test that any of you will take will be the one given not by teachers and professional examiners, but the one given by the world. The real world, where mommy and daddy may no longer come to your rescue, and each of you must face the weeding-out process, which separates the prepared from the unprepared, the skilled from the unskilled and the pretenders from the contenders. The future of our country and the world rests now with the graduating minds of this class. It is imperative that you achieve in life. Do not sell yourselves short by only doing enough to get by. Those who do so will never see all the colors of the rainbow because their vision would have been impaired by the sunlight of mediocrity. They will never smell the full fragrance of achievement since it will be stifled by the stuffy odor of mediocrity. Life should be experienced to the fullest but mediocrity serves the express purpose of limiting and crippling life's dream.

The late great Dr. Benjamin E. Mays stated "It is not to be borne in the mind that the tragedy of life doesn't lie in not reaching your goals. The tragedy lies in having no goals to reach. It is not a calamity to die with dreams unfulfilled, but it is a calamity not to dream. It is not a disaster to be unable to capture your ideals, but it is a disaster to have no ideals to capture. It is not a disgrace not to reach the stars, but it is a disgrace to have no stars to reach for, not failure, but low aim, is sin. The road to excellence is rough, rugged, and difficult, but persons who make it to the end find satisfaction, gratification, and fulfillment. People traveling the road of excellence will be all that they can be. Keeping the courage to achieve presents and serves as your source of strength and inspiration. Deeply ingrained in your mind is the determination to succeed. In closing, there are several final things that I wish to mention concerning the occasion which brought us together this evening. As well as representing a happy moment in the lives of graduating seniors, this day signals an end to many other things, due to roads that each of you choose, friendships that began with someone from grade 1, may now come to an end, because of the road that each of you choose. There

will be members of the graduating class that you may never see again. But let us not end our sermon on a sad note."

Instead, Hornets, let us be jubilant and keep alive the friendships and bonds that kept you close to each other. Let us allow the eternal torches of love, knowledge, wisdom, and understanding of your alma mater, Aiken High, to stand tall on the highest mountain so that others can see the way. Let us keep alive the rich proud academic tradition of a great institution of higher learning, which tries to illuminate, and inspire, the minds of young people. Remember, what ever Aiken High stands for, depends upon you, because you are Aiken High. I wish to dedicate and leave a poem written by Douglas Malluch entitled "Be the Best of Whatever You Are."

We all dream of great deeds and high positions, away from the pettiness and humdrum of ordinary life. Yet success is not occupying a lofty place or doing conspicuous work, it is being the best that is in you. Rattling around in too big a job is worse than filling a small one to overflowing. Dream, aspire by all means, but do not ruin the life you must lead. Make the most of what you have, and are. Perhaps your trivial immediate task is your one sure way of proving your mettle. Do the things near at hand and great things will come to your hands to be done.

If you can't be a pine on the top of the hill, be a scrub in the valley, but be the best little scrub by the side of the hill. Be a bush if you can't be a tree. If you can't be a bush, be a bit of the grass, and some highway happier make. If you can't be a muskie, then just be a bass but the liveliest bass in the lake. We can't all be captains, we've got to be crew, there's something from all of us here, there's big work to do, and there's lesser to do, and the task you must do is the near. If you can't be a highway then just be a trail, if you can't be the sun be a star. It isn't by size that you win or fail be the best of whatever you are.

God bless you all and best wishes.

The PRESIDING OFFICER. The Senator from Pennsylvania.

BOSNIA

Mr. SPECTER. Mr. President, I compliment the distinguished Senator from Texas for those very strong statements. I had stated earlier my intention to seek recognition very briefly to comment on two subjects.

One of them is the Bosnian situation, and I compliment the Republican leader, Senator DOLE, for what he has done on this issue in advancing the cause of lifting the arms embargo so Bosnia may defend itself. And from the tone of the debate this afternoon and from the number of Senators who have stated their intention to shift votes, I think we are on the brink of having an affirmative Senate vote to lift the arms embargo on Bosnia.

I have supported the leadership of Senator DOLE on this issue in the past, because I think it is important to let Bosnia defend itself. The events of the past several days show the Bosnian Serbs are unwilling to respond in a reasonable way and the atrocities in Bosnia can be dealt with only by lifting the arms embargo.

There is a problem which I have spoken of before about the unilateral action by the United States, that it will be preferable to have multilateral action because it is important to have joint action by many nations on issues which are vital to the United States. But if we press ahead with congressional leadership and a congressional initiative, I think we can have greater action out of the administration and we will see, with the leadership from the Senate, that there may well be multilateral action. But that is the fair thing to do, and I hope we will proceed in that direction.

THE SCHEDULE FOR HEALTH CARE LEGISLATION

Mr. SPECTER. Mr. President, I had sought recognition earlier today when the majority leader was speaking. I do not have any scales or any theatrics, but I would like to talk for a moment or two about the facts and the schedule on what has happened on health care.

When the majority leader said that 18 Senators had abandoned the Republican-proposed legislation, I think he was referring to legislation initiated by Senator CHAFEE. I was one of the cosponsors of that bill and I have not abandoned that bill. I said at the time that I had joined Senator CHAFEE, and I had expected the majority leader to return—when I asked for his presence to hear my comments he said he had to review the list so we could move ahead on completion on the appropriations bill for Labor, Health and Human Services, and Education; when the list was presented it was presented by Senator HARKIN instead—but I do want to make these few comments.

I have not abandoned Senator CHAFEE's bill. There is yet to be seen the floor debate which will produce Senate action on health reform legislation. In cosponsoring Senator CHAFEE's bill, I said I did not agree with all parts of it. We had to move ahead with legislation which would come from an amalgam of many bills. I personally am not pleased to see the schedule which has evolved, where we are delaying the recess—not that I have any objection to delaying the recess, but I do have a concern about putting the Senate under pressure during August to take up a massive new bill which no one has had a chance to see, in what may produce a rush to judgment.

I offered a health care amendment back on July 29, 1992, and have sought to bring health care to the floor. At that time the majority leader came to the floor and said my amendment did not belong on the bill which was then pending. Only the Senate majority leader can establish the schedule, but any Senator has the right to offer an amendment on a pending bill, which I did at that time, in an effort to bring health care legislation to the floor. When the majority leader said my amendment did not belong on that bill I agreed and said I would take it off voluntarily if we could have a date certain when health care would come to the Senate floor.

That was on July 29, in the 102d Congress. At that time there were some 1,500 health bills pending. When the majority leader said he could not offer a date certain I reminded him that he had given a date certain to product liability, which was the day after Labor Day, I believe, September 8, 1992. But the majority leader would not establish a date certain for health care legislation and my amendment was defeated pretty much on a party line vote.

I then persisted in the 103d Congress, and offered a comprehensive health care bill, Senate bill 18. So when the majority leader says there is no Republican bill, the scale is empty—that responsive theatrical play—I had sought to remind him personally about my legislation. When President Clinton said he would move ahead with health legislation, I believe initially within 100 days, I took the floor when the chairman of the Ways and Means Committee, Congressman ROSTENKOWSKI, said we might not get to health care legislation that year, 1993, which proved to be true. Then the majority leader, Congressman GEPHARDT, said we might not get to health care legislation that year, and that did prove to be true.

Each time there were delays it seemed to me that the issue of health care ought to be brought to the floor. I did that in late April 1993, because we have been ready to move on this matter for a very long time, really in a better way than we are today with the massive Mitchell bill being thrust upon us without any opportunity to study that matter.

Now, we are finally going to move ahead with health care legislation in August, of 1994, in what is really a crunch time and what is really a political time to try to show the American people, by the President and by the Democrats, that they are able to deliver on health care legislation in advance of the 1994 congressional elections.

I think, Mr. President, the earlier we take up health care legislation the better. A preferable time to have taken it up was 1992 or 1993. Had my amendments, which were offered in July of 1992 been accepted—full tax deduction for the self-employed and insurance market reform—we might now be looking at a pool of uninsured, uncovered much less than the 37 million to 40 million people who are now uncovered.

I think it is necessary to move, as I have said before, on trial and correction, to take steps like full deductibility for the self-employed and insurance market reform and see how it is going to work out.

My approach is that the current system has produced the best health care delivery system in the world for 86.1 percent of the American people. The Clinton plan is a massive bureaucracy which just goes too far.

When I read the Clinton plan and saw all of the agencies, boards, and commissions, I asked my staff assistant, Sharon Helfant, to make a list. Instead, she made a chart. The chart was made famous by my colleague, Senator DOLE, when he replied to the State of the Union speech and used the chart. It has been widely noted that that was the turning point against the Clinton health care proposal. Senator DOLE says it was his speech that did it. I say that it was my chart that did it in collaboration with his speech. Great speech; it was a great speech.

If Senator DOLE had been on the Russell, KS, high school debating team, it might have been a greater speech. Russell won the championship in 1941, even without Senator DOLE on the debating team.

But back to the point at hand. The Clinton health care bill has fallen, and I am hopeful we can move ahead to health care legislation. But I think it important to note for the RECORD that the Republicans had taken a leadership position back in 1992 and 1993 and 1994, and we are prepared to work for the good of the American people.

We will not be rushed to judgment. It is important that we do the job right and have ample time to carefully consider health care delivery, which is 14 percent of the gross national product, an industry of almost $1 billion in our economy.

The Republicans are prepared to cooperate. We just wish that the majority leader and those who control the Senate calendar had moved this matter ahead back in 1992 or 1993, but we will take it as it comes, and we will proceed now in August, 1994.

I thank the Chair and yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader is recognized.

CONGRESS' RESPONSIBILITY

Mr. DOLE. Mr. President, I know the distinguished Senator from Hawaii is waiting for the Senator from Alaska. If he does not mind, I will take a few minutes. It may come as a great surprise that Robert Fiske is no longer the special counsel. The court appointed Kenneth Starr in what is described as a stunning move to replace Mr. Fiske, which indicates that the court did act independently.

They do not impugn the integrity of anybody, including Mr. Fiske. I see this maybe as an opportunity for Congress to go back and try to rehabilitate itself and carry out the responsibilities we have as the Congress because, whether Mr. Fiske was correct or not, he was telling us when we could have hearings, what the hearings could be about, what questions we could ask and, in fact, I listened particularly to the sham hearings on the House side: "Oh, Mr. Fiske says we can't do that; Mr. Fiske says we can't do that."

Mr. Fiske no longer has responsibility. The three-member panel has appointed Kenneth Starr, who has a good reputation as a private attorney in Washington. He was Solicitor General during the Bush administration and sat on the U.S. Court of Appeals in Washington.

I just hope that the Congress of the United States, even though it is controlled by the other party, will now go back and take a look at our responsibility—our responsibility. Take a look at the Constitution. Take a look at four or five major laws that say we have a right and we have a responsibility for oversight that we delegated or relegated, whatever, to Robert Fiske.

My colleagues in the majority party were very happy to hide behind Robert Fiske because he was not going to let the hearings happen. We have only had about 1 percent of hearings in the Banking Committee. I must say, as far as I am concerned, members on both sides of the aisle in the Banking Committee did a fine job. I will say of Senator RIEGLE, the chairman, that he was very fair, as was the ranking Republican, Senator D'AMATO.

Now, I think it is time for Congress to regroup and reestablish our authority. We were taking orders from an unelected bureaucrat appointed by the Attorney General, and we were liking it, or the majority party was liking it.

So now, hopefully, the American people will understand this is a very serious matter. It is a very serious matter and we have very serious responsibilities. I am prepared to start immediately with the majority leader and anybody else to develop a plan for full-scale hearings so Congress will have the investigatory power. It will not be parceled out by somebody called a special investigator. I hope Mr. Starr will understand that we have responsibilities and that somebody else appointed will not tell us who we can hear, what we can hear, when we can do it, how far it can go, what the scope may be.

So, Mr. President, as it says in the wire story:

> In a stunning move, a three-judge panel today appointed former Federal judge and solicitor Kenneth W. Starr to take over the Whitewater investigation as an independent counsel. He will replace Robert B. Fiske.
>
> A special three-judge panel said it intended no criticism of Mr. Fiske, who had been investigating Whitewater since January 20, when Attorney General Janet Reno appointed him special counsel.
>
> It is not our intent to impugn the integrity of the Attorney General's appointee, but rather to reflect the intent of the act, that the act be protected against perceptions of conflict, the judges wrote in a four-page order.

Without casting any aspersions—I have no quarrel with Mr. Fiske as a person—I think the way he compartmentalized the hearings and rationed what we could do, the Congress of the United States was taking orders.

We supposedly represent the people of the United States. We have all been elected, and we did not exercise our rights. That is our fault, not Robert Fiske's fault. I think this may be a positive move, and I look forward to complete extensive and exhaustive hearings into the Whitewater/Madison matters so we can set the record straight and get on with our other business.

SETTING THE RECORD STRAIGHT ON CLINTONOMICS

Mr. DOLE. Mr. President, this is the big anniversary of the $255 billion tax increase, and so today the President and Vice President had a press conference, talking about the economy and how this big tax increase has helped the economy.

I want to repeat, this $255 billion tax increase passed the House without a Republican vote and passed the Senate without a Republican vote. The Vice President twice broke tie votes in the Senate to enact this big, big tax increase. They made more claims today about the State of the economy and how the impact of this budget—which they call a $500 billion deficit reduction package, including a lot of spending cuts which have since been reduced rather drastically. The taxes have not been reduced.

Throughout last year's debate and again today, President Clinton argued that declining long-term interest rates were a vote of confidence by the financial markets in his budget plan. But since his budget was adopted, the average interest rate on a 30-year mortgage has increased from 6.97 percent a year to roughly 8.5 percent today. Hardly the vote of confidence the President boasted about.

Far from the President's claim of $500 billion in deficit reduction, the independent Congressional Budget Office—the President told us in a joint session over a year ago we ought to accept their figures—the Clinton plan was generating a total of $433 billion in savings. And budget experts agree—not Republicans, but budget experts—agree that so far, all the deficit reduction we have seen from this plan has come from one source: Higher taxes.

I am told by economists—and my colleague from New Mexico understands this much better than I do—that it probably takes a couple years after the

taxes are imposed before you have the real impact on the economy. Somebody has to pay the $255 billion. They are not all rich people. Some are subchapter S corporations in a Kansas, New Mexico—wherever—and they have about a 31-percent tax increase. These are men and women out there creating jobs and opportunities that got hit right in the nose with a big tax increase.

There is no disputing that President Clinton inherited an economy that was already in recovery. I think the fact that the economy is still fairly strong despite higher taxes and more regulations and more mandates and higher interest rates and the threat of the Government takeover of the Nation's health care system is more of a testament to the strength of the free enterprise system than anything President Clinton has done.

Now, he wants to declare victory on the deficit even though serious problems persist, and even though both OMB and CBO project that after 1996, as the Senator from New Mexico will point out on the chart here in a moment, the deficit is going to start going up in 1996, and the White House and the Democrat leadership in Congress have consistently opposed efforts by Democrats and Republicans to cut spending to reduce the deficit.

The President forgot to mention today in all the exuberance about the 1-year anniversary of the big tax increase that another budget issue will have an even bigger impact on the deficit than last year's massive tax increase. Whatever happened to all those budget savings the President promised us from health care reform? The President initially said we would save about $185 billion over 5 years. That would drop the deficit to about $120 billion by 1999.

Last month—that was not long ago—last month the Office of Management and Budget, the White House office, revised estimates projecting that the Clinton health plan would only shave $26 billion off the deficit after 5 years and that the 1999 deficit would be about $190 billion. The administration's current estimates of the deficit with health care reform are $250 billion higher than their initial February 1993 estimates. Let me say that again, $250 billion higher than their initial 1993 estimates.

The independent Congressional Budget Office projects that the Clinton health care plan would actually increase the deficit by $65 billion over 5 years, pushing up the 1999 deficit to $230 billion or more. That is because we always have it low. Nobody can be faulted for it. But it seems every time, or most every time there is an estimate made by some Government agency it is always low, and it keeps going up, up, and up and somebody gets stuck with it.

So next week we are going to begin debate on health care which I think is unfortunate because I think we are in effect shutting out the American public. We received a 14 pound, 1,410 page bill yesterday or the day before—yesterday, and we hope to have our bill ready for the majority leader by Monday. There is no doubt about it, the so-called Clinton-Kennedy-Mitchell bill would create the greatest expansion of social spending in our Nation's history, providing taxpayer-financed subsidies for more than 100 million people, more than the current Social Security, Medicare, and Medicaid programs combined. More than all those programs combined. We are going to start a whole new subsidy program. Somebody has to pay for it. And the President calls this a conservative approach, a claim that would be rather amusing if the consequences were not so serious.

But rather than to criticize the President, we have tried to come up with a plan, too. And we have a plan. We have had a plan. It is called the American option. We try not to be partisan. We have tried to say OK, let us talk to Democrats about this plan, and we still are. We have had a number of meetings with a bipartisan group of House Members, Congressman ROY ROWLAND, a physician, Democrat from Georgia, and Congressman MIKE BILIRAKIS, who is one of the leading health care proponents on the House side, a Republican from Florida.

So, Mr. President, we want the economy to be strong. Do not misunderstand. We ought to keep everything in perspective, and we ought to set the record straight. We ought to tell the American people precisely what is happening. I am convinced that we would have built on the recovery with more growth and more jobs and more investment and a stronger dollar and lower interest rates and a stronger economy than we have today if we would have figured out a way, as we did in our alternative budget, to cut deficit spending without raising taxes.

So we are going to have an alternative health care reform bill. We hope to offer it as a substitute. It does not have any mandates. It does not have any employer mandates which are employer taxes. It does not say to a small businessman or woman, wherever they live in America, we are going to put you out of business; we are going to raise your taxes, or it does not have price controls. We tried those in Republican administrations. They have not worked. We would hope the Democratic administration would not make that mistake. President Nixon tried price controls back in 1971 without success.

We do not want to turn the health care system over to Government, even though many of us have had health care—a couple of us in this Chamber—pretty good care at that, in Army hospitals. We have Army hospitals. We have veterans' hospitals. We have Medicare. We have Medicaid. So the Government is into health care. But I think there is a fear on the part of most people, "That's fine, but let's don't turn it all over to the Government." Consumers are worried about choice, and what they may have, whether they will be able to choose their doctor or pharmacist or whatever.

So it seems to me that we have a long way to go. We are prepared to, as I said before, continue to work with Democrats, Republicans, whoever. There is still time to pass a sensible, comprehensive health care reform package. And I will bet if you ask 100 Members in this Chamber to list 15 things on health care you agree on, and we added them all up, you would find about 90 percent agreement. We could pass that package with 90 percent of the votes in this Chamber. It would help millions of people this year in America. It would take care of all these things we talk about—preexisting conditions, portability, malpractice reform, small business, all these things that we agree on. Why not do that? Hopefully that will be the end result of the debate that starts next week.

Mr. President, I ask unanimous consent that a piece written by Martin Feldstein be printed in the RECORD.

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

THE SENATE'S HIDDEN $100 BILLION TAX INCREASE

(By Martin Feldstein)

President Clinton is increasing the pressure on Congress to enact a massive and irreversible entitlement program to subsidize health insurance and redistribute income. The tax cost for this largest-ever welfare expansion would top $100 billion a year at today's prices. That's equivalent to raising personal taxes across the board by nearly 20 percent.

Amazingly, the Senate Democratic leadership has managed to conceal this massive tax increase from the public. The legislative wrangling and public discussion have virtually ignored the cost of financing this spending explosion. Members of the business community have been so eager to avoid employer mandates that they have not considered the tax consequences of the pending legislation. And the general public has been so concerned about preserving their ability to choose their own doctors that they have not focussed on what these plans would mean for their individual wallets.

Although the Democrats have yet to agree among themselves on the details of the final plan, it is likely to be closely related to the Senate Finance Committee bill. (The recent proposal by Senate majority leader George Mitchell that President Clinton said he would accept is essentially and expanded version of the Senate Finance Committee plan.) To understand the magnitude of the potential tax hike that would be required to finance such a plan, it's useful to look at the Senate Finance Committee bill and the recent analysis of it by the Congressional Budget Office.

Under the Senate Finance Committee plan, the government would pay the full cost of a standard private insurance premium for anyone below the poverty level and would provide a partial premium subsidy that declines with income between the poverty level and twice that income. The insurance premium would vary with family composition but would average about $2000 per person. A single parent and child would receive a subsidy with income below $20,500 while a couple with three children would receive a subsidy with income up to $37,700. More than 60 million individuals would be eligible for subsidies in addition to the 65 million already covered by Medicaid and Medicare. The Senate Finance Committee plan would raise insurance coverage by about 21 million individuals, bringing total coverage to 93 percent of the American population.

The budget analysis prepared by the Congressional Budget Office never states their estimate of the total additional cost that taxpayers would have to bear to finance the new insurance subsidies. But the CBO figures do imply that the public would be paying about $63 billion a year (at 1994 prices) by the year 2000 when the plan is fully operational. Even this massive tax increase understates the likely cost. Estimates that I have made with the help of colleagues at the National Bureau of Economic Research indicate that the CBO figures understate the true cost by about $40 billion a year because they underestimate the extent to which currently insured employees would receive the new subsidies and because they completely ignore the impact of the plan on work incentives and earnings.

Most of the $63 billion tax burden implied by the CBO numbers is hidden in cost-shifting through insurance companies and providers of health services. Only a relatively small part of the financing plan is an explicit $14 billion a year increase in the tax on tobacco products. A second small piece is a 1.75 percent excise tax on private health insurance premiums. Although this tax of $7 billion a year (at 1994 levels) would be paid by the insurance companies, they would pass it on in the form of higher insurance premiums. These higher premiums would be a direct tax on individuals who buy their own insurance. Companies would offset the higher premiums on the insurance that they provide to their employees by keeping wages lower than they would otherwise be. The true burden of the premium tax would therefore fall on everyone who is now privately insured.

The largest part of the financing is a hidden tax that is built into the plan to replace the current Medicaid program for the poor by subsidized private insurance. Medicaid provides much more generous benefits than the proposed standard insurance package since Medicaid covers a broader range of services and has no out-of-pocket copayments. Although the government would pay the insurance companies the same subsidies for former Medicaid beneficiaries as it pays for everyone else, the proposed law would require the insurance companies to provide those who are currently eligible for Medicaid with the much more expensive coverage that they have today. That complex maneuver would save the government about $29 billion a year on the current Medicaid program and would add that amount to the annual costs of the insurance companies. The insurance companies would in turn shift it to everyone who is privately insured in the same way that they would shift the explicit premium tax.

A second very large hidden tax would result from reducing government payments to hospitals and other providers of Medicare services without any reduction in the care that they are expected to give. As a result, the hospitals and other providers would just raise their prices to patients and insurance companies. In the end, it would be the privately insured individuals that bear those costs in the form of higher insurance premiums and lower wages. At 1994 levels, this cost shifting burden is equivalent to at least a $13 billion annual tax.

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In short, buried in the CBO numbers is a projection that the Senate Finance Committee plan would have a $63 billion annual cost (at 1994 price levels) and that all but the $14 billion in cigarette levies would be obtained by hidden taxes in the form of cost-shifting through health care providers and insurance companies. It's remarkable that the same politicians who have produced this $49 billion hidden cost-shifting have the audacity to say that the public should support their plan in order to eliminate the much more limited cost-shifting that occurs under the existing system as hospitals pass on the cost of free care. Indeed, to the extent that hospitals are already giving free care, the increase in formal insurance coverage gives that much less to the currently uninsured and confirms that most of the plan's cost is to achieve income redistribution rather than expanded health insurance.

The CBO report is careful to note that its estimates are "preliminary" and "unavoidably uncertain" and fully half of the report is devoted to discussing why there is "a substantial chance that the changes required by this proposal—and by other systemic reform proposals—could not be achieved as assumed."

My own analysis confirms that the CBO's caution is justified and that the CBO estimates understate the likely annual cost by at least $40 billion that would eventually have to be financed by higher taxes. A key reason is that there is no way to limit the premium subsidies to those who are currently uninsured. Those who are now buying their own insurance would automatically receive the government subsidy. Those who are now receiving insurance from their employers could qualify for an insurance subsidy by switching to an employment situation that paid higher cash wages instead of providing health benefits. That subsidy would be worth a very significant $2,000 for a single mother with a child who earns $15,000; if she earns $10,000, the subsidy would be worth more than $4,000. It wouldn't take long for employers and employees to recognize that some combination of new pay arrangements, explicit outsourcing of some work, and individual job changes would be handsomely rewarded by the government.

There are now more than 30 million individuals who could qualify for a subsidy. The CBO estimate recognizes that the roughly 6 million of them who now buy their own insurance would receive government subsidies. But when it comes to those who are already insured by their employers, the CBO assumes that only about one-fifth of the income eligible group would eventually choose to qualify for the subsidy, leaving $27 billion of potential subsidies (at 1994 levels) on the table. It seems totally implausible to me that employees and employers would permanently pass up subsidies of $1,000-plus per person that they could get by relatively easy changes in employment arrangements. When they do choose to qualify, taxpayers would have to pay another $27 billion to finance the plan.

The CBO calculation also totally ignores the effect of the subsidy phase-out between poverty and twice poverty on the incentives to work and to report earnings. The phase-out rule that gives a woman with a child $4660 of subsidy when she earns $10,250 and then takes away more than 40 cents of subsidy for every extra dollar that she earns is a powerful incentive to work less and to shift work to the underground economy. The CBO's report acknowledges that "the effective marginal levy on labor compensation could increase by as much as 30 to 45 percentage points for workers in families eligible for low-income subsidies" so that "some low-wage workers would keep as little as 10 cents of every additional dollar earned." But then, quite incredibly, the CBO calculations do not take into account that this would reduce reported earnings, thereby cutting income and payroll tax receipts and raising the health insurance subsidies to which individuals are eligible. Estimates made at the NBER indicate that these reactions would reduce taxes and increase subsidies by a combined total of at least $17 billion a year.

These estimates make no allowance for the impact of increased demand on health care costs in general. Extending insurance to at least 20 million people who are currently uninsured and giving private insurance to the more than 25 million nonaged Medicaid beneficiaries would inevitably raise the demand for health services and increase health care prices. But even without that, the analysis that I have laid out shows that the Senate Finance Committee bill would cost the American public more than $100 billion a year at today's prices. The Clinton-Mitchell plan for even broader coverage would cost even more.

A cost of $100-plus billion a year to increase the number of insured by 20 million means a cost to the taxpayers of more than $5,000 for each additional person insured, a cost of $20,000 for a family of four. Since the actual insurance premiums are $2,000 per person, it's clear that most of the tax dollars in these plans are for income redistribution rather than the expansion of insurance coverage.

The most fundamental social program in a generation should not be enacted without full and careful consideration of its costs. Once enacted, the benefits would be an irrevocable entitlement for nearly 100 million people.

The ability of the politicians to hide a $100-plus billion tax increase is both amazing and frightening. Using mandates on insurance companies or mandates on all businesses as substitutes for direct taxes destroys the budget process and provides a ready way for politicians to deceive the voters. The politics of tax and spend has entered a new era when politicians can spend $100 billion dollars a year and hide the taxes that we pay for those outlays.

If President Clinton and his Congressional allies succeed in ramming this legislation

through Congress in the weeks ahead, the American people will have lost not just $100 billion a year. We will also have lost our ability to check the excesses of the political process and to unmask the chicanery of the politicians.

If political leaders want to deceive the voters, the only safeguard is a democracy in which long and careful public debate and Congressional hearings can expose such deception. Although the Congress has held hearings on the now defunct Clinton plan and on the broad issues of health care, there has been no serious consideration of the cost and financing of the plans that have recently emerged. The American public deserves a chance to know what we are being asked to pay and what we will get for our money. We should be suspicious of any politician who says there isn't time for such a careful examination.

The PRESIDING OFFICER. The Senator from New Mexico [Mr. DOMENICI] is recognized.

Mr. DOMENICI. I thank the Chair. I know that my distinguished friend, the chairman of the Armed Services Appropriations Subcommittee, is here on the floor, and he has been anxiously waiting.

THE 1-YEAR ANNIVERSARY OF CLINTON DEFICIT REDUCTION PACKAGE

Mr. DOMENICI. Mr. President, I am going to try my very best to take my share of this responsibility on this so-called anniversary of the deficit reduction and the American economic recovery. I am going to try to be brief, but I wish to make a couple of points.

First, fellow Senators and Americans, if there has been a significant attack on deficit spending in the United States—and I do not believe there has been, but if there has been, maybe I just say, hold on to your hats because right around the corner is the largest new spending program in the history of America. The majority leader is trying diligently to get 51 votes in the Senate, to send something over to the House so that in the waning days of this session House and Senate conferees back in the back room can write a health care bill. The health care program that is being offered by Senator MITCHELL, the majority leader, will contain more new entitlement spending all by itself than we have ever passed in the history of this country.

Now, that is new spending. And there is a claim by leading Democrats today that we are celebrating a great deficit reduction package and the economic consequences of it 1 year after its passage.

Now, I just want to talk about three or four things. You see a chart behind me. That line down at the bottom says, "The promise." The promise was included in the first budget of the new President of the United States. It was not a budget but it was a vision statement. This was "the promise," that by the year 2000 we would really have this deficit under control. You see this here, Mr. President—right here? "The promise." This line was the way we were going to get deficits under control when we finally controlled health care spending. That was what we were going to do, get to that promise.

But now you see what is happening. While there was some bragging about a deficit reduction package that included spending cuts—and shortly I will tell you that thus far there are no spending cuts—that might come as a surprise. Let us look and see what was promised when we were going to get to the "promised land."

If you will just take a quick look, you see the green line here. This green line has under it all of this orange, and that is the amount of money that we were going to save when we got health care under control. That was the amount of money when we got health care under control we were going to save.

What has happened? Not only is that savings out the window with the "promised land" of deficit reduction, but the new package of health care reform says we are going to gobble up all that savings, spend it, and spend some more. And the yellow is the new spending.

So that all the promise of getting the deficit under control by the year 2000 is out the window. As a matter of fact, the deficit will start growing again in 3 years, and will start up slowly. And by the year 2000, we will be back up on a steep line of growth such that the American people, who are being encouraged today to be happy because we got the deficit under control, will have staring them in the face soon a new and larger deficit than the one we started with, unless—unless—we decide to cut more from defense and the appropriated accounts of our country, or raise taxes.

Frankly, I do not think we are going to cut defense any more.

I see occupying the Chair in the capacity of the Vice President, one of the experts of the Senate. He is the head of a commission that is supposed to get entitlements under control.

Let me tell the American people. If a health care plan is passed that is anything like the Mitchell plan or the President's original plan, we can do two things: We can take the pensions of the United States and decide where we are going to change them and save enough money to get the deficit under control—that is Social Security; pensions—or we can raise more taxes.

So as I see it, instead of hitting the airwaves of America with the notion that we ought to be proud that we got the deficit under control, I submit this is a day to remind everyone that we ought to be careful about the so-called "reform health care program," or we will put this Nation in the position where we will be about like Europe.

Mr. President, Europe has the disease as far its economy is concerned. It has a nickname. It is called Euro-sclerosis. Euro-sclerosis is a disease which means no new jobs in the private sector, no significant new growth, significantly higher interest rates than America, and higher unemployment. That is Euro-sclerosis.

They are trying go to get around it by cutting government taxes, cutting burdens on business. And we are about to adopt the largest burden on American business and the American people for a new health care plan than we have ever put on this American economy.

The second point is a very interesting one. The President and leading Democrats today are telling the American people that the President's so-called deficit reduction plan is what caused the American economy to start moving again. Mr. President, let me tell the Senate and those who are interested and listening, what most economists say caused the American economy to start to grow again and to add jobs and add some stability to our growth.

Most economists today say that a phenomenon has occurred that has not occurred in any of the previous recoveries. That phenomenon is huge productivity increases. Mr. President, most economists say this recovery is a 90 percent productivity economy, growth economy.

Anybody that knows anything about productivity growth knows that you do not get that in 4 months, you do not get that in 6 months, and you do not get that in 1 year. It is over a sustained period of time. And the American economy has been adjusting for 10 years to getting increased services and goods and industrial production out of a unit of time spent by an American worker. That is increased productivity. It is growing rapidly, has little or anything to do with the last year. And that is why America today has some sustained economic growth.

The other reason is because a good combination of monetary policy from our Federal Reserve Board has brought interest rates down. But I might suggest that anybody that thinks the President's economic plan, principally taxes to this point, has caused this to happen, that is interest rates to have come down, just look at this chart: In 1990, the short-term interest rates and the long-term interest rates both start down. My recollection is that in 1992 we had an election. In 1993, one year ago, we passed the deficit reduction package.

I ask, if lower interest rates is what we are proud of, when did they start? When did they end, and start going up? They started well before George Bush left office. Here they are coming down precipitously. In 1992 they are at a low. In 1993, they are low. And here they are

going back up, both short- and long-term.

Mr. President, I want to close here today by suggesting that this economic recovery plan that the President boasts of results from factors beyond his control. I guess if I were on the other side of the aisle, I would have to find something to really brag about. And I think if I were part of the Administration I would probably say similar things, since there are more jobs and since the economy seems to be growing, to give us credit for it or give this plan credit for it.

But I want to suggest the economic recovery situation in the United States is not the result of 1 year ago. The adoption of a so-called economic recovery plan that to this point in time is almost all taxes, with some slight little cut in defense spending—it is just not possible that an economic plan in this short a time, even if it was going to work, would cause the American economy to grow and prosper again.

So before we get carried away, let us make sure we understand what is really happening. It is the American small and large businesses and American workers who, for a long period of time, have decided that they are going to get more for each dollar spent and more production for each hour worked, and that is causing America to grow again.

So I am pleased to join my Republican leader today. We need to get more charts. I am sure the other side and the President and the White House will do much better than we have with charts today.

But just so no one will think that it is automatic, that everybody ought to believe this message, that it was 1 year ago when we adopted a deficit reduction package, principally new taxes, at least to this point in this recovery, that that is what made this American economy prosper again. We have to make sure that does not become part of the lore in America. It just does not follow like day from night.

I thank the chairman of the Appropriations Subcommittee for yielding.

I yield the floor.

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

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

PRIVILEGE OF THE FLOOR

Mr. STEVENS. Mr. President, I ask unanimous consent that Sid Ashworth, a congressional fellow serving with the Committee on Appropriations, be granted floor privileges during consideration of H.R. 4650.

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

Mr. STEVENS. Mr. President, I ask that the RECORD show on behalf of the minority that I have no objection to the motion to be made by the Senator from Hawaii to make the committee bill the basis for consideration of the amendment, and that I have no opening statement to make for the minority on this bill.

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

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

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT

Mr. INOUYE. Mr. President I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4650, the Department of Defense appropriations bill for fiscal year 1995.

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

The clerk will state the bill by title.

The bill clerk read as follows:

A bill (H.R. 4650) making appropriations for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, 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. 4650

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 fiscal year ending September 30, 1995, for military functions administered by the Department of Defense, and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; **[**$20,737,470,000**]** *$20,629,770,000*.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; **[**$17,692,537,000**]** *$17,638,483,000*.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; **[**$5,816,671,000**]** *$5,806,471,000*.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; **[**$17,311,379,000**]** *$17,031,179,000*.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 265, 3021, and 3038 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; **[**$2,183,620,000**]** *$2,178,620,000*.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 265 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States

Code; and for payments to the Department of Defense Military Retirement Fund; [$1,398,609,000] *$1,418,723,000.*

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 265 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 2131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; [$354,048,000] *$351,098,000.*

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 265, 8021, and 8038 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; [$782,434,000] *$774,834,000.*

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 265, 3021, or 3496 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 672(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 2131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; [$3,378,705,000] *$3,371,605,000.*

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 265, 8021, or 8496 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 672(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 2131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; [$1,238,029,000] *$1,244,729,000.*

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $14,437,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes; [$17,836,504,000] *$17,475,806,000* [, of which $150,000,000 for real property maintenance shall be made available for obligation until September 30, 1996] and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund[: *Provided,* That of the funds appropriated in this paragraph, not less than $388,599,000 shall be made available only for conventional ammunition care and maintenance: *Provided further,* That of the funds appropriated in this paragraph, $5,800,000 shall be available only for removal of Department of Defense equipment from Pine Bluff Arsenal: *Provided further,* That of the funds appropriated in this paragraph, $473,763,000 shall not be obligated or expended until authorized by law]: *Provided, That of the funds appropriated under this heading, not less than $5,000,000 shall be made available only for payment to the DOD 50th Anniversary of World War II Commemoration Appropriation.*

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $4,301,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes; [$21,316,555,000] *$21,275,770,000* [, of which $200,000,000 for real property maintenance shall be made available for obligation until September 30, 1996] and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund[: *Provided,* That of the funds appropriated in this paragraph, $1,206,359,000 shall not be obligated or expended until authorized by law]: *Provided, That of the funds appropriated under this heading, not less than $2,436,700,000 shall be made available for depot maintenance, repair and overhaul of United States Navy ships prior to September 30, 1995.*

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law; [$2,097,395,000] *$1,968,965,000,*[of which $66,000,000 for real property maintenance shall be made available for obligation until September 30, 1996: *Provided,* That of the funds appropriated in this paragraph, $100,300,000 shall not be obligated or expended until authorized by law].

OPERATION AND MAINTENANCE, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $8,762,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes; [$18,913,050,000] *$18,786,243,000*[, of which $84,000,000 for real property maintenance shall be made available for obligation until September 30, 1996] and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund[: *Provided,* That of the funds appropriated in this paragraph, $179,592,000 shall not be obligated or expended until authorized by law].

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law; [$8,945,266,000] *$9,986,654,000 and, in addition, $100,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund,* of which not to exceed $25,000,000 may be available for the CINC initiative fund account; and of which not to exceed $23,768,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided, That of the funds appropriated under this heading, $20,000,000 shall be made available only for the repair and maintenance of federally owned education facilities located on military installations.*

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; [$1,240,109,000] *$1,253,709,000.*

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; [$834,119,000] *$827,819,000*[: *Provided,* That of the funds appropriated in this paragraph, $6,300,000 shall not be obligated or expended until authorized by law].

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; [$83,542,000] *$80,562,000*[: *Provided,* That of the funds appropriated in this paragraph, $2,080,000 shall not be obligated or expended until authorized by law].

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; [$1,486,805,000] *$1,455,872,000*[: *Provided,* That of the funds appropriated in this paragraph $5,473,000 shall not be obligated or expended until authorized by law].

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft); [$2,498,868,000] *$2,442,135,000*[: *Provided*, That of the funds appropriated in this paragraph, $10,000,000 shall be made available only for a National Guard Outreach Program in the Los Angeles School District: *Provided further*, That of the funds appropriated in this paragraph, $50,253,000 shall not be obligated or expended until authorized by law].

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things; hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; [$2,797,978,000] *$2,780,178,000*: *Provided*, That of the funds appropriated under this heading, [$1,500,000] *$9,200,000* shall be made available only for the operation of Air National Guard C–130 operational support aircraft of the 159th Air National Guard Fighter Group, *the 146th Airlift Wing, and the South Carolina Air National Guard 169th Fighter Group unit*[: *Provided further*, That of the funds appropriated in this paragraph, $17,800,000 shall not be obligated or expended until authorized by law].

NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE, ARMY

For the necessary expenses and personnel services (other than pay and non-travel-related allowances of members of the Armed Forces of the United States, except for members of the reserve components thereof called or ordered to active duty to provide support for the national matches) in accordance with law, for operation and maintenance of rifle ranges; the instruction of citizens in marksmanship; the promotion of rifle practice; the conduct of the national matches; the sale of ammunition under the authority of title 10, United States Code, sections 4308 and 4311; the travel of rifle teams, military personnel, and individuals attending regional, national, and international competitions; and the payment to competitors at national matches under section 4312 of title 10, United States Code, of subsistence and travel allowances under section 4313 of title 10, United States Code; not to exceed $2,544,000.

COURT OF MILITARY APPEALS, DEFENSE

For salaries and expenses necessary for the United States Court of Military Appeals; $6,126,000, of which not to exceed $2,500 can be used for official representation purposes.

ENVIRONMENTAL RESTORATION, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense; [$1,880,200,000] *$2,034,075,000*, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes (including programs and operations at sites formerly used by the Department of Defense), transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense as the Secretary may designate, to be merged with and to be available for the same purposes and for the same time period as the appropriations of funds to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

[SUPPORT FOR INTERNATIONAL SPORTING COMPETITIONS, DEFENSE

[For the account "Support for International Sporting Competitions, Defense"; $7,900,000, to be merged with and to be available for the same purposes and the same time period as that appropriation: *Provided*, That of the funds in that appropriation not more than $1,500,000 may be used for the 1995 Special Olympics: *Provided further*, That of the funds in that appropriation not more than $4,400,000 may be used for the 1996 Paralympics: *Provided further*, That funds appropriated in this paragraph shall not be obligated or expended until authorized by law.]

SUMMER OLYMPICS

For logistical support and personnel services (other than pay and non-travel-related allowances of members of the Armed Forces of the United States, except for members of the reserve components thereof called or ordered to active duty to provide support for the 1996 Games of the XXVI Olympiad to be held in Atlanta, Georgia) provided by any component of the Department of Defense to the 1996 Games of the XXVI Olympiad; $10,000,000.

1995 SPECIAL OLYMPICS WORLD GAMES

For logistical support and personnel services (other than pay and non-travel-related allowances of members of the Armed Forces of the United States, except for members of the reserve components thereof called or ordered to active duty to provide support for the 1995 Special Olympics World Games to be held in New Haven, Connecticut) provided by any component of the Department of Defense to the 1995 Special Olympics World Games; $3,000,000.

HUMANITARIAN ASSISTANCE

For transportation for humanitarian relief for the people of Afghanistan, the Kurdish population and other minorities of northern Iraq, and the people of sub-Saharan Africa, acquisition and shipment of transportation assets to assist in the distribution of such relief, and for transportation and distribution of humanitarian relief supplies, and excess non-lethal property; [$60,000,000] *$71,900,000* of which [$12,000,000] *$10,000,000* shall be made available only for activities to support the clearing of landmines for humanitarian purposes.

FORMER SOVIET UNION THREAT REDUCTION

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for providing incentives for demilitarization; for establishing programs to prevent the proliferation of weapons, weapons components, and weapons-related technology and expertise; for expansion of military-to-military contacts; for supporting the conversion of military technologies and capabilities into civilian activities; and for retraining military personnel of the former Soviet Union; $400,000,000 to remain available until expended: Provided, That of the funds appropriated under this heading, $10,000,000 shall be made available only for the continuing study, assessment, and identification of nuclear waste disposal by the former Soviet Union in the Arctic and North Pacific regions.

REAL PROPERTY MAINTENANCE, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For the maintenance of real property of the Department of Defense, in addition to amounts provided for this purpose under other headings of this title of this Act, $500,000,000 to remain available for obligation until July 1, 1995: Provided, That such funds shall be available only for repairing property which has been defined by the Department of Defense as part of a backlog of maintenance and repair projects in the justification material accompanying the President's budget request for fiscal year 1995: Provided further, That such funds shall be allocated by the Comptroller, Department of Defense for the projects determined by the military components as the highest priority for repair.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interest therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; [$1,264,198,000] *$1,062,581,000*, to remain available for obligation until September 30, 1997: *Provided, That the Secretary of the Army will report to the House and Senate Committees on Appropriations the doctrine, organization and mission statement for the High Capacity Air Ambulance concept not later than May 15, 1995.*

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon

prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; [$728,095,000] *$707,895,000*, to remain available for obligation until September 30, 1997[: *Provided*, That of the funds appropriated in this paragraph, $42,959,000 shall not be obligated or expended until authorized by law].

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; [$1,001,873,000] *$1,129,514,000*, to remain available for obligation until September 30, 1997[: *Provided*, That of the funds appropriated in this paragraph, $58,987,000 shall not be obligated or expended until authorized by law].

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854, title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; [$1,274,644,000] *$877,761,000*, to remain available for obligation until September 30, 1997: *Provided*, That of the amounts appropriated for the ARMS program in "Procurement of Ammunition, Army, 1993/1995", $43,000,000 may be available to fund subsidy costs of loan guarantees authorized to be made under that program[: *Provided further*, That of the funds appropriated in this paragraph, $419,761,000 shall not be obligated or expended until authorized by law]: *Provided further, That notwithstanding any other provision of law, of the amounts appropriated for the ARMS program in "Procurement of Ammunition, Army, 1993/1995", up to $2,500,000 shall be made available to the William Langer Plant for capital investment, operations, and such other expenditures as may be necessary to maintain the Plant as a going concern while it is being excessed under the provisions of the Federal Property and Administrative Services Act.*

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and nontracked combat vehicles; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; [$2,348,806,000] *$2,646,048,000*, to remain available for obligation until September 30, 1997.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; [$4,820,442,000] *$4,531,789,000*, to remain available for obligation until September 30, 1997[: *Provided*, That of the funds appropriated in this paragraph, $232,435,000 shall not be obligated or expended until authorized by law].

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; [$1,969,336,000] *$1,858,200,000*, to remain available for obligation until September 30, 1997[: *Provided*, That of the funds appropriated in this paragraph, $70,458,000 shall not be obligated or expended until authorized by law]: *Provided, That, in addition to the foregoing purposes, funds appropriated under this heading shall be available to liquidate deficiencies in appropriations provided under this heading in prior Department of Defense appropriations Acts without regard to any provision of law limiting or restricting amounts which may be charged to currently available appropriations with respect to funds provided in prior appropriations Acts.*

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854, title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; [as follows:

[For the Navy, $335,368,000;

[For the Marine Corps, $158,442,000;

[In all: $493,810,000] *$432,815,000*, to remain available for obligation until September 30, 1997[: *Provided*, That of the funds appropriated in this paragraph, $34,500,000 shall not be obligated or expended until authorized by law].

SHIPBUILDING AND CONVERSION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier replacement program, [$2,446,958,000] *$2,284,925,000*;

CVN Refuelings, $38,328,000;

DDG–51 destroyer program, [$2,607,690,000] *$2,660,690,000*;

LHD–1 amphibious assault ship program, $50,000,000*: Provided, That such funds shall not be obligated or expended until such time that there are sufficient funds made available for the LHD ship program to execute an existing contract option or any extension thereto for LHD–7: Provided further, That such funds shall not be transferred, reprogrammed, or used for any purpose other than the LHD ship program: Provided further, That such funds shall remain available for obligation until expended: Provided further, That the Secretary of the Navy shall extend this existing contract option for the LHD–7 ship for not less than one year and shall negotiate any change in option price made necessary by such extension;*

[Nuclear submarine main steam condenser industrial base, $1,000,000;

[Cost growth on prior years' programs, $8,200,000;]

For craft, outfitting, post delivery, [conversions,] and first destination transportation, [$357,521,000] *$349,031,000*;

For escalation, $146,000,000;

In all: [$5,471,369,000] *$5,528,974,000*, and, in addition, $1,200,000,000 shall be derived by transfer from the National Defense Sealift Fund for additional funding for the Carrier replacement program, all to remain available for obligation until September 30, 1999: *Provided*, That additional obligations may be incurred after September 30, 1999, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds herein provided for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds herein provided shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of not to exceed 262 passenger motor vehicles, of which 162 shall be for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and

procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; [$3,271,088,000] *$3,309,698,000*, to remain available for obligation until September 30, 1997[: *Provided*, That of the funds appropriated in this paragraph, $29,477,000 shall not be obligated or expended until authorized by law].

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of not to exceed 103 passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired and construction prosecuted thereon prior to approval of title; [$452,178,000] *$403,410,000*, to remain available for obligation until September 30, 1997[: *Provided*, That of the funds appropriated in this paragraph, $58,768,000 shall not be obligated or expended until authorized by law].

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; [$6,182,199,000] *$6,571,524,000*, to remain available for obligation until September 30, 1997[: *Provided*, That not less than $103,700,000 of the funds appropriated in this paragraph shall be used only to initiate procurement of non-developmental airlift aircraft no later than September 30, 1995: *Provided further*, That the Department of the Air Force shall qualify a second source producer for the C-17 transport aircraft engine and competitively contract for the procurement of the C-17 engine no later than September 30, 1997: *Provided further*, That of the funds appropriated in this paragraph, $80,432,000 shall not be obligated or expended until authorized by law].

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; [$2,758,285,000] *$3,620,055,000*, to remain available for obligation until September 30, 1997.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854, title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; [$278,681,000] *$283,173,000*, to remain available for obligation until September 30, 1997[: *Provided*, That of the funds appropriated in this paragraph, $18,963,000 shall not be obligated or expended until authorized by law].

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 678 passenger motor vehicles for replacement only; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; [$6,886,613,000] *$6,897,696,000*, to remain available for obligation until September 30, 1997[: *Provided*, That of the funds appropriated in this paragraph, $31,190,000 shall not be obligated or expended until authorized by law].

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 437 passenger motor vehicles, of which 431 shall be for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; [$3,020,616,000] *$1,894,916,000*, to remain available for obligation until September 30, 1997[: *Provided*, That of the funds appropriated in this paragraph, $953,922,000 shall not be obligated or expended until authorized by law].

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces; [$796,200,000] *$952,000,000*, to remain available for obligation until September 30, 1997[: *Provided*, That of the funds appropriated in this paragraph, $9,000,000 shall not be obligated or expended until authorized by law].

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; [$5,456,498,000] *$5,304,329,000*, to remain available for obligation until September 30, 1996[: *Provided*, That of the funds appropriated in this paragraph, $35,695,000 shall not be obligated or expended until authorized by law].

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; [$8,598,958,000] *$8,790,331,000*, to remain available for obligation until September 30, 1996[: *Provided*, That for continued research and development programs at the National Center for Physical Acoustics, centering on ocean acoustics as it applies to advanced antisubmarine warfare acoustics issues with focus on ocean bottom acoustics, seismic coupling, sea-surface and bottom scattering, oceanic ambient noise, underwater sound propagation, bubble related ambient noise, acoustically active surfaces, machinery noise, propagation physics, solid state acoustics, electrorheological fluids, transducer development, ultrasonic sensors, and other such projects as may be agreed upon, $1,000,000 shall be made available, as a grant, to the Mississippi Resource Development Corporation, of which not to exceed $250,000 of such sum may be used to provide such special equipment as may be required for particular projects: *Provided further*, That none of the funds appropriated in this paragraph may be obligated or expended to develop or purchase equipment for an Aegis destroyer variant (commonly known as "Flight IIA") whose initial operating capability is budgeted to be achieved prior to the initial operating capability of the Ship Self-Defense program, nor to develop sensor, processor, or display capabilities which duplicate in any way those being developed in the Ship Self-Defense program: *Provided further*, That funds appropriated in this paragraph for development of E-2C aircraft upgrades may not be obligated until the Under Secretary of Defense for Acquisition submits a plan to the Committees on Appropriations and Armed Services of each House of Congress for development and deployment of a fully participating cooperative engagement capability on E-2 aircraft to be fielded concurrent with and no later than major computer upgrades for the aircraft: *Provided further*, That funds appropriated in this paragraph for development of the LPD-17 ship may not be obligated unless the baseline design of the ship includes cooperative engagement capability and sufficient own-ship self-defense capability against advanced sea-skimming antiship cruise missiles in the baseline design to achieve an estimated probability of survival from attack by such missiles at a level no less than any other Navy ship].

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law;

[$10,728,533,000] *$12,151,011,000*, to remain available for obligation until September 30, 1996[: *Provided*, That not less than $12,000,000 of the funds appropriated in this paragraph shall be made only for the Joint Seismic Program and Global Seismic Network administered by the Incorporated Research Institutions for Seismology: *Provided further*, That not less than $20,000,000 of the funds appropriated in this paragraph shall be made available only for the National Center for Manufacturing Sciences (NCMS)]: *Provided, That of the funds appropriated in this paragraph, not less than $13,000,000 of the funds in the Advanced Weapons program element shall be made available only to continue the establishment and operation of an image information processing center supporting the Air Force Maui Space Surveillance Site (MSSS).*

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; [$9,419,955,000] *$8,922,649,000*, to remain available for obligation until September 30, 1996[: *Provided*, That not less than $120,000,000 of the funds appropriated in this paragraph are available only for the Sea-Based Wide Area Defense program: *Provided further*, That of the funds appropriated in this paragraph, $361,743,000 shall not be obligated or expended until authorized by law: *Provided further*, That funds appropriated in this paragraph for development of the TIER II Plus vehicle shall not be obligated until not less than $50,000,000 has been obligated for the TIER III Minus vehicle]: *Provided, That $27,400,000 shall be available for transfer to the Small Business Administration to cover the costs (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees issued pursuant to subsection (b)(3) of such section.*

DEVELOPMENTAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, of independent activities of the Director, Test and Evaluation in the direction and supervision of developmental test and evaluation, including performance and joint developmental testing and evaluation; and administrative expenses in connection therewith; [$251,495,000] *$224,353,000*, to remain available for obligation until September 30, 1996.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith; $12,501,000, to remain available for obligation until September 30, 1996.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE BUSINESS OPERATIONS FUND

For the Defense Business Operations Fund; [$1,090,438,000] *$789,400,000*.

NATIONAL DEFENSE SEALIFT FUND

[(INCLUDING TRANSFER OF FUNDS)]

For National Defense Sealift Fund programs, projects, and activities, [$858,600,000] *$828,600,000*, to remain available until expended[: *Provided*, That $25,000,000 shall be transferred to the Secretary of Transportation for title XI loan guarantees: *Provided further*, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided further*, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: *Provided further*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That funds appropriated in this paragraph shall not be obligated or expended until authorized by law]: *Provided, That not to exceed $43,000,000 may be used for the purchase or construction of vessels for the Ready Reserve Force component of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744).*

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law; [$9,895,159,000] *$9,808,239,000*, of which [$9,577,770,000] *$9,499,350,000* shall be for Operation and maintenance, of which [$317,389,000] *$308,889,000*, to remain available for obligation until September 30, 1997, shall be for Procurement: *Provided*, That the Department shall continue to competitively contract during fiscal year 1995 for mail service pharmacy for at least two multi-state regions in addition to the ongoing solicitations for Florida, South Carolina, Georgia, Delaware, New Jersey, Pennsylvania, and Hawaii, as well as each base closure area not supported by an at-risk managed care plan; that such services shall be procured independent of any other Department managed care contracts; that one multi-state region shall include the State of Kentucky and that one multi-state region shall include the State of New Mexico[: *Provided further*, That of the funds appropriated in this paragraph, $8,500,000 shall not be obligated or expended until authorized by law]: *Provided further, That of the funds appropriated under this heading, $5,000,000 shall be made available only for nursing research: Provided further, That of the funds appropriated under this heading, $14,500,000 shall be made available for obtaining emergency communications services for members of the Armed Forces and their families from the American National Red Cross as authorized by law: Provided further, That until the end of September 30, 1995, the Secretary of the Air Force shall, through contract or otherwise, continue to provide primary health care in the base hospital at Plattsburgh Air Force Base, New York, to persons entitled to health care in facilities of the uniformed services.*

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, [$562,949,000] *$590,149,000*, of which [$345,784,000] *$363,584,000* shall be for Operation and maintenance, [$196,465,000] *$215,265,000* shall be for Procurement to remain available until September 30, 1997, and [$20,700,000] *$11,300,000* shall be for Research, development, test and evaluation to remain available until September 30, 1996.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation; [$713,053,000] *$700,100,000, of which $10,000,000 is hereby transferred to the "Military Construction, Navy" appropriation for construction of a Relocatable Over-the-Horizon Radar in Puerto Rico: Provided*, That the funds appropriated by this paragraph shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended; [$142,098,000] *$140,872,000*, of which [$141,098,000] *$139,872,000* shall be for Operation and maintenance, of which not to exceed $400,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on his certificate of necessity for confidential military purposes; and of which $1,000,000, to remain available until September 30, 1997, shall be for Procurement.

[DEFENSE CONVERSION AND REINVESTMENT

[(INCLUDING TRANSFER OF FUNDS)

[For necessary expenses for transition benefits for military and civilian employees of the Department of Defense, and for assistance to communities and industries affected by the military drawdown; for transfer to appropriations available to the Department of Defense for Operation and maintenance, and for Research, development, test and evaluation; $1,401,944,000: *Provided*, That the funds appropriated by this paragraph shall be available for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any transfer authority contained elsewhere in this Act: *Provided further*, That $50,000,000 shall be available to cover the costs (as defined in section 502(5) of

the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees issued pursuant to subsection (b)(3) of such section: *Provided further*, That of the funds appropriated in this paragraph, $30,744,000 shall not be obligated or expended until authorized by law.]

[KOREAN ENHANCED READINESS ACCOUNT

[(INCLUDING TRANSFER OF FUNDS)

[For necessary expenses to enhance the readiness of United States Forces to perform the mission assigned to United States Forces, Korea, $250,000,000: *Provided*, That such funds may be transferred by the Secretary to appropriations made available to the Department of Defense for Operation and maintenance, Procurement, and Research, development, test and evaluation: *Provided further*, That the funds appropriated by this paragraph shall be available for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any transfer authority contained elsewhere in this Act: *Provided further*, That of the funds appropriated by this paragraph, not less than $55,000,000 shall be transferred to "Other procurement, Army", and not less than $15,000,000 shall be transferred to "Research, development, test and evaluation, Defense-Wide": *Provided further*, That no funds made available under this paragraph shall be obligated until 15 days after submission of a report by the Secretary to the House and Senate Committees on Appropriations explaining and justifying the proposed uses of such funds: *Provided further*, That funds appropriated in this paragraph shall not be obligated or expended until authorized by law.]

TITLE VII

[NATIONAL FOREIGN INTELLIGENCE PROGRAM]

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System; $198,000,000.

NATIONAL SECURITY EDUCATION TRUST FUND

For the purposes of title VIII of Public Law 102-183, $8,500,000 to be derived from the National Security Education Trust Fund, to remain available until expended.

COMMUNITY MANAGEMENT ACCOUNT

For necessary expenses of the Community Management Account; [$83,084,000] *$105,084,000*: *Provided*, That of the funds appropriated in this paragraph, no more than $2,000,000 may be available for the purchase of information system upgrades at the Department of State Bureau of Intelligence and Research.

KAHO'OLAWE ISLAND CONVEYANCE, REMEDIATION, AND ENVIRONMENTAL RESTORATION TRUST FUND

For payment to the Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Trust Fund, as authorized by law, $50,000,000 to remain available until expended.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 per centum of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps, or the National Board for the Promotion of Rifle Practice, Army.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $2,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act.

(TRANSFER OF FUNDS)

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds and the "Foreign Currency Fluctuations, Defense" and "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8007. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided*, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided further*, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8008. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in session in advance to the Committees on Appropriations and Armed Services of the Senate and House of Representatives.

SEC. 8009. None of the funds contained in this Act available for the Civilian Health and Medical Program of the Uniformed Services shall be available for payments to physicians and other authorized individual health care providers in excess of the amounts allowed in fiscal year 1994 for similar services, except that: (a) for services for which the Secretary of Defense determines an increase is justified by economic circumstances, the allowable amounts may be increased in accordance with appropriate economic index data similar to that used pursuant to title XVIII of the Social Security Act; and (b) for services the Secretary determines are overpriced based on allowable payments under title XVIII of the Social Security Act, the allowable amounts shall be reduced by not more than 15 percent (except that the reduction may be waived if the Secretary determines that it would impair adequate access to health care services for beneficiaries). The Secretary shall solicit public comment prior to promulgating regulations to implement this section. Such regulations shall include a limitation, similar to that used under title XVIII of the Social Security Act, on the extent to which a provider may bill a beneficiary an actual charge in excess of the allowable amount.

SEC. 8010. None of the funds provided in this Act shall be available to initiate (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of $20,000,000, or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the Committees on Appropriations and Armed Services of the Senate and House of Representatives have been notified at least thirty days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*,

That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 10-day prior notification to the Committees on Appropriations and Armed Services of the House of Representatives and the Senate: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement.

SEC. 8011. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported to Congress on September 30 of each year: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99-239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

[SEC. 8012. Notwithstanding any other provision of law, governments of Indian tribes shall be treated as State and local governments for the purposes of disposition of real property recommended for closure in the report of the Defense Secretary's Commission on Base Realignments and Closures, December 1988, the report to the President from the Defense Base Closure and Realignment Commission, July 1991, and Public Law 100-526.]

SEC. 8012. Notwithstanding any other provision of law, a qualified Indian Tribal corporation or Alaska Native Corporation furnishing the product of a responsible small business concern shall not be denied the opportunity to compete for and be awarded a procurement contract pursuant to section 2323 of title 10, United States Code, solely because the Indian Tribal corporation or Alaska Native Corporation is not the actual manufacturer or processor of the product to be supplied under the contract.

[SEC. 8013. (a) The provisions of section 115(a)(4) of title 10, United States Code, shall not apply with respect to fiscal year 1995 or with respect to the appropriation of funds for that year.

[(b) During fiscal year 1995, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

[(c) The fiscal year 1996 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 1996 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 1996.]

SEC. 8013. Notwithstanding any other provision of law, none of the funds made available by this Act shall be used by the Department of Defense to exceed, outside the fifty United States, its territories, and the District of Columbia, 125,000 civilian workyears: Provided, That workyears shall be applied as defined in the Federal Personnel Manual: Provided further, That workyears expended in dependent student hiring programs for disadvantaged youths shall not be included in this workyear limitation.

SEC. 8014. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8015. None of the funds appropriated by this Act shall be obligated for the pay of any individual who is initially employed after the date of enactment of this Act as a technician in the administration and training of the Army Reserve and the maintenance and repair of supplies issued to the Army Reserve unless such individual is also a military member of the Army Reserve troop program unit that he or she is employed to support. Those technicians employed by the Army Reserve in areas other than Army Reserve troop program units need only be members of the Selected Reserve.

SEC. 8016. Notwithstanding any other provision of law, the Secretaries of the Army and Air Force may authorize the retention in an active status until age sixty of any person who would otherwise be removed from an active status and who is employed as a National Guard or Reserve technician in a position in which active status in a reserve component of the Army or Air Force is required as a condition of that employment.

SEC. 8017. Notwithstanding any other provision of law, during the current fiscal year [and hereafter], proceeds from the investment of the Fisher House Investment Trust Fund will be used to support the operation and maintenance of Fisher Houses associated with Army medical treatment facilities.

SEC. 8018. (a) None of the funds appropriated by this Act shall be used to make contributions to the Department of Defense Education Benefits Fund pursuant to section 2006(g) of title 10, United States Code, representing the normal cost for future benefits under section 1415(c) of title 38, United States Code, for any member of the armed services who, on or after the date of enactment of this Act—

(1) enlists in the armed services for a period of active duty of less than three years; or

(2) receives an enlistment bonus under section 308a or 308f of title 37, United States Code,

nor shall any amounts representing the normal cost of such future benefits be transferred from the Fund by the Secretary of the Treasury to the Secretary of Veterans Affairs pursuant to section 2006(d) of title 10, United States Code; nor shall the Secretary of Veterans Affairs pay such benefits to any such member: *Provided*, That, in the case of a member covered by clause (1), these limitations shall not apply to members in combat arms skills or to members who enlist in the armed services on or after July 1, 1989, under a program continued or established by the Secretary of Defense in fiscal year 1991 to test the cost-effective use of special recruiting incentives involving not more than nineteen noncombat arms skills approved in advance by the Secretary of Defense: *Provided further*, That this subsection applies only to active components of the Army.

(b) None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this subsection applies only to active components of the Army.

SEC. 8019. Funds appropriated in this Act shall be available for the payment of not more than 75 percent of the charges of a postsecondary educational institution for the tuition or expenses of an officer in the Ready Reserve of the Army National Guard or Army Reserve for education or training during his off-duty periods, except that no part of the charges may be paid unless the officer agrees to remain a member of the Ready Reserve for at least four years after completion of such training or education.

SEC. 8020. None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of enactment of this Act, is performed by more than ten Department of Defense civilian employees until a most efficient and cost-effective organization analysis is completed on such activity or function and certification of the analysis is made to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That this section shall not apply to a commercial or industrial type function of the Department of Defense that: (1) is included on the procurement list established pursuant to section 2 of the Act of June 25, 1938 (41 U.S.C. 47), popularly referred to as the Javits-Wagner-O'Day Act; (2) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or (3) is planned to be converted to performance by a qualified firm under 51 percent Native American ownership.

[SEC. 8021. None of the funds made available by this Act may be obligated for the acquisition of major automated information systems which have not successfully completed oversight reviews required by Department of Defense regulations: *Provided*, That the automated information systems oversight review board will be independent of any other Department review function and chaired by the Assistant Secretary of Defense for Command, Control, Communications and Intelligence: *Provided further*, That except for those programs to modernize and develop migration and standard automated information systems that have been certified by the Department's senior information resource management (IRM) official as being fully compliant with the Department's information management initiative as defined in Defense Department Directive 8000.1, no funds may be expended for modernization or development of any automated information system (AIS) by the military departments, services, defense agencies, Joint Staff or

Military Commands in excess of $2,000,000 unless the senior official of the Office of the Secretary of Defense with primary responsibility for the functions being supported or to be supported certifies to the Assistant Secretary of Defense for Command, Control, Communications and Intelligence that the functional requirement(s) is valid and that the system modernization or development has no unnecessary duplication of other available or planned AISs: *Provided further*, That all new Department of Defense procurements shall separately identify software costs in the work breakdown structure defined by MIL-STD-881 in those instances where software is considered to be a major category of cost.]

SEC. 8021. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2301 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8022. Notwithstanding any other provision of law, the Secretary of the Navy may use funds appropriated to charter ships to be used as auxiliary minesweepers providing that the owner agrees that these ships may be activated as Navy Reserve ships with Navy Reserve crews used in training exercises conducted in accordance with law and policies governing Naval Reserve forces: *Provided, That none of the funds appropriated or made available in this Act may be used to inactivate, disestablish, or discontinue the Navy's Craft of Opportunity Program.*

SEC. 8023. [Funds appropriated or made available in this Act shall be obligated and expended to continue to fully utilize the facilities at the United States Army Engineer's Waterways Experiment Station, including the continued availability of the supercomputer capability: *Provided*, That none] *None* of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the Armed Services and Appropriations Committees of Congress that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8024. For the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100-119) and by the Budget Enforcement Act of 1990 (Public Law 101-508), the term program, project, and activity for appropriations contained in this Act shall be defined as the most specific level of budget items identified in the Department of Defense Appropriations Act, 1995, the accompanying House and Senate Committee reports, the conference report and accompanying joint explanatory statement of the managers of the Committee of Conference, the related classified annexes and reports, and the P-1 and R-1 budget justification documents as subsequently modified by Congressional action: *Provided*, That the following exception to the above definition shall apply:

For the Military Personnel and the Operation and Maintenance accounts, the term "program, project, and activity" is defined as the appropriations accounts contained in the Department of Defense Appropriations Act: *Provided further*, That at the time the President submits his budget for fiscal year 1996, the Department of Defense shall transmit to the Committees on Appropriations and the Committees on Armed Services of the Senate and the House of Representatives a budget justification document to be known as the "O-1" which shall identify, at the budget activity, activity group, and subactivity group level, the amounts requested by the President to be appropriated to the Department of Defense for operation and maintenance in any budget request, or amended budget request, for fiscal year 1996.

[SEC. 8025. Of the funds appropriated to the Army, $223,736,000 shall be available only for the Reserve Component Automation System (RCAS): *Provided*, That none of these funds can be expended—

[(1) except as approved by the Chief of the National Guard Bureau;

[(2) unless RCAS resource management functions are performed by the National Guard Bureau;

[(3) to pay the salary of an RCAS program manager who has not been selected and approved by the Chief of the National Guard Bureau and chartered by the Chief of the National Guard Bureau and the Secretary of the Army;

[(4) unless the Program Manager (PM) charter makes the PM accountable to the Chief of the National Guard Bureau and fully defines his authority, responsibility, reporting channels and organizational structure;

[(5) to pay the salaries of individuals assigned to the RCAS program management office unless such organization is comprised of personnel chosen jointly by the Chiefs of the National Guard Bureau and the Army Reserve;

[(6) to pay contracted costs for the acquisition of RCAS unless RCAS is an integrated system consisting of software, hardware, and communications equipment and unless such contract continues to preclude the use of Government furnished equipment, operating systems, and executive applications software; and

[(7) unless RCAS performs its own classified information processing:

[*Provided further*, That notwithstanding any other provision of law, none of the funds appropriated shall be available for procurement of computers for the Army Reserve Component which are used to network or expand the capabilities of existing or future information systems or duplicate functions to be provided under the RCAS contract unless the procurement meets the following criteria: (A) at sites scheduled to receive RCAS equipment prior to September 30, 1995, RCAS ADP equipment may be procured and only in the numbers and types allocated by the RCAS program to each site; and at sites scheduled to receive RCAS equipment after September 30, 1995, RCAS ADP equipment or ADP equipment from a list of RCAS compatible equipment approved by the Chief of the National Guard Bureau or his designee, may be procured and only in the numbers and types allocated by the RCAS program to each site; (B) the requesting organizational element has insufficient ADP equipment to perform administrative functions but not to exceed the number of work stations determined by the RCAS program for that site; (C) replacement equipment will not exceed the minimum required to maintain the reliability of existing capabilities; (D) replacement will be justified on the basis of cost and feasibility of repairs and maintenance of present ADP equipment as compared to the cost of replacement; and (E) the procurement under this policy must be approved by the Chief of the National Guard Bureau or his designee, provided that the procurement is a one for one replacement action of existing equipment.]

SEC. 8025. Of the funds made available by this Act in title III, Procurement, $8,000,000, drawn pro rata from each appropriations account in title III, shall be available for incentive payments authorized by section 504 of the Indian Financing Act of 1974, 25 U.S.C. 1544. These payments shall be available only to contractors which have submitted subcontracting plans pursuant to 15 U.S.C. 637(d), and according to regulations which shall be promulgated by the Secretary of Defense within 90 days of the passage of this Act.

[SEC. 8026. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.]

SEC. 8026. During the current fiscal year, none of the funds available to the Department of Defense may be used to procure or acquire (1) defensive handguns or defensive handgun ammunition unless such handguns or handgun ammunition are the M9 9mm Department of Defense standard handgun or ammunition for such handguns, or (2) offensive handguns and ammunition except for the Special Operations Forces: Provided, That the foregoing shall not apply to handguns for marksmanship competitions.

(TRANSFER OF FUNDS)

SEC. 8027. Notwithstanding any other provision of law, the Department of Defense may transfer prior year, unobligated balances and funds appropriated in this Act to the operation and maintenance appropriations for the purpose of providing military technician and Department of Defense medical personnel pay and medical programs (including CHAMPUS) the same exemption from sequestration set forth in the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100-119) and by the Budget Enforcement Act of 1990 (Public Law 101-508) as that granted the other military personnel accounts: *Provided*, That any transfer made pursuant to any use of the authority provided by this provision shall be limited so that the amounts reprogrammed to the operation and maintenance appropriations do not

exceed the amounts sequestered under the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100-119) and by the Budget Enforcement Act of 1990 (Public Law 101-508): *Provided further*, That the authority to make transfers pursuant to this section is in addition to the authority to make transfers under other provisions of this Act: *Provided further*, That the Secretary of Defense may proceed with such transfer after notifying the Appropriations Committees of the House of Representatives and the Senate twenty calendar days in session before any such transfer of funds under this provision.

SEC. 8028. None of the funds available to the Department of the Navy may be used to enter into any contract for the overhaul, repair, or maintenance of any naval vessel homeported on the West Coast of the United States which includes charges for interport differential as an evaluation factor for award.

SEC. 8029. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: *Provided*, That this limitation does not apply in the case of inpatient mental health services provided under the program for the handicapped under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

[SEC. 8030. Operational control of the Naval Reserve Personnel Center, including its functions and responsibilities, shall be under the command and control of the Commander, Naval Reserve Command: *Provided*, That notwithstanding any other provision of law, the one-time costs, including the procurement or lease of new or reutilized automatic data processing investment equipment, peripheral equipment and related software, of the 1993 Report to the President of the Defense Base Closure and Realignment Commission or current DOD Data Center Consolidation shall not exceed $309,000,000.]

SEC. 8030. Notwithstanding any other provision of law, none of the funds appropriated in this Act may be used to purchase, install, replace, or otherwise repair any lock on a safe or security container which protects information critical to national security or any other classified materials and which has not been certified as passing the security lock specifications contained in regulation FF-L-2740 dated October 12, 1989, and has not passed all testing criteria and procedures established through February 28, 1992: Provided, That the Director of Central Intelligence may waive this provision, on a case-by-case basis only, upon certification that the above cited locks are not adequate for the protection of sensitive intelligence information.

SEC. 8031. Funds available in this Act may be used to provide transportation for the next-of-kin of individuals who have been prisoners of war or missing in action from the Vietnam era to an annual meeting in the United States, under such regulations as the Secretary of Defense may prescribe.

[SEC. 8032. None of the funds available to the Department of Defense shall be obligated or expended for (or to implement) automatic data processing, data processing center, central design activity, DMRD 918, defense information infrastructure, and military or civilian personnel function consolidation plans, consolidations, and disestablishment or realignment plans that impact, in terms of reductions in force or transfers in military and civilian personnel, end strength, billets, functions, or missions, the Enlisted Personnel Management Center, and the collocated Naval Computer and Telecommunications Station, the Naval Reserve Force Information Systems Office, and the Naval Reserve Personnel Center until sixty legislative days after the Secretary of Defense submits to the House and Senate Committees on Appropriations a report, including complete review comments and a validation by the Department of Defense Comptroller, justifying and validating that such plans and actions: (1) do not consolidate, plan to consolidate, disestablish or realign Department of Defense or Service data processing functions or centers, central design activities, or military and civilian personnel functions and activities, or claim savings from such function and activity consolidations and disestablishment, realignment, or consolidation plans, that are in more than one defense management report plan or decision or any other Department of Defense or Service consolidation, disestablishment or realignment plan; (2) utilize criteria primarily weighted to evaluate, measure and compare how data processing centers and activities, central design activities, and military and civilian personnel functions and activities are ranked in terms of operational readiness, customer satisfaction, and the most cost effective and least expensive from a business performance, and regional operations cost standpoint; (3) will provide equal or better service for DOD customers; (4) provide details as to the impacts on the quality of life and benefits of the individual service person, dependents, and civilian personnel; and (5) will not adversely impact the mission and readiness of the Navy and Naval Reserves: *Provided*, That funds made available to the Department of Defense shall be available to implement the 1993 Defense Base Closure and Realignment Commission approved recommendations concerning the Enlisted Personnel Management Center and the collocated Naval Computer and Telecommunications Station.]

SEC. 8032. Notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa: Provided, That notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.

SEC. 8033. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may, by Executive Agreement, establish with host nation governments in NATO member states a separate account into which such residual value amounts negotiated in the return of United States military installations in NATO member states may be deposited, in the currency of the host nation, in lieu of direct monetary transfers to the United States Treasury: *Provided*, That such credits may be utilized only for the construction of facilities to support United States military forces in that host nation, or such real property maintenance and base operating costs that are currently executed through monetary transfers to such host nations: *Provided further*, That the Department of Defense's budget submission for fiscal year 1996 shall identify such sums anticipated in residual value settlements, and identify such construction, real property maintenance or base operating costs that shall be funded by the host nation through such credits: *Provided further*, That all military construction projects to be executed from such accounts must be previously approved in a prior Act of Congress: *Provided further*, That each such Executive Agreement with a NATO member host nation shall be reported to the Committees on Appropriations and Armed Services of the House of Representatives and the Senate thirty days prior to the conclusion and endorsement of any such agreement established under this provision.

SEC. 8034. None of the funds available to the Department of Defense in this Act shall be used to demilitarize or dispose of more than 310,784 unserviceable M1 Garand rifles and M1 Carbines.

SEC. 8035. Notwithstanding any other provision of law, none of the funds appropriated by this Act shall be available to pay more than 50 percent of an amount paid to any person under section 308 of title 37, United States Code, in a lump sum.

SEC. 8036. None of the funds appropriated by this Act may be used by the Department of Defense to assign a supervisor's title or grade when the number of people he or she supervises is considered as a basis for this determination: *Provided*, That savings that result from this provision are represented as such in future budget proposals.

SEC. 8037. Of the funds appropriated by this Act, no more than $18,500,000 shall be available for the mental health care demonstration project at Fort Bragg, North Carolina: *Provided*, That adjustments may be made for normal and reasonable price and program growth.

SEC. 8038. None of the funds appropriated by this Act shall be available for payments under the Department of Defense contract with the Louisiana State University Medical Center involving the use of cats for Brain Missile Wound Research, and the Department of Defense shall not make payments under such contract from funds obligated prior to the date of the enactment of this Act, except as necessary for costs incurred by the contractor prior to the enactment of this Act: *Provided*, That funds necessary for the care of animals covered by this contract are allowed.

SEC. 8039. None of the funds provided in this Act or any other Act shall be available to conduct bone trauma research at any Army Research Laboratory until the Secretary of the Army certifies that the synthetic compound to be used in the experiments is of such a type that its use will result in a significant medical finding, the research has military application, the research will be conducted in accordance with the standards set by an animal care and use committee, and the research does not duplicate research already conducted by a manufacturer or any other research organization.

SEC. 8040. The Secretary of Defense shall include in any base closure and realignment plan submitted to Congress after the date of

enactment of this Act, a complete review for the five-year period beginning on October 1, 1994, which shall include expected force structure and levels for such period, expected installation requirements for such period, a budget plan for such period, the cost savings expected to be realized through realignments and closures of military installations during such period, an economics model to identify the critical local economic sectors affected by proposed closures and realignments of military installations and an assessment of the economic impact in each area in which a military installation is to be realigned or closed.

[SEC. 8041. No more than $50,000 of the funds appropriated or made available in this Act shall be used for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and Senate that such a relocation is required in the best interest of the Government: *Provided further*, That no funds appropriated or made available in this Act shall be used for the relocation into the National Capital Region of the Air Force Office of Medical Support located at Brooks Air Force Base.]

SEC. 8041. Notwithstanding any other provision of law, each contract awarded by the Department of Defense in fiscal year 1995 for construction or service performed in whole or in part in a State which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: Provided, That the Secretary of Defense may waive the requirements of this section in the interest of national security.

SEC. 8042. During the current fiscal year, funds appropriated or otherwise available for any Federal agency, the Congress, the judicial branch, or the District of Columbia may be used for the pay, allowances, and benefits of an employee as defined by section 2105 of title 5 or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, who—

(1) is a member of a Reserve component of the armed forces, as described in section 261 of title 10, or the National Guard, as described in section 101 of title 32;

(2) performs, for the purpose of providing military aid to enforce the law or providing assistance to civil authorities in the protection or saving of life or property or prevention of injury—

(A) Federal service under section 331, 332, 333, 3500, or 8500 of title 10, or other provision of law, as applicable, or

(B) full-time military service for his State, the District of Golumbia, the Commonwealth of Puerto Rico, or a territory of the United States; and

(3) requests and is granted—

(A) leave under the authority of this section; or

(B) annual leave, which may be granted without regard to the provisions of sections 5519 and 6323(b) of title 5, if such employee is otherwise entitled to such annual leave:

Provided, That any employee who requests leave under subsection (3)(A) for service described in subsection (2) of this section is entitled to such leave, subject to the provisions of this section and of the last sentence of section 6323(b) of title 5, and such leave shall be considered leave under section 6323(b) of title 5.

SEC. 8043. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A-76 if the study being performed exceeds a period of twenty-four months after initiation of such study with respect to a single function activity or forty-eight months after initiation of such study for a multi-function activity.

SEC. 8044. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8045. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8046. Of the funds made available in this Act, not less than [$24,565,000] *$19,917,000* shall be available for the Civil Air Patrol, of which [$13,105,000] *$10,410,000* shall be available for Operation and Maintenance.

SEC. 8047. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC-130 Weather Reconnaissance mission below the levels funded in this Act.

SEC. 8048. (a) Of the funds for the procurement of supplies or services appropriated by this Act, qualified nonprofit agencies for the blind or other severely handicapped shall be afforded the maximum practicable opportunity to participate as subcontractors and suppliers in the performance of contracts let by the Department of Defense.

(b) During the current fiscal year, a business concern which has negotiated with a military service or defense agency a subcontracting plan for the participation by small business concerns pursuant to section 8(d) of the Small Business Act (15 U.S.C. 637(d)) shall be given credit toward meeting that subcontracting goal for any purchases made from qualified nonprofit agencies for the blind or other severely handicapped.

(c) For the purpose of this section, the phrase "qualified nonprofit agency for the blind or other severely handicapped" means a nonprofit agency for the blind or other severely handicapped that has been approved by the Committee for the Purchase from the Blind and Other Severely Handicapped under the Javits-Wagner-O'Day Act (41 U.S.C. 46-48).

SEC. 8049. During the current fiscal year, net receipts pursuant to collections from third party payers pursuant to section 1095 of title 10, United States Code, shall be made available to the local facility of the uniformed services responsible for the collections and shall be over and above the facility's direct budget amount.

[SEC. 8050. Notwithstanding any other provision of law or regulation, ships designated T-AGS 63, T-AGS 64 and T-AGS 65 must utilize remanufactured milspec SASS multibeam sonars. *Provided;* That the Secretary of the Navy may waive this restriction by certifying in writing to the Committee on Appropriations that an alternative acquisition must be made in order to acquire capability for national security purposes.]

SEC. 8050. None of the funds available to the Department of Defense during fiscal year 1995 may be obligated for low rate initial production of the ALR-67(V)3 Advanced Special Receiver (ASR) until 30 days after the congressional defense committees have received the following:

(1) A certification by the Director, Operational Test and Evaluation, Defense, that, based on the results of the joint Developmental Test/Operational Test flight tests and of the Operational Assessment intended to address the readiness of the ASR for low rate initial production, ASR is potentially operationally effective and potentially operationally suitable and ready to enter low rate initial production;

(2) A comprehensive report by the Commander, Navy Operational Test and Evaluation Force as to the test objectives and results of the joint Developmental Test/Operational Test flight tests and of the Operational Assessment intended to address the readiness of the ASR for low rate initial production;

(3) A comprehensive report by the Assistant Secretary of the Navy (Research, Development and Acquisition) as to the test objectives and results of the Developmental Flight Tests and Technical Evaluation, along with her certification that, based on these results, the ASR is ready to enter low rate initial production.

SEC. 8051. Section 8060 of the Department of Defense Appropriations Act, 1994 (Public Law 103-139) is hereby repealed, which contained authority for acquisition of LANDSAT 7.

SEC. 8052. Notwithstanding any other provision of law, of the funds appropriated for the Defense Health Program during this fiscal year [and hereafter], the amount payable for services provided under this section shall not be less than the amount calculated under the coordination of benefits reimbursement formula utilized when CHAMPUS is a secondary payor to medical insurance programs other than Medicare, and such appropriations as necessary shall be available (notwithstanding the last sentence of section 1086(c) of title 10, United States Code) to continue Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) benefits, until age 65, under such section for a former member of a uniformed service who is entitled to retired or retainer pay or equivalent pay, or a dependent of such a member, or any other beneficiary described by section 1086(c) of title 10, United States Code, who becomes eligible for hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) solely on the grounds of physical disability, or end stage renal disease: *Provided*, That expenses under this section shall only be covered to the extent that such expenses are not covered under parts A and B of title XVIII of the Social Security Act and are otherwise covered under CHAMPUS: *Provided further*, That no reimbursement shall be made for services provided prior to October 1, 1991.

SEC. 8053. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $250,000,000 for purposes specified in section 2350j(c) of title 10, United States Code in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That, upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriation or fund which incurred such obligations.

[SEC. 8054. (a) Funds appropriated in this Act to finance activities of Department (DOD) Federally Funded Research and Development Centers (FFRDCs) may not be obligated or expended for a FFRDC if a member of its Board of Directors or Trustees simultaneously serves on the Board of Directors or Trustees of a profit-making company under

contract to the Department of Defense unless the FFRDC has a DOD approved conflict of interest policy for its members.

[(b) None of the funds appropriated in this Act are available to establish a new FFRDC, either as a new entity, or as a separate entity administered by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.

[(c) Notwithstanding any other provision of law, of the amounts available to the Department of Defense during fiscal year 1995, not more than $1,252,650,000 may be obligated for financing activities of FFRDCs.

[(d) The Secretary of Defense may not obligate more than one-half of the funds available to FFRDCs until the Congressional defense committees receive the report on establishing pay caps for FFRDC employees that was directed in the Committee's report accompanying the fiscal year 1994 Department of Defense Appropriations Act.]

SEC. 8054. (a) Funds appropriated in this Act to finance activities of Department of Defense (DOD) Federally Funded Research and Development Centers (FFRDCs) may not be obligated or expended for a FFRDC if a member of its Board of Directors or Trustees simultaneously serves on the Board of Directors or Trustees of a profit-making company under contract to the Department of Defense unless the FFRDC has a DOD approved conflict of interest policy for its members.

(b) None of the funds appropriated in this Act are available to establish a new FFRDC, either as a new entity, or as a separate entity administered by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.

(c) The Secretary of Defense may not obligate more than one-half of the funds available for each defense FFRDC, and more than one-half of the total amount available for defense FFRDCs, until the Congressional defense committees receive a copy of the revised and updated DOD master plan for FFRDCs: Provided, That the master plan submitted in compliance with this subsection shall contain annual funding and manpower ceilings for each defense FFRDC and each subcomponent of a defense FFRDC identified as separate sub-entity due to the significantly unique nature of its functions.

(d) LIMITATION ON COMPENSATION.—No employee or executive officer of a defense FFRDC may be compensated at a rate exceeding Executive Schedule Level I by that FFRDC: Provided, That the restriction contained in this subsection shall not take effect until July 1, 1995.

(e) LIMITATION ON COMPENSATION.—No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC may be compensated for his or her services as a member of such entity except under the same conditions, and to the same extent, as members of the Defense Science Board: Provided, That a member of any such entity shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties: Provided further, That the restriction contained in this subsection shall not take effect until July 1, 1995.

(f) ELIMINATION OF FEE.—None of the funds available to the Department of Defense from any source during fiscal year 1995 may be obligated to pay any fee to a defense FFRDC.

(g) None of the funds available to the Department of Defense from any source during fiscal year 1995 may be used by a defense FFRDC for any purpose which otherwise is not reimbursable under federal or Department of Defense acquisition regulations: Provided, That the restriction contained in this subsection shall also apply to cost sharing for projects funded by government grants, absorption of contract overruns, and costs necessary to pay the costs of doing business in advance of reimbursement.

(h) Notwithstanding any other provision of law, of the amounts available to the Department of Defense during fiscal year 1995, not more than $1,300,000,000 may be obligated for financing activities of FFRDCs: Provided, That the total amount appropriated in title IV of this Act is hereby reduced by $52,650,000 to reflect the funding ceiling contained in this subsection.

(i) The total amount appropriated to or for the use of the Department of Defense in title IV of this Act is reduced by an additional $62,634,000 to reflect savings from the decreased use of non-FFRDC consulting services by the Department of Defense.

(j) The total amount appropriated to or for the use of the Department of Defense in title IV of this Act is reduced by an additional $19,055,000 to reflect savings from the decreased use of major non-profit federally-funded research institutions and university-affiliated research centers by the Department of Defense.

[SEC. 8055. None of the funds appropriated or made available in this Act shall be used to procure carbon, alley or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of enactment of this Act.]

SEC. 8055. None of the unobligated balances available in the National Defense Stockpile Transaction Fund during the current fiscal year may be obligated or expended to finance any grant or contract to conduct research, development, test and evaluation activities for the development or production of advanced materials, unless amounts for such purposes are specifically appropriated in a subsequent appropriations Act.

SEC. 8056. For the purposes of this Act, the term "congressional defense committees" means the Committees on Armed Services, the Committees on Appropriations, and the subcommittees on Defense of the Committee on Appropriations, of the Senate and the House of Representatives.

SEC. 8057. Notwithstanding any other provision of law, during the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or defense agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A-76 shall not apply to competitions conducted under this section.

[SEC. 8058. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

[(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

[(b) The Secretary of Defense shall submit to Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 1995. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

[(c) For purposes of this section, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).]

SEC. 8058. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: Provided, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: Provided further, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: Provided further, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8059. (a) Of the funds made available in this Act in title II, Operation and Maintenance, Army, $2,000,000 shall be available only to execute the cleanup of uncontrolled hazardous waste contamination affecting the Sale Parcel at Hamilton Air Force Base, in Novato, in the State of California.

(b) Notwithstanding any other provision of law, in the event that the purchaser of the Sale Parcel exercises its option to withdraw from all or a portion of the sale, as provided in the Agreement and Modification, dated September 25, 1990, between the Department

of Defense, the General Services Administration, and the purchaser, as amended, the purchaser's deposit of $4,500,000 shall be returned by the General Services Administration and funds eligible for reimbursement under the Agreement and Modification, as amended, shall come from the funds made available to the Department of Defense by this Act.

(c) In the event that the purchaser purchases only a portion of the Sale Parcel and exercises its option to withdraw from the sale as to the rest of the Sale Parcel, the portion of the Sale Parcel that is not purchased (other than Landfill 26 and an appropriate buffer area around it and the groundwater treatment facility site), together with any of the land referred to in section 9099(e) of Public Law 102-396 that is not purchased by the purchaser, shall be sold to the City of Novato, in the State of California, for the sum of One Dollar as a public benefit transfer for school, classroom or other educational use, for use as a public park or recreation area or for further conveyance as provided herein, subject to the following restrictions: (1) if the City sells any portion of such land to any third party within ten years after the transfer to the City, which sale may be made without the foregoing use restrictions, any proceeds received by the City in connection with such sale, minus the demonstrated reasonable costs of conducting the sale and of any improvements made by the City to the land following its acquisition of the land (but only to the extent such improvements increase the value of the portion sold), shall be immediately turned over to the Army in reimbursement of the withdrawal payment made by the Army to the contract purchaser and the costs of cleaning up the Landfill and (2) until one year following completion of the cleanup of contaminated soil in the Landfill and completion of the groundwater treatment facilities, the sale must be at a per-acre price for the portion sold that is at least equal to the per-acre contract price paid by the purchaser for the portion of the Sale Parcel purchased under the Agreement and Modification, as amended, and thereafter must be at a price at least equal to the fair market value of the portion sold. The foregoing restrictions shall not apply to a transfer to another public or quasi-public agency for public uses of the kind described above. The deed to the City shall contain a clause providing that, if any of the proceeds referred to in clause (1) are not delivered to the Army within 30 days after sale, or any portion of the land not sold as provided herein is used for other than educational, park or recreational uses, title to the applicable portion of such land shall revert to the United States Government at the election of the General Services Administration. The Army shall agree to deliver into the applicable closing escrow an acknowledgement of receipt of any proceeds described in clause (1) above and a release of the reverter right as to the affected land, effective upon such receipt.

(d) Notwithstanding any other provision of law, the Air Force shall be reimbursed for expenditures in excess of $15,000,000 in connection with the total clean-up of uncontrolled hazardous waste contamination on the aforementioned Sale Parcel from the proceeds collected upon the closing of any portion of the Sale Parcel purchased by the contract purchaser under the Agreement and Modification, as amended.

(e) Notwithstanding any other provision of law, the purchaser's reimbursement claims shall be audited by the Defense Contract Audit Agency for reasonableness and accuracy before the Department of Defense provides any funds under the purchaser's withdrawal and reimbursement rights.

SEC. 8060. Notwithstanding any other provision of law, the Secretary of Defense may, when he considers it in the best interest of the United States, cancel any part of an indebtedness, up to $2,500, that is or was owed to the United States by a member or former member of a uniformed service if such indebtedness, as determined by the Secretary, was incurred in connection with Operation Desert Shield/Storm: *Provided*, That the amount of an indebtedness previously paid by a member or former member and cancelled under this section shall be refunded to the member.

SEC. 8061. Appropriations contained in this Act that remain available at the end of the current fiscal year as a result of energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent, and for the purposes, provided in section 2865 of title 10, United States Code.

SEC. 8062. During the current fiscal year [and thereafter], voluntary separation incentives payable under 10 U.S.C. 1175 may be paid in such amounts as are necessary from the assets of the Voluntary Separation Incentive Fund established by section 1175(h)(1).

(INCLUDING TRANSFER OF FUNDS)

SEC. 8063. Amounts deposited during fiscal years 1994 and 1995 to the special account established under 40 U.S.C. 485(h)(2) and to the special account established under 10 U.S.C. 2667(d)(1) are appropriated and shall be available until transferred by the Secretary of Defense to current applicable appropriations or funds of the Department of Defense under the terms and conditions specified by 40 U.S.C. 485(h)(2) (A) and (B) and 10 U.S.C. 2667(d)(1)(B), to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred.

[SEC. 8064. In order to maintain an electric furnace capacity in the United States, preference for the purchase of chromite ore and manganese ore authorized for disposal from the National Defense Stockpile shall be given to domestic producers of high carbon ferrochromium and high carbon ferromanganese—

[(A) whose primary output during the three preceding years has been ferrochromium or ferromanganese; and

[(B) who guarantee to use the chromite and manganese ore for domestic purposes.]

SEC. 8064. Notwithstanding any other provision of law, any statutorily-required analysis of the impact on the defense technology and industrial base of terminations and significant reductions of major research and development programs and procurement programs of the Department of Defense shall address only those actions recommended by the Defense Department in its annual budget request and amendments thereto, supplemental requests, or proposed rescissions.

SEC. 8065. None of the funds in this or any other Act shall be available for the preparation of studies on—

(a) the feasibility of removal and transportation of unitary chemical weapons from the eight chemical storage sites within the continental United States: *Provided*, That this prohibition shall not apply to non-stockpile material in the United States or to studies needed for environmental analysis required by the National Environmental Policy Act, or for General Accounting Office studies requested by a Member of Congress or a Congressional Committee; and

(b) the potential future uses of the nine chemical disposal facilities other than for the destruction of stockpile chemical munitions and as limited by section 1412(c)(2), Public Law 99-145: *Provided*, That this prohibition does not apply to future use studies for the CAMDS facility at Tooele, Utah.

SEC. 8066. During the current fiscal year, appropriations available to the Department of Defense may be used to reimburse a member of a reserve component of the Armed Forces who is not otherwise entitled to travel and transportation allowances and who occupies transient government housing while performing active duty for training or inactive duty training: *Provided*, That such members may be provided lodging in kind if transient government quarters are unavailable as if the member was entitled to such allowances under subsection (a) of section 404 of title 37, United States Code: *Provided further*, That if lodging in kind is provided, any authorized service charge or cost of such lodging may be paid directly from funds appropriated for operation and maintenance of the reserve component of the member concerned.

SEC. 8067. For fiscal year 1995, the total amount appropriated to fund the Uniformed Services Treatment Facilities program, operated pursuant to section 911 of Public Law 97-99 (42 U.S.C. 248c), is limited to [$329,000,000] *$296,000,000*, of which not more than [$300,000,000] *$270,000,000* may be provided by the funds appropriated by this Act.

SEC. 8068. None of the funds available in this Act may be used to support in any manner, including travel or other related expenses, the "Tailhook Association": *Provided*, That investigations by the Secretary of the Navy or consultation with the Tailhook Association are not prohibited by this provision.

SEC. 8069. The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Department of Defense, the military departments, and the Defense Agencies.

SEC. 8070. None of the funds available to the Department of Defense may be obligated or expended for construction of Ground Wave Emergency Network (GWEN) sites in Fiscal Year 1995.

SEC. 8071. Notwithstanding any other provision of law, the Naval shipyards of the United States shall be eligible to participate in any manufacturing extension program financed by funds appropriated in this or any other Act.

SEC. 8072. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101-510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8073. During the current fiscal year [and thereafter], annual payments granted under the provisions of section 4416 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-428; 106 Stat. 2714) shall be made from appropriations in this Act which are available for the pay of reserve component personnel.

[SEC. 8074. None of the funds appropriated by this Act may be used to relocate the 116th Fighter Wing of the Air National Guard from Dobbins Air Reserve Base to Robins Air

Force Base, or to convert that wing from F-15A aircraft to B-1B aircraft.]

SEC. 8074. Of the funds appropriated or otherwise made available by this Act, not more than $119,200,000 shall be available for payment of the operating costs of NATO Headquarters.

[SEC. 8075. None of the funds appropriated by this Act shall be used to procure aircraft fuel cells unless the fuel cells are produced or manufactured in the United States by a domestic-operated entity: *Provided*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.]

SEC. 8075. None of the funds available to the Department of the Air Force shall be available to establish or support any organic depot maintenance support activity for the B-2 bomber until the Under Secretary of Defense, Acquisition and Technology reviews the existing infrastructure for the private sector and Air Force Depot support and maintenance of the B-2 and reports to the Congressional Defense Committees the most efficient and cost effective utilization of public and private facilities to support the B-2.

SEC. 8076. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $50,000.

SEC. 8077. During the current fiscal year [and thereafter], appropriations available for the pay and allowances of active duty members of the Armed Forces shall be available to pay the retired pay which is payable pursuant to section 4403 of Public Law 102-484 (10 U.S.C. 1293 note) under the terms and conditions provided in section 4403.

SEC. 8078. (a) During the current fiscal year, none of the appropriations or funds available to the Defense Business Operations Fund shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Defense Business Operations Fund if such an item would not have been chargeable to the Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 1996 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 1996 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 1996 procurement appropriation and not in the supply management business area or any other area or category of the Defense Business Operations Fund.

SEC. 8079. None of the funds provided in this Act shall be available for use by a Military Department to modify an aircraft, weapon, ship or other item of equipment, that the Military Department concerned plans to retire or otherwise dispose of within five years after completion of the modification: *Provided*, That this prohibition shall not apply to safety modifications: *Provided further*, That this prohibition may be waived by the Secretary of a Military Department if the Secretary determines it is in the best national security interest of the [country] *United States* to provide such waiver and so notifies the congressional defense committees in writing.

SEC. 8080. No part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress.

[SEC. 8081. None of the funds appropriated by this Act shall be available for payment of the compensation of personnel assigned to or serving in the National Foreign Intelligence Program in excess of 94 percent of such personnel actually assigned to or serving in the National Foreign Intelligence Program on September 30, 1992: *Provided*, That in making any reduction in the number of such personnel that may be required pursuant to this section, the percentage of reductions to Senior Intelligence Service positions shall be equal to or exceed the percentage of reductions to non-Senior Intelligence Service positions: *Provided further*, That in making any reduction in the number of such personnel that may be required pursuant to this section, the percentage of reductions to positions in the National Capital Region shall be equal to or exceed the percentage of reductions to positions outside of the National Capital Region.]

SEC. 8081. In addition to amounts appropriated or otherwise made available by this Act, $97,000,000 is hereby appropriated and shall be available for liquidating deficiencies in the amounts specified in the appropriations "National Guard Personnel, Army, 1992", $10,000,000; "National Guard Personnel, Army, 1993", $75,000,000; and "Reserve Personnel, Army, 1993", $12,000,000.

SEC. 8082. None of the funds provided by this Act may be used to pay the salaries of any person or persons who authorize the transfer of obligated and deobligated appropriations into the Reserve for Contingencies of the Central Intelligence Agency.

SEC. 8083. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 1996.

SEC. 8084. The classified Annex prepared by the Committee on Appropriations to accompany the report on the Department of Defense Appropriations Act, 1995 is hereby incorporated into this Act: *Provided*, That the amounts specified in the classified Annex are not in addition to amounts appropriated by other provisions of this Act: *Provided further*, That the President shall provide for appropriate distribution of the classified Annex, or of appropriate portions of the classified Annex, within the executive branch of the Government.

SEC. 8085. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

[SEC. 8086. None of the funds appropriated by this Act shall be available for the planning, programming or actual movement of any component or function of the Defense Mapping Agency Aerospace Center annex from the St. Louis, Missouri area.]

SEC. 8086. None of the funds appropriated by this Act may be used to pay health care providers under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) for services determined under the CHAMPUS Peer Review Organization (PRO) Program to be not medically or psychologically necessary. The Secretary of Defense may by regulation adopt any quality and utilization review requirements and procedures in effect for the Peer Review Organization Program under title XVIII of the Social Security Act (Medicare) that the Secretary determines necessary, and may adapt the Medicare requirements and procedures to the circumstances of the CHAMPUS PRO Program as the Secretary determines appropriate.

SEC. 8087. Notwithstanding any other provision of law, reimbursements received from the North Atlantic Treaty Organization for the E-3 Airborne Warning and Control System (AWACS) Radar System Improvement Program (RSIP) attributable to development work for fiscal years 1987 through 1992 shall be available to the Air Force until September 30, 1995, for meeting that service's financial commitments for the AWACS RSIP.

SEC. 8088. (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions to the Johnston Atoll for the purpose of storing or demilitarizing such munitions.

(b) The prohibition in subsection (a) shall not apply to any obsolete World War II chemical munition of the United States found in the World War II Pacific Theater of Operations.

(c) The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

SEC. 8089. Notwithstanding any other provision of law, funds made available in this Act and in the fiscal year 1994 Department of Defense Appropriations Act (Public Law 103-139) under the heading "Procurement, Defense-Wide" shall be available to pay equitable adjustments to which the contractor is legally entitled for Coastal Patrol Craft that were procured in prior fiscal years.

[SEC. 8090. Notwithstanding any other provision of law, funds appropriated in this Act for the High Performance Computing Modernization Plan shall be made available only for the upgrade, purchase, or modernization of supercomputing capability and capacity at all DOD high performance computing sites: *Provided*, That contracts, contract modifications, or contract options are awarded as the result of full and open competition based upon the requirements of the users.]

SEC. 8090. Notwithstanding any other provision of law, funds appropriated in this Act for the upgrade, purchase, or modernization of supercomputing capability and capacity under the High Performance Computing Modernization program shall only be available for contracts, contract modifications, or contract options which are awarded as the result of open competition based upon the requirements of the users without regard to the architecture or design of the supercomputer system.

SEC. 8091. Amounts collected for the use of the facilities of the National Science Center for Communications and Electronics during the current fiscal year pursuant to section 1459(g) of the Department of Defense Authorization Act, 1986 and deposited to the special

account established under subsection 1459(g)(2) of that Act are appropriated and shall be available until expended for the operation and maintenance of the Center as provided for in subsection 1459(g)(2).

SEC. 8092. The Secretary of Defense and the Director of Central Intelligence shall deliver, no later than January 1, 1995, a report providing the following information about all research and development projects involving the implementation, monitoring, or verification of current and projected international arms control agreements: (a) annual and total budgets, goals, schedules, and priorities; (b) relationships among related projects being funded by the Department of Defense, the National Foreign Intelligence Program, and other departments and agencies of the Federal Government; and (c) comments by the Arms Control and Disarmament Agency about the relevance of each project to the arms control priorities of the United States.

[SEC. 8093. Notwithstanding any other provision of law, none of the funds appropriated in this or any other Act shall be used for the purchase of a totally enclosed lifeboat survival system, which consists of the lifeboat and associated davits and winches, if less than 75 percent of the entire system's components are manufactured in the United States, and if less than 75 percent of the labor in the manufacture and assembly of the entire system is performed in the United States.]

SEC. 8093. None of the funds appropriated in this Act may be used to fill the commander's position at any military medical facility with a health care professional unless the prospective candidate can demonstrate professional administrative skills.

[SEC. 8094. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

[(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.]

SEC. 8094. Of the funds appropriated to the Department of Defense (DOD) for Operation and Maintenance, Defense-Wide, not less than $8,000,000 shall be made available until expended to the Administration for Native Americans within 90 days of enactment of this Act: Provided, That such funds shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation, on Indian lands resulting from Department of Defense activities: Provided further, That the Department of Defense shall provide to the Committees on Appropriations of the Senate and House of Representatives by September 30, 1995, a summary report of all environmental damage that has occurred on Indian land as a result of DOD activities, to include, to the extent feasible, a list of all documents and records known to the Department that describe the activity or action causing or relating to such environmental damage.

SEC. 8095. None of the funds available to the Department of Defense in this Act shall be used by the Secretary of a military department to purchase coal or coke from foreign nations for use at United States defense facilities in Europe when coal from the United States is available.

SEC. 8096. None of the funds appropriated or otherwise made available by this Act may be used for a defense technology reinvestment project that is not selected pursuant to the applicable competitive selection and other procedures set forth in chapter 148 of title 10, United States Code: *Provided, That notwithstanding any other provision of law, funds appropriated for defense reinvestment programs under the heading "Research, Development, Test and Evaluation, Defense-Wide" shall not be obligated for any individual project until an Assistant Secretary for Research, Development, and Acquisition of the Military Department which has a direct interest in the project certifies to the Under Secretary of Defense, Acquisition and Technology that the project proposed to receive funds addresses a bona fide need of that Military Department: Provided further, That notwithstanding any other provision of law, of the funds appropriated for defense reinvestment programs under the heading "Research, Development, Test and Evaluation, Defense-Wide", $150,000,000 may only be obligated for projects selected as a result of a focused competition held in subject areas selected exclusively by the Assistant Secretaries for Research, Development, and Acquisition of the separate Military Departments: Provided further, That in addition to the restriction contained in the preceding provisos, the focused competitions shall be conducted in accordance with other unaffected statutory provisions of the Defense Conversion, Reinvestment, and Transition Assistance Amendments of 1993.*

[SEC. 8097. None of the funds appropriated in this Act are available for development of bi-static active capability in SURTASS unless the acoustic signal processing for this capability is hosted exclusively on the AN/UYS-2 in the operational system.]

SEC. 8097. (a) Not later than April 1, 1995, the Secretary of Defense shall submit to the Congressional defense committees a management plan for the major university-affiliated research centers which support the Department of Defense.

(b) The master plan required by the preceding subsection shall—

(1) establish annual funding and manpower ceilings for each institution, and a total annual funding and manpower ceiling;

(2) describe in detail what specific actions are being taken to increase management of these institutions by the Office of the Secretary of Defense, and to reduce future annual funding; and

(3) explain the contracting arrangement with each institution, including an evaluation of whether contracts for future efforts should be competitively awarded.

(c) For the purposes of this section, the term "major" shall apply to institutions which receive more than $2,000,000 annually from the Department of Defense.

SEC. 8098. None of the funds appropriated by this Act shall be available for a contract for studies, analyses, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work, or

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source, or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support:

Provided, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

[SEC. 8099. Notwithstanding any other provision of law, the Secretary of the Navy shall obligate funds made available in the fiscal year 1993 Department of Defense Appropriations Act (Public Law 102-396) and the fiscal year 1994 Department of Defense Appropriations Act (Public Law 103-139) under the heading "Aircraft Procurement, Navy" for the USH-42 mission recorder for S-3 aircraft.]

(TRANSFER OF FUNDS)

SEC. 8099. Upon enactment of this Act, the Secretary of Defense shall make the following transfers of funds: Provided, That the amounts transferred shall be available for the same purposes as the appropriations to which transferred, and for the same time period as the appropriation from which transferred: Provided further, That the amounts shall be transferred between the following appropriations in the amounts specified:

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1986/1990":

CG-47 cruiser program, $6,000,000;

LSD-41 landing ship dock program, $1,700,000;

T-AGOS ocean surveillance ship program, $5,000,000;

For craft, outfitting, post delivery, and cost growth, $2,438,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1986/90":

SSN-688 attack submarine program, $11,719,000;

MSH coastal mine hunter program, $3,419,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1987/1991":

TRIDENT ballistic missile submarine program, $650,000;

DDG-51 destroyer program, $633,000;

CG-47 cruiser program, $283,000;

T-AO fleet oiler program, $2,800,000;

AO conversion program, $400,000;

For craft, outfitting, and post delivery, $5,900,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1988/1992":

CG-47 cruiser program, $5,145,000;

Weapons Procurement, Navy, 1993/1995, $18,069,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1987/1991":

SSN-688 attack submarine program, $18,496,000;

AOE fast combat support ship program, $15,384,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1988/1992":

CG-47 cruiser program, $11,993,000;

LSD-41 cargo variant ship program, $4,773,000;

LHD–1 amphibious assault ship program, $7,028,000;

AO conversion program, $1,900,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1988/1992":

TRIDENT ballistic missile submarine program, $6,035,000;

SSN–688 attack submarine program, $19,659,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1989/1993":

LHD–1 amphibious assault ship program, $3,400,000;

T–AO fleet oiler program, $3,488,000;

T–AGOS surveillance ship program, $3,197,000;

AO conversion program, $1,300,000;

Weapons Procurement, Navy, 1993/1995, $178,000;

Other Procurement, Navy, 1993/1995, $22,400,000;

Research, Development, Test and Evaluation, Navy, 1994/1995, $41,700,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1989/1993":

SSN–688 attack submarine program, $18,939,000;

SSN–21 attack submarine program, $37,123,000;

MHC coastal mine hunter program, $1,700,000;

AOE combat support ship program, $17,901,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1990/1994":

TRIDENT ballistic submarine program, $2,400,000;

Aircraft carrier service life extension program, $346,000;

MCM mine countermeasures program, $657,000;

Oceanographic ship program, $3,964,000;

LCAC landing craft air cushion program, $1,188,000;

Aircraft Procurement, Navy, 1993/1995, $6,000,000;

Weapons Procurement, Navy, 1993/1995, $6,753,000;

Other Procurement, Navy, 1994/1996, $1,297,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1990/1994":

SSN–688 attack submarine program, $9,046,000;

MHC coastal mine hunter program, $3,575,000;

AOE combat support ship program, $9,984,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1991/1995":

TRIDENT ballistic missile submarine program, $39,500,000;

DDG–51 destroyer program, $8,200,000;

LSD–41 dock landing ship cargo variant ship program, $22,427,000;

Aircraft Procurement, Navy, 1994/1996, $17,000,000;

Other Procurement, Navy, 1994/1996, $666,000;

Procurement, Marine Corps, 1993/1995, $6,600,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1991/1995":

SSN–21 attack submarine program, $48,240,000;

LHD–1 amphibious assault ship program, $43,600,000;

MHC coastal mine hunter program, $2,553,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1992/1996":

For craft, outfitting, post delivery, and DBOF transfer, $5,183,000;

Other Procurement, Navy, 1994/1996, $29,261,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1992/1996":

DDG–51 destroyer program, $22,958,000;

MHC coastal mine hunter program, $11,486,000;

From:

Weapons Procurement Navy, 1993/1995, $30,000,000;

Other Procurement, Navy, 1994/1996, $38,438,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1993/1997":

DDG–51 destroyer program, $26,894,000;

LSD–41 cargo variant ship program, $5,663,000;

MHC coastal mine hunter program, $7,615,000;

AOE combat support ship program, $28,266,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1994/1998":

For craft, outfitting, post delivery, and first destination transportation, $5,000,000;

Weapons Procurement, Navy, 1994/1996, $14,000,000;

Other Procurement, Navy, 1994/1996, $435,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1994/1998":

LHD–1 amphibious assault ship program, $15,131,000;

Oceanographic ship program, $4,304,000.

SEC. 8100. It is the sense of Congress that none of the funds appropriated or otherwise made available by this Act should be available for the purposes of deploying United States Armed Forces to participate in the implementation of a peace settlement in Bosnia-Herzegovina, unless previously authorized by the Congress.

[(TRANSFER OF FUNDS)

[SEC. 8101. In addition to any other transfer authority contained in this Act, funding appropriated under the heading "Operation and Maintenance, Defense-Wide" for increasing energy and water efficiency in Federal buildings may be transferred to other appropriations or funds of the Department of Defense, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred.]

SEC. 8101. None of the funds provided in this Act may be obligated to initiate a program, or project, or award a new contract to modify or upgrade the B–1, B–2, or B–52 aircraft until the Secretary of Defense has submitted a cost and operational effectiveness analysis for Air Force bomber programs to the Committees on Appropriations and Armed Services of the Senate and House of Representatives: Provided, That this section shall not apply to safety of flight modifications.

SEC. 8102. Funds appropriated by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 1995 until the enactment of the Intelligence Authorization Act for fiscal year 1995.

[SEC. 8103. (1) Except as provided in subsection (c) below, it is the sense of the Congress that none of the funds appropriated by this Act should be obligated or expended for costs incurred by the United States Armed Forces units serving in any international peacekeeping or peace-enforcement operations under the authority of Chapter VI or Chapter VII of the United Nations Charter and under the authority of a United Nations Security Council Resolution, or for costs incurred by United States Armed Forces serving in any significant international humanitarian, peacekeeping or peace-enforcement operations, unless—

[(a) the President initiates consultations with the bi-partisan leadership of Congress, including the leadership of the relevant committees, regarding such operations; these consultations should be initiated at least fifteen days prior to the initial deployment of United States Armed Forces units to participate in such an operation, whenever possible, but in no case later than forty-eight hours after such a deployment; and these consultations should continue on a periodic basis throughout the period of the deployment;

[(b) such consultation should include discussion of—

[(1) the goals of the operation and the mission of any United States Armed Forces units involved in the operation;

[(2) the United States interests that will be served by the operation;

[(3) the estimated cost of the operation;

[(4) the strategy by which the President proposes to fund the operation, including possible supplemental appropriations or payments from international organizations, foreign countries or other donors;

[(5) the extent of involvement of armed forces and other contributions of personnel from other nations; and

[(6) the operation's anticipated duration and scope;

[(c) subsection (a) does not apply with respect to an international humanitarian assistance operation carried out in response to natural disasters; or to any other international humanitarian assistance operation if the President reports to Congress that the estimated cost of such operation is less than $50,000,000.

[(2) Further, it is the sense of the Congress that the President should seek supplemental appropriations for any significant deployment of United States Armed Forces when such forces are to perform or have been performing international humanitarian, peacekeeping or peace-enforcement operations.]

SEC. 8103. None of the funds available to the Department of Defense during fiscal year 1995 may be obligated or expended to reimburse States which are parties to the Treaty on the Elimination of Intermediate-Range and Shorter-Range Missiles concluded on December 8, 1987, and the Treaty on the Reduction and Limitation of Strategic Offensive Arms, concluded July 31, 1991, for costs allocated to such States by either of those treaties where such costs are incurred in support of inspections conducted by the United States: Provided, That the limitation in this section shall not apply if the Senate of the United States gives its advice and consent to the ratification of an amendment to those treaties which changes the financial obligations of the parties to those treaties with respect to inspection costs.

[(INCLUDING TRANSFER OF FUNDS)

[SEC. 8104. Balances of the funds appropriated in Public Laws 102–172, 102–396, and 103–139, under the headings "World University Games", "Summer Olympics", and "World Cup USA 1994" in title II of those Acts shall be merged into a single account entitled "Support for International Sporting Competitions, Defense", to remain available until expended: *Provided further*, That such account shall be available for the purpose of liquidating obligations incurred under the appropriations from which funds are transferred pursuant to the provisions of this section and for providing support to the 1996 Games of the XXVI Olympiad to be held in

Atlanta, Georgia, under the terms and conditions specified in those Acts under the headings "Summer Olympics" and for providing support to any other international sporting competitions, as provided for in Authorization or Appropriations Acts, during the current fiscal year and thereafter.]

SEC. 8104. The Secretary of Defense shall ensure that all applicable DOD regulations and component command, installation, or agency policies and procedures governing temporary duty travel on official military business to the States of Hawaii and Alaska require no higher levels of approval or stricter controls than travel within the continental United States.

[SEC. 8105. Of the funds appropriated in this Act, not to exceed $68,000,000 may be used for the purchase or construction of vessels for the Ready Reserve Force component of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744).]

SEC. 8105. None of the funds available to the Department of Defense may be used to support the relocation of P-3 aircraft squadrons or other aircraft or units from the Naval Air Station at Barbers Point, Hawaii unless such relocation was specifically stated in the 1993 Report to the President of the Defense Base Closure and Realignment Commission.

[SEC. 8106. After September 1, 1995, none of the funds in this Act are available for research, development, acquisition, or launch of Titan IV expendable launch vehicles: *Provided*, That the above provision shall not apply if the Secretary of Defense certifies to the Congress a plan for the development of and initiation of a competition for a family of launch vehicles that is—

[(1) capable of launching both medium and heavy payloads,

[(2) fully funded in the outyears, and

[(3) scheduled to be available prior to the launch of the 41st Titan IV expendable launch vehicle:

[*Provided further*, That MILSTAR satellites 1 through 6 shall be launched on vehicles being procured as a part of the current contract for 41 Titan IV launch vehicles: *Provided further*, That none of the funds in this Act may be used to procure more than 41 Titan IV expendable launch vehicles.]

SEC. 8106. In the case of members who separate from active duty or full-time National Guard duty in a military department pursuant to a Special Separation Benefits program (10 U.S.C. Sec. 1174a) or a Voluntary Separation Incentive program (10 U.S.C. Sec. 1175) at any time after the enactment of this Act, the separation payments paid such members who are also paid any bonus provided for in chapter 5, title 37, United States Code, during the same years in which they separate shall be reduced (but in no event to an amount less than zero) by an amount equal to any such bonus: Provided, That any future bonus payments to which such members would otherwise be entitled are rescinded: Provided further, That this measure will not apply to members who separate during the last year of a bonus paid pursuant to chapter 5, title 37, United States Code: Provided further, That civilian employees of the Department of Defense are prohibited from receiving voluntary separation payments if such employees are rehired by any agency of the Federal Government within one hundred and eighty days of separating from the Department of Defense: Provided further, That members who separate from active duty or full-time National Guard duty in a military department at any time after the enactment of this Act, are prohibited from receiving Special Separation Benefits program (10 U.S.C. Sec. 1174a) or Voluntary Separation Incentive program (10 U.S.C. Sec. 1175) payments if rehired by the Department of Defense within one hundred and eighty days of separating from active duty or full-time National Guard Duty.

[SEC. 8107. Notwithstanding any other provision of law, of the funds appropriated to the Department of the Navy for Operation and Maintenance, not less than $3,000,000 shall be obligated and expended only for operation and maintenance, purchase of automatic data processing equipment, or in-house central design development for the Naval Reserve Force Information Systems Office, the Navy Reserve Personnel Center, the Enlisted Personnel Management Center, and the collocated Naval Computer and Telecommunications Station: *Provided*, That notwithstanding any other provision of law, of the funds appropriated to the Department of Defense for Procurement, Defense-Wide not less than $10,000,000 shall be obligated and expended only for automatic data processing equipment or software, or in-house central design development for the Naval Reserve Force Information Systems Office, the Naval Reserve Personnel Center, the Enlisted Personnel Management Center and the collocated Naval Computer and Telecommunications Station: *Provided further*, That the Secretary of the Navy shall establish the Naval Reserve Force Information Systems Office, the Enlisted Personnel Management Center, and the collocated Naval Computer and Telecommunications Station, as the designers, developers, managers, integrators and central design activity for the software development and maintenance of the Naval active and reserve Single Source Data Collection System.]

(TRANSFER OF FUNDS)

SEC. 8107. Within amounts appropriated in this Act, $5,000,000 shall be made available for pay and allowances for the Office of the Assistant Secretary of Defense for Reserve Affairs to be available only for support of Civil-Military Cooperation program operations, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code: Provided, That the funds made available by this paragraph shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any transfer authority contained elsewhere in this Act.

[SEC. 8108. No funds available to the Department of Defense may be used to establish additional field operating agencies or field offices of any element of the Department during fiscal year 1995: *Provided*, That after August 30, 1995, none of the funds available to the Department of Defense shall be used to support more than fifty percent of the field operating agencies or field offices of any element of the Department of Defense which were in existence on September 30, 1994.]

SEC. 8108. Notwithstanding any other provision of law, for resident classes entering the war colleges after September 30, 1996, the Department of Defense shall require that not less than 20 percent of the total of United States military students at each war college shall be from military departments other than the hosting military department: Provided, That each military department will recognize the attendance at a sister military department war college as the equivalent of attendance at its own war college for promotion and advancement of personnel.

[SEC. 8109. None of the funds made available in this Act under the heading "Shipbuilding and Conversion, Navy" may be obligated for the DDG-51 destroyer program or the LHD-1 amphibious assault ship program until the fiscal year 1995 options for acquisition of sealift ships have been exercised.]

SEC. 8109. None of the funds provided in this Act may be expended for the refurbishment of M61/20 mm Gatling Gun assets for domestic or foreign military sales unless the Department of the Air Force competes this work among qualified depots and commercial contractors.

[SEC. 8110. None of the funds provided in this Act may be used to procure crystal oscillator carriers, ceramic package incorporating ceramic components joined with glass (frit) or epoxy seals, or multi-layer cofired single chip ceramic packages unless such products are produced or manufactured in the United States: *Provided*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.]

SEC. 8110. None of the funds provided in this Act may be obligated or expended for the sale of zinc in the National Defense Stockpile if zinc commodity prices decline more than five percent below the London Metals Exchange market price reported on the date of enactment of this Act.

[SEC. 8111. Notwithstanding any other provision of law, funds made available in the fiscal year 1993 and 1994 Department of Defense Appropriations Acts for the EA-6B program are to be used exclusively to begin engineering changes that will increase the capability of the Navy's EA-6B aircraft by insertion of the critical elements of the EA-6B ADVCAP receiver processor group system into the onboard system and the addition of the ALQ-149 Command, Control, and Communications countermeasure system: *Provided*, That these funds shall be obligated no later than 120 days after enactment of this Act: *Provided further*, That the Secretary of the Navy shall obligate $6,000,000 made available in the fiscal year 1994 Department of Defense Appropriations Act (Public Law 103-139) exclusively for the miniaturization of the EA-6B RPG technology for use on the Navy's electronic warfare aircraft.]

SEC. 8111. Notwithstanding any other provision of law, the Secretary of the Navy shall reimburse the Muckleshoot Indian Tribe of Auburn, Washington, for costs that have been validated as having been expended in the development and submission of a base reuse plan for Puget Sound Naval Air Station: Provided, That the Muckleshoot Indian Tribe cost reimbursement claims shall be submitted to and validated by the General Counsel of the Department of Defense prior to reimbursement by the Secretary of the Navy: Provided further, That in no case shall total reimbursements for these costs exceed $600,000.

(TRANSFER OF FUNDS)

SEC. 8112. For the rehabilitation of damage caused to Rongelap Atoll by the nuclear testing program and for the resettlement of Rongelap Atoll, $5,000,000 is appropriated to the Department of Defense, which shall be transferred to the Department of the Interior for deposit into the Rongelap Resettlement Trust Fund.

[SEC. 8113. None of the funds provided in this Act may be used to develop the Sustaining Base Information System until the Assistant Secretary of Defense for Command, Control, Communications and Intelligence

has certified to the Armed Services and Appropriations Committees of Congress that the Department of Defense has published a complete and comprehensive system functional description governing the acquisition and has received from the contractor an estimate of the number of lines of software code to implement such functional description and an estimate of the attendant cost: *Provided*, That none of the work content of the Sustaining Base Information System contract may be performed instead by government in-house activities without being competed if such efforts are passed through government organizations to other than Sustaining Base Information System contractors.]

SEC. 8113. PROHIBITION ON USE OF FUNDS FOR CERTAIN ACTIVITIES AT CAMERON STATION, VIRGINIA. (a) PROHIBITION.—None of the funds appropriated in this Act or otherwise made available to the Department of Defense may be obligated or expended by the Secretary of Defense for the execution pursuant to subsection (f) of section 501 of the Stewart B. McKinney Homeless Assistance Act of (42 U.S.C. 11411) of a lease, permit, or deed of conveyance for use to assist the homeless of any property described in subsection (b) until the Secretary of Health and Human Services, appropriate representatives of the City of Alexandria, Virginia, and representatives of the homeless whose applications for use of such property to assist the homeless have been approved by the Secretary of Health and Human Services under subsection (e)(3) of such section jointly determine that such use is reasonable under the redevelopment plan for Cameron Station, Virginia.

(b) COVERED PROPERTY.—Subsection (a) applies to the public buildings and real property located at Cameron Station, Virginia, which installation was approved for closure pursuant to the provisions of title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

[SEC. 8114. The Assistant Secretary of Defense for Command, Control, Communications and Intelligence shall establish and implement a master plan for all acquisitions of automated document conversion systems, equipment, and technologies: *Provided*, That none of the funds in this Act may be used to develop technologies or to acquire new automated document conversion equipment, services, or systems which cost more than $5,000,000 after January 1, 1995 unless such acquisitions are approved in advance by the Assistant Secretary or his designee: *Provided further*, That of the funds appropriated to the Department of Defense for Procurement, Defense-Wide, not less than $30,000,000 shall be used only to integrate the Automated Document Conversion System into the Joint Engineering Data Management and Information Control System.]

SEC. 8114. (a) IN GENERAL.—The fiscal year 1995 increase in military retired pay shall (notwithstanding subparagraph (B) of section 1401a(b)(2) of title 10, United States Code) first be payable as part of such retired pay for the month of March 1995.

(b) DEFINITIONS.—For the purposes of subsection (a):

(1) The term "fiscal year 1995 increase in military retired pay" means the increase in retired pay that, pursuant to paragraph (1) of section 1401a(b) of title 10, United States Code, becomes effective on December 1, 1994.

(2) The term "retired pay" includes retainer pay.

[SEC. 8115. Notwithstanding any other provision of law, none of the funds provided in this Act may be used to procure vessel propellers six feet in diameter and greater unless such propellers are manufactured in the United States incorporating only casting which are poured and finished in the United States. Nor may any of the funds provided in this Act be used to procure ship propulsion shafting unless such ship propulsion shafting is manufactured in the United States: *Provided*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.]

(TRANSFER OF FUNDS)

SEC. 8115. In addition to amounts appropriated or otherwise made available by this Act, $11,200,000 is hereby appropriated to the Department of Defense and shall be available only for transfer to the United States Coast Guard for a 2.6 percent pay increase for uniformed members.

[TRANSFER OF FUNDS)

[SEC. 8116. Notwithstanding any other provision of law, $16,300,000 made available in the fiscal year 1993 Department of Defense Appropriations Act (Public Law 102-396) for "Other Procurement, Navy" and $5,900,000 made available in the fiscal year 1994 Department of Defense Appropriations Act (Public Law 103-139) for "Other Procurement, Navy" shall be transferred to "Research, Development, Test and Evaluation, Navy" for the SPS-48E program.]

SEC. 8116. Notwithstanding any other provision of law, for education and training expenses not otherwise provided for, $119,000,000 is appropriated for aiding school districts in accordance with authority granted under Public Law 81-874.

[SEC. 8117. Notwithstanding any other provision of law, the Department of Defense shall award contracts for the CHAMPUS Reform Initiative in California-Hawaii and the Managed Care Support initiative in Washington-Oregon regions in sufficient time for the contractors to begin to provide health care under those contracts no later than April 1, 1995 in California and Hawaii, and not later than March 1, 1995 for Washington and Oregon, or as soon thereafter as practicable.]

SEC. 8117. After April 15, 1995, none of the funds provided in this Act may be obligated for payment on contracts on which allowable costs charged to the government include payments for individual compensation in excess of the rate of compensation of Level I of the Executive Schedule employees of the United States Government.

[SEC. 8118. None of the funds appropriated in this Act shall be used for the recruitment or enrollment of a new student or class of students at the Uniformed Services University of the Health Sciences.

[SEC. 8119. None of the funds appropriated or made available by this Act shall be obligated to procure active matrix liquid crystal displays unless the displays, including the active and passive plates, are produced or manufactured in the United States by a domestic-owned and domestic-operated entity: *Provided*, That the Secretary of the military department or head of a Defense Agency responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of enactment of this Act.]

SEC. 8120. None of the funds appropriated in this Act to the Department of the Army may be obligated for procurement of 120mm mortars or 120mm mortar ammunition manufactured outside of the United States.

[SEC. 8121. The total amount appropriated to or for the use of the Department of Defense by this Act for research, development, test and evaluation for management support is hereby reduced by $30,000,000: *Provided*, That the Secretary of Defense shall allocate the amount reduced in the preceding sentence and not later than December 31, 1994, report to the Senate and the House Committees on Appropriations and Armed Services how this reduction was allocated among the services and Defense Agencies.

[This Act may be cited as the "Department of Defense Appropriations Act, 1995".]

Titles I through VIII of this Act may be cited as the "Department of Defense Appropriations Act, 1995".

TITLE IX—FISCAL YEAR 1994 SUPPLEMENTAL APPROPRIATION

The following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1994, namely:

DEPARTMENT OF DEFENSE

MANAGEMENT FUNDS

EMERGENCY RESPONSE FUND

For the "Emergency Response Fund", $170,000,000: Provided, That these funds may be used to reimburse appropriations of the Department of Defense for costs incurred for emergency relief for Rwanda: Provided further, That the Secretary of State shall provide a report to the Congress no later than September 1, 1994, as to the burden-sharing arrangements in the Rwanda relief operation that have been negotiated and implemented with other nations, and international public and private organizations, as to both cost and personnel participation, including armed forces participation: Provided further, That the Secretary of Defense shall provide assessments to the Congress no later than September 1, 1994, of (1) any threats to the security of United States personnel, including armed forces personnel, in the Rwanda relief operation, and (2) the extent to which the UNAMIR peacekeeping operation has established a security system within the country of Rwanda: Provided further, That any change in the mission from one of strict refugee relief to security, peace-enforcing, nation-building or any other substantive role, shall not be implemented without the further approval of the Congress: Provided further, That United States armed forces shall not participate in relief operations inside Rwanda until and unless the President has certified to the Congress that the security situation in the countryside has stabilized to the extent that United States forces will not play a peacekeeping or peace-enforcing role between the warring factions inside Rwanda: Provided further, That no funds are available for United States participation in operations in or around Rwanda after October 7, 1994: Provided further, That the President shall provide a plan to the Congress by September 15, 1994, as to how he will terminate United States involvement in the Rwanda operation by October 7, 1994, unless an extension of time is approved by the Congress, and what arrangements have been made for other nations and international public and private organizations to replace United States resources and personnel.

Mr. INOUYE. Mr. President, I ask unanimous consent that the committee

amendments be agreed to, en bloc, and that the bill, as thus amended, be regarded for the purpose of amendment as original text provided that no point of order shall be considered to have been waived by agreeing to this request.

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

So the committee amendments were agreed to, en bloc.

Mr. INOUYE. Mr. President, the statement I am about to present is a joint statement, one that the vice chairman of the subcommittee, the distinguished Senator from Alaska [Mr. STEVENS] and I will be presenting.

Mr. President, on behalf of the Committee on Appropriations I am pleased to present our recommendations for fiscal year 1995 funding of the programs and activities of our Government in support of our Nation's defense and security.

The bill before the Senate provides $243.6 billion in budget authority—we have nearly exhausted the budget authority provided to the subcommittee under our committee allocation, only $2 million remains. We are well within our outlay allocations, but I expect we will find it necessary to make use of more outlays when we are in conference with the House.

The bill also contains fiscal year 1994 supplemental funding to help offset the costs of United States military participation in emergency relief efforts in Rwanda. Title IX of the bill provides $170 million for the Defense Emergency Response Fund for use in reimbursing appropriations of the Department of Defense for costs incurred in the emergency relief operations. Fiscal year 1995 outlays of $124 million are charged against this appropriation.

As you know, Mr. President, we also try to stay within the authorization ceilings for each of the multiple accounts in each title of the bill. Here, again, we are very close to the ceilings in the Senate passed authorization bill. In numerous instances we filled the authorized amounts by responding to requests that Members have made for added funding. In most accounts we are now at the ceiling; in others we have very little headroom remaining. In point of fact, the leadership of the Defense Subcommittee, Senator STEVENS and I have tried to respond to Senators who brought their requirements for Defense spending to our attention. I believe we have done so in a very balanced, nonpartisan, responsible way and, wherever possible, we have met their requests.

This is not to say that we have been able to respond to each and every wish of each and every Senator. We have not. Many valuable and useful undertakings have not been funded. I regret that. But, we have produced a bill which is sound and which meets the essential requirements of our national security—both economic and military. The funding we recommend will equip the force and keep it ready—but, it is a smaller force, stretched thinly along the line of defense. We should be under no illusions about that.

Mr. President, this year, unlike the past several years, the Subcommittee on Defense Appropriations was more constrained by limitations on budget authority than it was by an outlay ceiling.

There is good news and bad news in that statement. First, after 5 successive years of very dramatic reductions in Defense spending, we now have a bare bones defense budget.

Prior year outlays from the large scale procurement programs funded in previous years have now subsided.

But, all is not well. The dark side of this picture is that the services—the Army, in particular—are eating their seed corn. The investment budget—procurement and research and development—as a percentage of the whole DOD budget, is now lower than at any time since 1980. For example, it may surprise my colleagues to learn that this year, we will buy only 17 combat fighter aircraft; this year, the Army will buy no—that is, zero—tanks.

In all the years I have served on this committee, we have always purchased tanks, but this year there are no funds for tanks. This year, the Navy will purchase four ships. We are not investing in the future.

We are staving off the collapse of the defense industrial base.

In recent times, we have created and we have provided for a totally voluntary military, one which leads our society in equal opportunities for women and for minorities. We have a military which, until quite recently, attracted highly qualified and well-motivated individuals to a life of service and adventure.

Mr. President, we now find that, for an array of reasons, the young men and women in America no longer want to join the military. The Youth Attitude Tracking Survey, which measures the propensity to enlist among our Nation's youth, has found that fewer men and women wish to join the voluntary military now than at any time in the past 10 years. Some say this is because high school guidance counselors and parents no longer think the military offers opportunity for advancement; some say the youngsters themselves think that the Defense Department is going out of business. Who can blame them, when all that the press reports is downsizing, base closure, abuse, and frustration, and increasingly lengthy and more frequent deployments. It is clear that the message must get out that defense is still an ongoing concern, that we have a strong military, that we care for those who wear our Nation's military uniforms, and that military service is a worthwhile career objective.

Mr. President, I fervently hope that this bill faces up to that challenge. And in this bill, the committee addresses the challenge of recruiting by providing a $100 million increase to support the recruitment efforts of the sergeants and chiefs who must enlist the soldiers and sailors of tomorrow. We add funds to enhance the quality of life of our military through programs such as improved health care, school impact aid, family advocacy programs, and child care centers.

We also address the question of readiness by funding the flying hours, tank training miles, and ship steaming days requested by the military. We add funds for real property maintenance and for base operations at war fighting commands. We counter the inefficiencies and costs of the drawdown by providing increased funds to bring equipment and supplies home from Europe, and to hasten the repair of barracks where our troops returning from Europe will reside.

But in all candor, Mr. President, I must tell you that we fall short of what is needed to preserve our military superiority. It is in the military procurement accounts that we find the shortfalls. The Defense Department has, with deliberation and purpose, cut back on procurement spending. Their focus has been on meeting the costs of downsizing, and on maintaining the readiness of remaining forces. At the risk of oversimplification, we can say that the leadership in the Department of Defense has calculated that procurement can be deferred until savings can be derived from force structure reductions and reduced overhead costs as bases are closed.

I shall tell you with equal candor that I am not sold on this idea. Mr. President, I am concerned that the military will find that the savings assumed to finance future procurement will prove to be as illusory as the peace dividend was to those who looked for a pot of gold beneath the ruins of the Berlin Wall.

So, Mr. President, while the committee recommends selected increases in operation and maintenance accounts to preserve readiness, we also recommend a number of modest increases and realignments of spending in procurement accounts to preserve the plants, people, and processes which make up the defense industrial base.

We believe that the bill we have put before the Senate is a good bill. We believe it is sound. There are no budgetary gimmicks here, no false assumptions, no smoke and mirrors—just difficult choices, well thought out.

In difficult times, we believe we have met the challenge. Our recommendations protect readiness and the force structure of the Bottom-Up Review. Our recommendations provide for the welfare and quality of life of military families. Our recommendations preserve the defense industrial base.

So, Mr. President, I am confident that the Senate will support this bill. I cannot think of why any Senator, looking at the total effort, would want to amend this bill. But if any Senator has any suggestions or recommendations for improving the bill, we will, of course, review those suggestions.

Mr. President, I have prepared a summary of the bill, which provides details of the recommendations, which I will read into the RECORD.

TITLE I: MILITARY PERSONNEL

The bill before the Senate realigns the President's request for military personnel. This results in a marginal reduction in funding. The recommendation fully funds active duty personnel end strength at the authorized level. The recommendation also provides funding for a 2.6-percent increase in military pay. The total of the funding recommended in the military personnel accounts is $70,445,512,000.

For the Guard and Reserve—we continue to support the Guard and Reserve as an integral part of the total force. Accordingly, we provide funding for a 2.6-percent increase in pay for the Reserve component as well as in the active.

I also wish to call attention to the fact that, as authorized for all members of the uniformed services, we have also provided a 2.6-percent pay increase for the Coast Guard.

TITLE II: OPERATION AND MAINTENANCE

For the Operation and Maintenance title, the committee provides $81,361,358,000, about $1.5 billion above the House. Our concern with readiness is reflected in the $5 billion increase we recommend over fiscal year 1994 funding.

We have supported the force structure and strategy of the Bottom Up review. Programs which are key to readiness, such as unit training, are fully supported. We increase funds for recruiting by $100 million in an effort to ensure that personnel standards are kept at high levels.

In fact, we have enhanced readiness by providing an increase of $201 million for the repair and maintenance of equipment—known as Depot Maintenance; we have provided $83 million to improve and upgrade shipyard repair facilities, $50 million for strategic mobility, $86 million for Air Force aircraft parts, and $40 million for the Army Retro-EUR Program, which brings equipment and material back from Europe. By adding funds to these programs, we have taken care to fill the major budgetary shortfalls identified by the uniformed services. There is no reasons for readiness to be affected this year by shortfalls in O&M funding. At present, 6 of every 10 U.S. service members are married. There are about 80,000 single parents in the military and almost 100,000 dual military parents. Supporting military families is a readiness issue of the first order.

Under the O&M title, we have also provided funds to begin in earnest the environmental cleanup of our Nation's defense installations—we provide $2 billion, more than half of which is for efforts which are actually cleanup efforts—not studies and research, but the actual turning of the Earth to cleanup the mess left behind by a century of neglect.

In addition, we provide $2.2 billion for compliance efforts to bring our bases into accord with the law and to make operations safe and environmentally sound. The Defense Department can become the model for responsible Government in the field of environmental concerns.

TITLE III: PROCUREMENT

The bill which the subcommittee recommends makes a prudent investment in the military hardware and related equipment necessary to preserve a strong defense establishment. We recommend the appropriation of $42,708,049, the lowest amount we have provided for procurement in at least 15 years.

NAVY

For the Navy, we provide $2,284,925,000, which is sufficient to complete payment for the CVN-76 nuclear aircraft carrier, and $2.6 billion for three DDG-51 *Aegis* destroyers, as requested and as authorized; also $50 million to add to funds available for advance procurement for the LHD-7 amphibious assault ship for the Marines; and $828.6 million for the National Defense Sealift Fund—which includes financing for the construction or lease of two additional ships for Marine Corps logistics.

In commenting on this action, we would note that had we funded the CVN-76 in fiscal year 1994, as recommended by this subcommittee, we could have saved in excess of $200 million on the overall procurement.

We address the problems of Navy air by funding procurement of 17 F/A-18 C/D aircraft as authorized, as well as 12 T-45 Navy trainers, and we fund the remanufacture of 4 AV-8B Harrier aircraft. We also provide substantial amounts in R&D funding for an advanced version of the F/A-18, the E/F version. I will say more about that in a moment.

ARMY

For the Army, we are recommending the procurement of 6 Apache helicopters at a cost of $77.6 million; and we recommend $248.3 million for the procurement of 60 additional UH-60 Blackhawk utility helicopters. We also fund the Kiowa Warrior upgrade to the Army's AHIP helicopters, at $98.8 million.

AIR FORCE

For the Air Force, the recommendation includes $2,472,914,000 to purchase six C-17 aircraft in fiscal year 1995 and $189,900,000 to finance advance procurement for eight more in fiscal year 1996. Our recommendation fully funds the agreement between DOD and McDonnell Douglas Aircraft Corp. to settle all outstanding claims.

We also recommend the appropriation of $440.5 million for 2 JSTARS aircraft and we add $218.8 million for advance procurement of additional JSTARS aircraft. Finally, the mark also includes $78.2 million for 3 joint primary aircraft trainers, and $155 million for 32 of the Air Force's new tanker/transport trainer known as the T-1.

The recommendations would provide $384 million to support the procurement of support equipment for the B-2 bomber and $150 million to preserve the bomber industrial base. A general provision in the bill requires the Institute for Defense Analysis to conduct a cost and operational effectiveness analysis [COEA] on the several elements of the bomber force structure to assist the Congress in determining what force structure to support in the future.

TITLE IV: RESEARCH AND DEVELOPMENT

In the research and development accounts, we provide funding for investment in the future of America's Armed Forces. We are not unaware that defense budgets may decline in the future. Accordingly, we have been careful to avoid initiation of R&D programs which are unaffordable in the future. Nonetheless, we do provide ample resources to those R&D programs which have been identified as required investments. Our recommendation is to appropriate $35,405,174,000.

ARMY

Under Army R&D, we continue funding for research on breast cancer and AIDS. The amount provided for breast cancer is $60 million, which, together with $25 million in unobligated funds from fiscal year 1994, will finance a significant effort to conquer breast cancer. A lesser, but not insignificant amount—$2 million—is provided for research on prostate cancer. And, we provide $30.2 million for AIDS research.

Our largest recommendation is for the $525 million sought for development of the Army's No. 1 priority R&D effort—the Comanche light armed scout helicopter.

We also recommend full funding of the $191 million sought for the Apache Longbow heavy attack helicopter upgrade.

Finally, we have provided $42 million to continue development of the sense and destroy antiarmor munition, known as SADARM.

NAVY

We approve the budget request for F-18 E/F development—$1.42 billion. This airplane will solve the Navy's midterm problems in the area of strike aircraft.

We provide full funding of $508 million for development of the new attack submarine. However, we do acknowledge that there is an open question

whether the most cost-effective plan for Navy submarines is to keep producing the SSN-21 *Seawolf*-class submarine instead of continuing with the new attack boat.

The subcommittee allocates $403 million, an increase of $29 million to the budget request, to support Navy efforts to develop advanced capabilities for ship self-defense.

We have approved $497 million to continue development of the V-22 tilt-rotor aircraft for the Marines.

We have added $25 million to the budget request to develop a successor to the now-terminated EA-6B advanced capability jammer aircraft upgrade. These funds are available to begin the new program after the Navy submits a complete plan outlining a preferred approach in this important area.

AIR FORCE

The R&D programs in the Air Force are numerous—and costly. Nonetheless, we support them because we believe air superiority and the importance of strategic and tactical bombing were unquestionably demonstrated in the gulf war. Communications, intelligence, and control of air over the battlefield are vital to the success of our Armed Forces.

For the F-22 advanced tactical fighter, we recommend the appropriation of $2.4 billion, which fully funds firm program requirements in fiscal year 1995.

We recommend the appropriation of the budget request of $409 million for B-2 development and flight testing, and the $74 million sought for the conventional war-fighting upgrades for the B-1 bomber.

In the arena of early warning systems, we have reshaped the proposals for satellite development, due to serious concerns about the currently planned program. We have created a new alarm—alert, locate, and report, missile—prototyping program to replace the demonstration-validation program proposed by DOD.

Our program recommends $150 million for the Brilliant Eyes warning satellites and $62 million for quick reaction technology satellite demonstrations. We think there should be a "fly-off" in about 2 years among the widest possible competition. This should ensure the best candidate technology enters engineering and manufacturing development.

The recommendation includes $210 million for the C-17 advanced transport aircraft. This amount will fully fund firm program requirements and the R&D share of the settlement between the contractor and the Government.

The C-17 is important for global mobility, and the settlement permits all parties to focus on final development and flight tests, and on continued production—instead of time-consuming, costly legal battles.

DEFENSE-WIDE R&D

It is under defense agencies that we find the largest of the R&D programs, the efforts which are consolidated under the ballistic missile defense organization. The recently passed defense authorization bill restructures this program into 10 new program elements, building on this committee's initiative of last year, and continues emphasis on theater missile defenses. Consequently, we recommend the appropriation of $2.83 billion for the Ballistic Missile Defense—former SDI—Initiative, an amount which is $421 million below the request, but the same amount as recently passed by the Senate.

It will be of interest that we recommend the appropriation of $625 million, the budget request amount, for ARPA defense conversion R&D. The committee has deferred initiating new conversion-related programs outside the core ARPA technology reinvestment program.

Finally, under the defense-wide accounts, our recommendations would provide $342 million to develop massively parallel supercomputers and software under the ARPA high performance computing program, and $183 million, the requested and Senate-authorized amount, to buy high performance supercomputers.

There are some recommendations which affect funding across all of the R&D accounts. For example, we provide $145 million for manufacturing technology programs under the purview of the military services and the Office of the Secretary of Defense.

In another instance, following the authorized levels, we cut $52 million from the accounts for the federally funded research and development centers, leaving $1.3 billion for these institutions. This is exactly the amount authorized by the Senate.

We also provide $1.7 billion for university research in fiscal year 1995. That amount is a minor decrease of about $100 million to the request. It is far less than the $900 million reduction recommended by the House. We reject that House cut, because it could interrupt important, defense-related research and unduly harm our national university community.

CONCLUSION

Mr. President, the summary I have presented represents the principal recommendations for funding.

As you know, the defense appropriations bill carries a large number of general provisions—over 100—which cover a variety of subjects. I will not review all of them; most have been carried in our bill for a number of years.

The committee has shaped a bill which both meets our essential national security requirements and the objective of fiscal restraint. We are confident that the Senate will support this bill. No one will find everything that they wanted in this bill, but all will find that we have made a determined effort to maintain readiness, preserve the defense industrial base, and invest in the future. Above all, we have protected the welfare and the war-fighting ability of the men and women who serve our country in the uniformed services.

As in the past, we have a classified annex to the bill and a classified report detailing the recommendations for the intelligence and special access programs. I invite my colleagues to review these papers and to discuss any concerns that they might have with me and Senator STEVENS.

Mr. President, when we continue next week I will yield to my trusted adviser and friend, to whom I often turn for leadership and support as we struggle with these difficult choices, the senior Senator from Alaska, Senator STEVENS.

Mr. President, before closing my remarks, I would just like to point out a matter that has concerned Senator STEVENS and has concerned me. We oftentimes speak of the hollow force, and most Americans have no idea what we are speaking about. We usually point to that period in the seventies when we had a hollow force. What was that hollow force? Let me point out that in the seventies, our Navy had many magnificent ships, as we do at this time. But yet, even with ships that were brand new, 30 percent of these ships were not ready for combat. Thirty percent of our Navy was not ready for combat. When one analyzes why this was so, you will find that these ships were not ready for combat, because we did not have personnel qualified to man these ships.

Slowly, we are approaching that point. Most Americans do not realize this. A year and a half ago, in our recruiting, we were able to get an abundance of college graduates and an abundance of high school graduates. We recruited less than 1 percent category IV. What do I speak of when I mention category IV?

In our recruiting program, we have five categories. Category I would be the genius. There are very few category I's who volunteer. Category II are the college grads. We have many college grads volunteering. But ask yourselves how many college grads do we know that are volunteering? Category III is the equivalent of a high school graduate. And category IV have an intelligence quotient of less than 90 percent.

Two years ago, less than 1 percent of our recruits were in category IV. I am sorry to report to you, Mr. President, that this year, we are approaching 7 percent. In addition to that, those men and women in whom we have invested much time and resources, the captains and majors, or the senior lieutenants and lieutenant commanders, are leaving the services. Why? Some feel that there is no future for them. Others, because of complaints from their spouses.

Mr. President, as you know, we had a large number of Marines on ships on the coast of Bosnia. They were prepared for any contingency. Suddenly,

we were faced with a contingency in Haiti. They came back. They spent 8 days with their families, and they were shipped out again. Yes, these men are patriotic, brave, and loyal. But I think, like all of us, they want to be with their families, and their families want to be with them. The drawdown of our military is causing all of this, and we wonder why our sergeants are not reenlisting? They have many temptations outside. They are paid better.

And so, Mr. President, all seems well. Today we have the finest military in the world. But when we begin recruiting category IV's and when our sergeants leave us and when our captains and majors leave us, we are approaching this hollow force that I have been speaking of.

So, Mr. President, in conclusion, I would like to say that the summary that we have just presented and made part of the record represents the principal recommendations for funding. But, as you know, the bill carries a large number of general provisions. There are over 100 of them which cover a variety of subjects. I will not review all of them. Most have been carried in our bills for a number of years.

The committee has shaped a bill which both meets our essential national security requirements and the objective of fiscal restraint. And, as I have indicated, we are confident that the U.S. Senate will support this measure.

No one will find everything they wanted in this bill, but all will find that we have made a determined effort to maintain readiness, preserve the defense industrial base, and invest in the future. Above all, we believe we have protected the welfare and the warfighting ability of the men and women who serve our country in the uniformed services.

Mr. President, as in the past, we have a classified annex to the bill and a classified report detailing the recommendations for the intelligence and special-access programs. I wish to invite my colleagues to review these papers and to discuss any concerns that they might have with me or with Senator STEVENS.

Mr. President, Senator STEVENS will be presenting his remarks when we return to the bill on Monday next. At that time, it would be my pleasure to yield to my trusted adviser and friend, to whom I often turn for leadership and support as we struggle with these difficult choices.

Mr. President, at this juncture, 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. INOUYE. 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. INOUYE. Mr. President, I ask unanimous consent that the Senate vitiate the action on the adoption of committee amendments.

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

Mr. INOUYE. I have been advised that Senators may have a list of excepted amendments on Monday next.

PRIVILEGES OF THE FLOOR

Mr. INOUYE. Mr. President, I ask unanimous consent that the following individuals be given floor privileges during the consideration of this bill: Mr. David Hennessey, Ms. Nora Kelly, Ms. Nancy Lescavage, and Mr. Herb Nakamura.

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

Mr. INOUYE. Mr. President, am I correct that Monday next the Senate will take into consideration the Labor-HHS appropriations measure?

The PRESIDING OFFICER. The Senator is correct.

Mr. INOUYE. And upon the disposition of that measure, is the Senate scheduled to resume consideration of the Defense appropriations bill?

The PRESIDING OFFICER. That would be the regular order once that bill has been submitted.

Mr. INOUYE. Is that the order?

The PRESIDING OFFICER. That will be the order.

Mr. INOUYE. I yield the floor.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine is recognized.

SOCIAL SECURITY ADMINISTRATION INDEPENDENT AGENCY BILL

Mr. COHEN. Mr. President, I am pleased that the Senate is considering today the conference report on H.R. 4277, a bill making the Social Security Administration an independent agency. While this bill contains many important provisions, I want to address my remarks to particular reforms in the bill that will go far in correcting a major misuse of taxpayer and Social Security trust fund dollars.

I also, however, want to point out a provision in the conference report which was not included in the Senate-passed bill and which, I believe, may result in unfair consequences for some individuals who sorely need help from the disability program.

From time to time, astounding examples of absurd Federal spending policies come to light and stop us in our tracks. The findings earlier this year of an investigation by my staff on the Senate Special Committee on Aging and the GAO that drug addicts and alcoholics are being given cash disability benefits that are in turn perpetuating their addictions is just such an outrageous example of how a well-intentioned Federal program has been manipulated extensively, resulting in the misuse of millions of taxpayer dollars.

While Congress' original purpose in giving disability benefits to drug addicts and alcoholics was to encourage treatment, this goal has been turned on its head: instead of promoting treatment, the disability programs are feeding their addictions. In fact, the Social Security Administration has been criticized as being one of the easiest sources of cash for drugs and alcohol in the United States.

It is clear that Congress' original goal of rehabilitating drug addicts and alcoholics has failed and that the Social Security Administration has instead become the enabler of hundreds of thousands of drug addicts and alcoholics by providing them with unsupervised cash that they can use to buy more drugs and drink.

There are now over 250,000 addicts and alcoholics on the disability rolls, but only 78,000—or less than a third—are required to receive treatment or have a third party manage their benefits for them. The other 172,000 addicts and alcoholics on the rolls are not required by SSA to receive treatment, and receive cash benefits, which are often used to buy them more drugs or alcohol.

The taxpayer is left paying the tab of over $1 billion a year for the 172,000 drug addicts and alcoholics who are not required to seek treatment. In addition, since most of these individuals are never reviewed by the agency to determine if they are still eligible for benefits—many of these addicts are on the disability program for life.

In addition, we found that up until this year the SSA had established agencies to refer addicts to treatment and monitor their compliance in only 18 States—leaving 26 States without any approved agency to oversee the substance abusers. For example, Maine has never had a treatment referral agency in the entire history of the SSI program and recently had its proposal turned down with no explanation.

Some clever addicts find ways to game the system even when the Social Security Administration appoints a person to manage benefits on behalf of the drug addict or alcoholic. In some cases, the local bartender was selected as a responsible third party for addicts and alcoholics to manage their monthly benefits. In most cases, a family member or friend is chosen and is inevitably pressured or threatened to give the money directly to the substance abuser.

Even more alarming is the fact that, in many cases, due to the length of time it takes to process a claim, addicts and alcoholics are eligible for cash lump sum retroactive payments that can total up to $25,000. It is no surprise that these taxpayer dollars are often drunk away or shot into the arms of drug users.

Perhaps the most outrageous finding of our investigation was that even

when drug addicts directly admit to the Social Security Administration that they are actively engaged in criminal activity, such as drug dealing and stealing, to support their addiction they are still awarded benefits. The effect of this policy is that one hand of our Federal Government is trying to crack down on crime and illegal drug use, while the other hand is supplying drugs to the dealers and addicts who commit the crimes. Fighting the war on crime is hard enough without buying supplies for the other side.

The conference report we are passing today addresses many of the major flaws we uncovered in the disability program. Most importantly, it will get cash out of the hands of many addicts and alcoholics for whom the disability check has become their main source of drugs and alcohol.

This bill will also ensure that drug addicts and alcoholics on both the SSI and Social Security disability insurance rolls receive treatment for their substance abuse as a condition of receiving benefits, and requires that SSA monitor the treatment of these persons to be sure they are complying with the law.

There are, however, concerns that I have with the final version of this legislation. The conference report adopted a House provision which limits SSI benefits to drug addicts and alcoholics to 3 years of benefits, regardless of whether they have begun to receive treatment or not. I have concerns that this provision does not adequately take into account the long waiting lists for treatment that exist in some areas of the country. Since the goal of this limitation on benefits should be an incentive to rehabilitate and then successfully remove substance abusers from the disability rolls, starting the clock on the 3 years of benefits when treatment is not even available does not reflect this goal.

In my bill, I would have treated the disability insurance recipients and the SSI recipients the same by not counting the 36-month time limit until treatment was available. In other words, what I did in our legislation was to say that those individuals who are, addicted to drugs or to alcohol, must seek treatment and treatment must be available. And until that treatment is available, the 36-month period would not run.

At this particular time I doubt very much whether there is any sentiment on the part of either the House or Senate to change this provision. But I must say it is flawed in my opinion. To say to an individual that you must seek treatment and we will start counting the time in which you are allowed to receive these benefits but if treatment is not available, it is your tough luck, I think that is an unfair provision. I hope to amend that as we consider more legislation, if not this year then certainly next year. I hope to amend that particular provision to make sure that those individuals who qualify for these benefits will in fact be able to receive the treatment or not be taken off the program.

I also would have preferred that the requirements for representative payees and treatment be required for all drug addicts and alcoholics on the disability rolls, in order to tighten the controls even further on these programs.

Despite these two concerns, I believe that this legislation is a major step toward restoring the public's confidence and integrity in our Nation's disability programs.

Mr. President, I want to thank Senator MOYNIHAN, Senator PACKWOOD, and Senator DOLE and their staffs for their strong support and assistance in passing these reforms. I would particularly like to recognize Kathy Tobin and Margaret Malone of the Senate Finance Committee staff, Alexander Vachon of Senator DOLE's staff, and Marty Sieg-Ross and Sally Satel of the Labor Committee for their assistance with this legislation.

FAIRNESS OR JUSTICE

Mr. COHEN. Mr. President, there is tremendous frustration among the American public with Government. Nothing turns that frustration more quickly to anger than acts of Government that violate fundamental rules of fairness.

Americans have a reasonable expectation that Government will be fair and just. Whether dealing with a Government agency or a court of law, citizens expect justice to be served.

In many cases, injustice or unfairness occur because the law allows them to occur. The rule of law is sometimes contrary to justice. As a young lawyer practicing in Bangor, ME, I worked on plenty of cases where justice was on my side but the law was on my opposition's side. Although I lost those cases, they serve as a reminder that law requires both a heart and a head.

If a judge does not have a heart, the law becomes a sterile set of rules removed from human problems. If the judge does not use his or her head, then every case would be decided on the emotional reaction to the facts and the rule of law would be of little use. So it becomes a question of balance.

Mr. President, today I would like to discuss a case that illustrates what happens when the law does not achieve the necessary balance between the heart and the head.

This case has resulted in an injustice because an agency of the Federal Government went strictly by the book. It turned a blind eye to fairness because the law allowed it to. As a result, innocent people are being asked to pay for the illegal activity of wrongdoers who are not being pursued.

The case involves John and Rhetta Sweeney of Hamilton, MA, and the Resolution Trust Corporation [RTC]. The Sweeneys defaulted on a loan because officers of their bank engaged in unfair and deceptive trade practices. A Massachusetts Superior Court found that the bank, not the Sweeneys, was to blame for the default.

The situation was complicated, however, when the bank failed and was taken over by the RTC. After the RTC stepped in as receiver, the S&L bailout agency hired the failed bank's counsel and began to aggressively pursue a new strategy to defeat the Sweeneys.

With the full knowledge that the superior court decision on the Sweeneys' unfair and deceptive trade practices claim was pending, the failed bank's former counsel, now working on behalf of the RTC, removed the case from the State court to the Federal District Court. This removal to Federal court was completed just 19 days before the superior court judge filed her opinion in favor of the Sweeneys.

The removal to the U.S. District Court also enabled the RTC's hired counsel to invoke a provision of law reserved for the RTC and the Federal Deposit Insurance Corporation [FDIC] when they are party to a lawsuit. This provision, known as the "D'Oench Duhme" doctrine prevented the Sweeneys from arguing the case on its merits before the U.S. District Court.

The D'Oench Duhme doctrine provides that only claims in writing, approved by the failed bank's board of directors, and recorded in the bank's official minutes will be valid in the event the Federal Government becomes the receiver of a failed bank.

Because much of the Sweeney claim involved verbal and written representations by the bank that were not formally approved by the bank's directors and recorded in the bank's official minutes, it did not meet the D'Oench Duhme standard. Consequently, the U.S. District Court barred the Sweeneys from presenting their claim in Federal court.

Last year, I introduced legislation, S. 1725, to redefine the use of the D'Oench Duhme doctrine so that it can only be applied in cases where there is a secret agreement entered for the specific purpose of defrauding the failed bank. The legislation would therefore prevent the RTC and the FDIC from invoking the D'Oench Duhme doctrine to bar legitimate claims against failed banks.

The bill is currently before the Banking Committee and I am working with Senator D'AMATO and others, as well as the FDIC, to move this legislation out of Committee and to the Senate floor.

While I strongly believe the applicability of the existing law should be changed, I am not suggesting that the RTC acted improperly or outside its legal rights in this case. In fact, I do not categorically oppose the use of the

D'Oench Duhme doctrine. It legitimately exists to prevent bad actors from using secret informal agreements that were clearly meant to defraud the failed bank, to defraud the Government.

The Sweeney case is different. The superior court found that a verbal contract existed which, at the very least, is good evidence that the Sweeney's claim is legitimate and should not be ignored by the Federal Government.

The circumstances surrounding this case also raise questions of fundamental fairness. First, the Sweeney case was litigated 9 months before the RTC took over as receiver of the bank.

Second, the parties involved were awaiting the superior court's decision on two key counts at the time of the bank's failure.

Finally, before the bank failed, the superior court jury found that there was, in fact, intentional infliction of emotional distress by the bank. Shortly after the bank failed, the superior court judge determined that the bank committed unfair and deceptive trade practices, and it engineered the default of the Sweeney mortgage.

The Sweeneys were clearly defrauded by representatives of the bank as evidenced by the rare jury award of damages for intentional infliction of emotional distress.

The RTC should be commended when it aggressively looks out for the taxpayers' interest. At the same time, the RTC should be reminded that it must, with equal vigor, ensure that its actions are fair and just for the individuals who are affected.

The Sweeney case illustrates how justice and fairness took a back seat to the RTC's well-intentioned aggressiveness.

Mr. President, on July 13, Senator JOHN KERRY and I wrote to John Ryan, the acting Chief Executive Officer of the RTC, asking that he review this case and consider an equitable adjustment which weighs fairness with the RTC's obligation to protect the interests of the taxpayer.

In the coming days, I would like to facilitate an open meeting with Mr. Ryan and myself to discuss the possibility of an equitable solution to this situation. I am also requesting that the RTC promptly open a dialogue with the Sweeneys and begin discussing a mutually satisfactory agreement.

In the future, the RTC and the courts should be reminded that the D'Oench Duhme doctrine was designed to shield taxpayers from fraud—it should not be used as a sword against victims of fraud.

I suggest the absence of a quorum.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

SOCIAL SECURITY ADMINISTRATIVE REFORM ACT OF 1994—CONFERENCE REPORT

Mr. MOYNIHAN. Mr. President, I submit a report of the committee of conference on H.R. 4277 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4277), a bill to establish the Social Security Administration as an independent agency and to make other improvements in the old-age, survivors, and disability insurance program, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

(The conference report is printed in the House proceedings of the RECORD of August 4, 1994.)

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the conference report on H.R. 4277, a bill to establish the Social Security Administration as an independent agency; that the conference report be agreed to, the motion to reconsider be laid upon the table; and that any statements thereon appear in the RECORD at the appropriate place as though read.

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

So the conference report was agreed to.

PRIVILEGE OF THE FLOOR

Mr. MOYNIHAN. Mr. President, I also ask unanimous consent, and the courtesy of the Senate, to allow Mr. Webster Phillips, who is an employee of the Social Security Administration, to be granted privilege of the floor. He has worked heroically in this matter for the longest while, and it would be a personal favor if this might be done.

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

Mr. MOYNIHAN. Mr. President, today the Senate completes action on legislation of historic importance which removes the Social Security Administration from the Department of Health and Human Services and reestablishes it as an independent agency in the executive branch of the Government.

We do so serendipitously on a date that falls within 4 days of the date—August 9, 1935—when the Senate voted by voice vote to pass the conference report on the original Social Security Act.

With the conference report before us today, we increase the stature of the Social Security Administration, strengthen its leadership and establish a bipartisan advisory board. These measures will strengthen the administration of Social Security and we confidently believe increase public confidence in the program.

The conference report also includes provisions proposed by Senator COHEN and Senator DOLE that require the Social Security Administration to establish procedures for more responsible payment of benefits to disabled drug addicts and alcoholics. Beginning 6 months after enactment, Social Security will be required to pay these disability benefits to a representative payee rather than directly to the individual involved.

Making the Social Security Administration an independent agency is not a new notion. It began as such in 1935, only gradually to be folded into a succession of Government agencies and, in the end, losing its identity almost entirely within the Federal Government.

In 1980, the National Commission on Social Security, which was appointed by President Carter, and in 1983, the National Commission on Social Security Reform which was appointed by President Reagan and the Congress recommended that the Social Security Administration should be established as an independent agency.

Congress, with Senator DOLE very much involved, and the Senator from New York, in 1983 commissioned a study for the best form of governance for an independent Social Security Administration.

In 1984, the following year, this panel, which was headed by the distinguished former Comptroller General of the United States, Elmer Staats, recommended that an independent Social Security Administration be led by a single executive who would be advised by a bipartisan advisory board. The conference report before us follows those recommendations.

It has taken us a decade, Mr. President, and the reasons are clear enough. In 1977, the Social Security amendments of that year put the trust funds on a partially funded basis such that an enormous surplus would be built up, anticipating the retirement of the persons born in the decades after World War II.

To give you a sense of the magnitude involved, the surplus would buy the New York Stock Exchange, a fact which the Office of Management and Budget did not fail to notice. It began in effect using Social Security trust fund surpluses as general revenue. The specifics are that they can only be used to purchase Federal Government bonds, special bonds which cannot ever fall below the par value. But in reality had we gone to a balanced budget situation, a balanced operating budget in the 1980's, this surplus would have been used to buy down the privately held debt of the United States, and the consequences would have been an increase in private investment. We could have

doubled the rate of savings in the 1980's had we done what was possible but which was not done.

Further, the ability of the Social Security Administration to carry out its functions was severely limited by budget constraints—cuts in staffing levels, cuts in the basic services.

There is a fine editorial which appeared just recently in the Rochester Times-Union on this subject, on customer service at Social Security. It reads, if I may:

Did you ever try to get a call through to the SSA? Or get a new card? Or find out how much you have paid into the system? Or get an estimate of your retirement benefits? This is pretty basic stuff, but it's easy for an organization out of the public line of fire to forget even the basics.

It goes on to note that our current Commissioner, our very able Commissioner, Shirley Chater, is the 12th Commissioner of Social Security in the last 17 years. There has been no continuity. There has been no executive energy. And the results have shown a startling decline in public confidence.

We have reached the point, Mr. President, where the Employee Benefit Research Institute, which does regular Gallup Polls on this matter, in February found only 30 percent of respondents had confidence that Social Security would be available through their retirement years.

If I can make just a small anecdote on this point, it would be about 2 months ago that Senator PACKWOOD and I were on the floor proposing the bill that passed unanimously from the Committee on Finance, and I was making a point that Social Security was in surplus, the benefits would be there in half a century; it had never been a day late or a dollar short, and it would continue so.

I noticed something, something that had never happened before to me on the Senate floor. I noticed that the very able young persons who work the desks in front of you, Mr. President, and the tables here in front of us, were listening. Now, normally they do not listen. They have better, other things and more pressing things to do. They are going about the business of the Senate, putting things together, looking up references, making arrangements, and so forth. I found them listening to what I was saying.

A quorum call was introduced, and I took the liberty of going up and saying, "Now, you were listening." They said, "Yes." I said, "Would I be wrong in thinking that this is the first time you have ever heard anyone say that Social Security would be available to you when you reached retirement age?" And they said, "Yes." I took an informal poll of nine persons here at the front desk, seven of whom agreed that Social Security would not be there when their time came.

Well, Mr. President, this legislation today makes it very much clearer that it will be. I hope we will see in very short order the introduction of an annual statement sent to every Social Security contributor of what his or her contributions that year had been, what survivors' benefits would be, where they stood in the earning of 40 quarters of coverage which vests Social Security in the individual, and what their ultimate retirement benefits would likely be at age 65.

All these things are easily done. In the sending out of such a statement, the largest cost involved is the postage stamp. But the cost of not doing so, which we have not done, is a near complete loss of confidence in younger people that the system is working. If young people think the Government is misleading them in something as elemental as Social Security, what else do they think they are misled about?

I recently received a letter from Robert M. Ball, one of the great authorities on this subject, a Social Security Commissioner, after a lifetime in the system, who spoke of the statements as "individual reports to each stockholder."

It is long past time this was done, long past time we had a proper Social Security card in plastic with a hologram and not the paper pasteboard product of the 1930's, which said rather assertively at the bottom "Not To Be Used For Identification." It is now issued to children at birth.

Yet, when we got the law passed to say that there would be a tamper-proof card, the Social Security Administration in the 1980's took about 2 years to carry out the statute. And one day I got in the mail an announcement that there was the new tamper-proof card, the exact same card we always had, with this difference—there were invisible fibers implanted in the paper so that a counterfeit card would be instantly recognizable under a microscope in an FBI laboratory.

Well, that was not the purpose of having a tamper-proof card. It was for the purpose of having something to show so you would know who they were; you would know they were part of the work force, and legally in the country, and citizens who had responsibilities and were carrying them out.

That sort of mismanagement got to the point of genuine abuse. In the mid-1980's, the present mayor of New York City, Mr. Rudolph Giuliani, who was then the U.S. attorney for the Southern District of New York, refused to defend the U.S. Government in disability benefit cases. He thought the management in the Social Security Administration was so bad because the Government was turning people out, turning people down, rescinding benefits, denying benefits. Appeals were made, benefits were restored or conferred, and the Government asked to go to court to contest. A U.S. attorney said, no, it is insufferable. And indeed it was.

So, Mr. President, today we write the final chapter in the effort to reestablish an independent Social Security Administration.

I ask that my colleagues join me in supporting this historic measure.

I ask unanimous consent that the editorial from the Rochester Times-Union be printed in the RECORD.

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

[From the Times-Union, July 26, 1994]

CUSTOMER SERVICE AT SOCIAL SECURITY

Any day now, President Clinton is expected to sign legislation to make the Social Security Administration an independent agency, separate from the Department of Health and Human Services.

Don't yawn. This apparently innocuous change, spearheaded by New York Sen. Daniel Patrick Moynihan, offers the best opportunity for improving service, which is the key to restoring confidence in the retirement system.

Just 39 percent of non-retired adults feel "very confident" or "somewhat confident" that they will collect benefits when they retire.

Cutting Social Security loose doesn't guarantee improvements, but it should raise the public profile of the agency and the director (Quick, who heads this $300 billion a year program?) who operate in obscurity, blissfully ignorant of even the most elementary principles of customer service.

CHECKING YOUR CONTRIBUTIONS

Eventually, the Social Security Administration should send every taxpayer an annual statement of contributions to date and an estimate of expected benefits at retirement age. That's not common practice now, but you can get a statement on request by calling 1-800-772-1213.

Did you ever try to get a call through to the SSA? Or get a new card? Or find out how much you've paid in to the system? Or get an estimate of your retirement benefits?

This is pretty basic stuff, but it's easy for an organization out of the public line of fire to forget even the basics.

The current Social Security commissioner, Shirley S. Chater, is the 12th in 17 years. You've probably never heard of her, although she presides over a budget larger than the defense budget.

If she and her successors are more visible—are actually interviewed on TV once in a while, or go before Congress—they should be more sensitive to you and your needs.

"You will get a decent Social Security card," Moynihan says, "You will get an annual statement of your contributions and expected benefits. When you call the local Social Security office, they will answer your call. And you will know someone is looking after your money."

Maybe, he's too optimistic. But not many Baby Boomers expect to get regular checks when they retire—despite the fact that Social Security payroll taxes were hiked a decade ago for the purpose of generating the huge surpluses (more than $70 billion this year alone) that would guarantee those benefits.

The money's going to be there. If the Social Security people begin to treat taxpayers as customers, the confidence will be there, too.

Mr. MOYNIHAN. Mr. President, with that, I conclude by noting that the majority leader would like to speak on

this, which is a matter of great concern to him. Accordingly, sir, I conclude my remarks and suggest the absence of a quorum so that the majority leader might come to the floor.

I once again would like to thank Eduard Lopez for his incomparable advice for 10 years on such an enterprise, and Margaret Malone of the Finance Committee staff, and Webster Phillips of the Social Security Administration.

So, Mr. President, I suggest the absence of a quorum. I thank the Senate for its consideration.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. 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 PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, today is a historic day in the history of the Social Security system. I believe that it should not go without notice or comment.

Social Security is one of the broadest, most effective, and most widely supported of programs in our Nation's history. It has succeeded in large part because in the nearly 60 years of its history it has had champions in the Congress and in various administrations, men and women who have devoted much of there careers to gaining knowledge of the system and how it works, who have continually striven to improve and expand the system, and to enable it to better serve the American people.

Every Member of this Congress knows, and I hope that every American who is involved with the Social Security system knows, that the person most responsible for the legislation just enacted and the more than champion of the Social Security system, the man most responsible for educating other Members of Congress about the importance of the system, is the distinguished senior Senator from New York and the chairman of the Senate Finance Committee, Senator MOYNIHAN.

Senator MOYNIHAN has devoted countless hours to informing other Members of the Senate about the manner in which the system operates, about its importance in our society, and about how it can be improved. The legislation just enacted by the Senate is but the latest result of his efforts in that regard.

Senator MOYNIHAN will receive many words and much praise and tribute on this matter, all well deserved. But I think perhaps the greatest tribute he can receive is the fact that all across this country there are millions of Americans who will not say words of tribute because they do not know of his work, and perhaps do not even know of him, but who as a result of his efforts will lead better, longer, more full and meaningful lives. And I think in the end that is the greatest tribute that can be paid.

So, Mr. President, in behalf of all my colleagues, I thank the distinguished chairman for his efforts and hope that when the history of Social Security is written, those who write it will pay proper recognition and tribute to the man who has done more than any other to make it succeed and make it better, our friend and colleague, Senator MOYNIHAN.

Mr. MOYNIHAN. Mr. President, with deepest gratitude, I am not fully confident that I ought to speak any more. The majority leader's words were so generous, and they mean very much to this Senator. I am deeply thankful.

HEALTH CARE

Mr. MITCHELL. Mr. President, earlier today during an exchange on the Senate floor on the subject of health care, the distinguished Republican leader referred to comments made by Governor Cuomo of New York about health care legislation.

I was unaware of the comments that had been made, and following those remarks, I called to inquire. In response to my inquiry, Governor Cuomo of New York sent me a letter, with copies to Senators DOLE and MOYNIHAN.

I ask unanimous consent that the letter be printed in the RECORD.

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

Hon. GEORGE J. MITCHELL,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR MR. LEADER: I am writing to applaud your efforts to advance the cause of national health care reform. I know how long and how hard you have worked to make health care coverage available to all Americans, and I want to make clear that I support your efforts to reform the health care system and work towards universal coverage. As you may know, I originally voiced some concern about the effect on your plan on New York. These concerns were based on the preliminary reports of your plan. However, based upon review of the legislative language that we received today, I am gratified to see that the bill makes significant progress in addressing a number of New York's concerns.

I look forward to working with you and others who believe in meaningful health care reform. Together, I am sure that we will be able to achieve significant change in health care for New Yorkers and the nation.

Sincerely,

MARIO.

Mr. MITCHELL. Mr. President, as I said earlier today, we will, next week, begin a very important debate. I think this incident illustrates the importance of all of us in keeping an open mind, trying to understand the other person's point of view, and trying to develop legislation that improves the lives of American families.

We come from different States, we represent different parties, but our highest obligation is to the American people. I hope that we can conduct a meaningful and high-level debate that will focus not on personalities but on issues, not on parties but on our people, and that we will measure our actions by one test and one test alone: what is in the best interest of the American people? That is ultimately why we were elected. It is ultimately why we serve.

I encourage my colleagues to study the issues carefully, review the bills carefully, debate vigorously. There are reasonable and principled differences of opinion. But I am convinced that, in the end, if we meet our obligation with honor, we can do what is right and best for the American people. That is my objective, that is my standard, and that is what I hope, in the end, all Senators will do.

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

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

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.)

MEASURES REFERRED

The following bill, previously received from the House of Representatives, was read the first and second times by unanimous consent and referred as indicated:

H.R. 810. An act for the relief of Elizabeth M. Hill; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time by unanimous consent and placed on the calendar:

S. 2346. A bill to establish a fund for various programs to strengthen and expand the capacity of State and local governments and other entities to improve the public health.

S. 2357. A bill to achieve universal health insurance coverage, 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-3164. A communication from the Acting General Counsel, Department of Defense, transmitting, pursuant to law, the list of required reports; to the Committee on Armed Services.

EC-3165. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a report with respect to a recent transaction involving U.S. exports to Russia; to the Committee on Banking, Housing and Urban Affairs.

EC-3166. A communication from the Secretary of Energy, transmitting, pursuant to law, the report on the status of Exxon and stripper well oil overcharge funds as of March 30, 1994; to the Committee on Energy and Natural Resources.

EC-3167. A communication from the Deputy Associate Director for Compliance, Department of the Interior, transmitting, pursuant to law, a report relative to offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC-3168. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Community Nursing Organization Demonstration"; to the Committee on Finance.

EC-3169. A communication from the Chairman of the J. William Fulbright Foreign Scholarship Board, transmitting, pursuant to law, the annual report for calendar year 1993; to the Committee on Foreign Relations.

EC-3170. A communication from the Executive Secretary, Federal Reserve Employee Benefits System, transmitting, pursuant to law, the report for the plan year ending December 31, 1993; to the Committee on Governmental Affairs.

EC-3171. A communication from the President of the United States, transmitting, consistent with the Authorization for Use of Military Force Against Iraq Resolution, a report on the status of efforts to obtain Iraq's compliance with the resolutions adopted by the U.N. Security Council; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BAUCUS, from the Committee on Environment and Public Works, with amendments and an amendment to the title:

S. 1857. A bill to authorize appropriations to assist in carrying out the North American Wetlands Conservation Act for fiscal year 1995 through fiscal year 2000, and for other purposes (Rept. No. 103-326).

By Mr. GLENN, from the Committee on Governmental Affairs, without amendment:

S. 2218. A bill to provide authorization of appropriations for the Federal Emergency Food and Shelter Program for the fiscal years 1995 and 1996.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs:

Susan R. Baron, of Maryland, to be a Member of the National Corporation for Housing Partnerships for the term expiring October 27, 1994;

Danny K. Davis, of Illinois, to be a Member of National Corporation for Housing Partnerships for the term expiring October 27, 1996;

Julie D. Belaga, of Connecticut, to be a Member of the Board of Directors of the Export-Import Bank of the United States for the remainder of the term expiring January 20, 1995;

Julie D. Belaga, of Connecticut, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 1999;

Janet L. Yellen, of California, to be a Member of the Board of Governors of the Federal Reserve System for a term of 14 years from February 1, 1994.

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. WELLSTONE (for himself and Mr. SIMON):

S. 2365. A bill to provide for a study of the health consequences for the spouses and descendants of atomic veterans of the exposure of such veterans to ionizing radiation; to the Committee on Veterans Affairs.

By Mr. HATCH:

S. 2366. A bill to amend the Internal Revenue Code of 1986 to extend the tax-exempt status of Christa McAuliffe Fellowships; to the Committee on Finance.

By Mr. WOFFORD:

S. 2367. A bill to amend section 3013 of title 18, United States Code, to double the special criminal assessment amounts for the purpose of enhancing revenues for the Crime Victims Fund of the Office of Victims of Crime; to the Committee on the Judiciary.

By Mr. DECONCINI:

S. 2368. A bill to implement the intellectual property right provisions of the Uruguay Round of the General Agreement on Tariffs and Trade, and for other purposes; to the Committee on the Judiciary.

By Mr. SIMON (for himself, Ms. MOSELEY-BRAUN, and Mr. FORD):

S. 2369. A bill to grant the consent of the Congress to amendments to the Central Midwest Interstate Low-Level Radioactive Waste Compact; to the Committee on the Judiciary.

By Mr. DOLE:

S.J. Res. 215. A joint resolution designating September 5, 1994, Labor Day, as "Try American Day"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WELLSTONE (for himself and Mr. SIMON):

S. 2365. A bill to provide for a study of the health consequences for the spouses and descendants of atomic veterans of the exposure of such veterans to ionizing radiation.

ATOMIC VETERANS LEGISLATION

• Mr. WELLSTONE. Mr. President, the legislation I am introducing today was the subject of a statement I made on the floor of the Senate yesterday. It was also the subject of a colloquy yesterday between myself and Senator ROCKFELLER, the distinguished chairman of the Veterans' Affairs Committee. I refer my colleagues to yesterday's CONGRESSIONAL RECORD for a full explanation of the background and purpose of my introduction of this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2365

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STUDY OF HEALTH CONSEQUENCES FOR FAMILY MEMBERS OF ATOMIC VETERANS OF EXPOSURE OF ATOMIC VETERANS TO IONIZING RADIATION.

(a) AGREEMENT FOR STUDY.—The Secretary of Veterans Affairs, in consultation with the Secretary of Defense and the Secretary of Health and Human Services, shall seek to enter into an agreement with the Medical Follow-up Agency of the Institute of Medicine of the National Academy of Sciences under which agreement the agency shall carry out the study described in subsection (c).

(b) ALTERNATIVE ORGANIZATION.—If the Secretary is unable within a reasonable period of time (as determined by the Secretary) to enter into an agreement with the agency referred to in subsection (a) to carry out the study required under that subsection, the Secretary shall seek to enter into an agreement to carry out the study with another appropriate organization or entity that—

(1) is not part of the Government;

(2) operates as a not-for-profit entity; and

(3) has an expertise and objectivity comparable to that of the agency referred to in subsection (a).

(c) NATURE OF STUDY.—The purpose of the study referred to in subsection (a) is to determine the nature and extent, if any, of the relationship between the exposure of veterans described in subsection (d) to ionizing radiation and the following:

(1) Genetic defects and illnesses in the children and grandchildren of such veterans.

(2) Untoward pregnancy outcomes experienced by the spouses of such veterans, including stillbirths, miscarriages, and neonatal deaths.

(d) COVERED VETERANS.—Subsection (c) applies to—

(1) any veteran who was exposed (as determined by the Secretary) to ionizing radiation as a result of—

(A) participation while on active duty in the Armed Forces in an atmospheric nuclear test that included the detonation of a nuclear device;

(B) service in the Armed Forces with the United States occupation force of Hiroshima or Nagasaki, Japan, before July 1, 1946; or

(C) internment or detention as a prisoner of war of Japan before that date in circumstances providing the opportunity for exposure to ionizing radiation comparable to the exposure of individuals who served with such occupation force before that date; and

(2) any other veteran that the Secretary designates for coverage under the study.

(e) REPORT.—Not later than each of March 1, 1995, October 1, 1995, October 1, 1996, and October 1, 1997, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the results of the study carried out under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out the study required under this section.•

• Mr. SIMON. Mr. President, I am pleased to join my good friend and colleague Senator WELLSTONE in sponsoring this bill to study the family health consequences of radiation exposure among atomic veterans.

In 1988, I introduced a bill which provides medical benefits to atomic veterans for the illnesses that resulted from their unknowing exposure to dangerous radiation during World War II and subsequent atomic tests. My interest began back in 1981 when I was in the House and met with Bob Farmer, an atomic veteran from southern Illinois. Besides his own illnesses, all nine of his children suffer from genetic defects which may be related to his service exposure. The pain and cost of raising children with deformities, tumors, and a variety of illnesses have taken a tremendous toll on the Farmer family. Yet there is no help for them because the Government does not know for sure if there is a link between Mr. Farmer's radiation exposure and his family's situation.

Now that we have moved into the second and third generations of atomic veteran's families, it is time to know what the indirect effects of our nuclear programs have been. With the public interest generated by Energy Secretary O'Leary's courageous opening of past radiation experiments, many descendants of atomic veterans are also coming forward with their own story of our atomic legacy.

I am pleased to join in introducing this bill and hope that the Senate will act quickly to look into this important matter.•

By Mr. HATCH:

S. 2366. A bill to amend the Internal Revenue Code of 1986 to extend the tax-exempt status of Christa McAuliffe Fellowships; to the Committee on Finance.

THE TAX EXCLUSION FOR CHRISTA MC AULIFFE SCHOLARSHIPS

Mr. HATCH. Mr. President, I rise today to introduce legislation to reinstate the tax-exempt status of the Christa McAuliffe fellowship.

The Christa McAuliffe fellowship is named after the teacher who gave her life in the explosion of the space shuttle *Challenger* in 1986. The fellowship is given to reward excellence in teaching by providing financial assistance to outstanding teachers. Only one or two teachers are chosen from each State per year. Recipients of the fellowship must use the funds in one of the following four ways: sabbaticals, consultation with school districts, innovative projects, or model teacher programs.

In the Technical and Miscellaneous Revenue Act of 1988 [TAMRA], Congress provided a tax exclusion for McAuliffe awards. The exclusion was applied only if the award was spent on a project approved by the Secretary of Education, and the money was not spent to directly or indirectly benefit the fellow. All award money used to personally benefit the fellow was fully taxable.

Congress, however, allowed this exclusion to expire in July of 1990, and now fellows must include the full amount of their award in taxable income. Because of this, the great honor of being awarded the Christa McAuliffe Fellowship is quickly dissipated by the heavy tax burden it creates for its recipients. Let me explain.

Sheri Lyn Sohm, of Salt Lake City, was the outstanding teacher selected to receive the Christa McAuliffe Fellowship in Utah for 1992. As the McAuliffe fellow, Sheri instructed teachers across the State in the techniques of community problem solving and assisted classes in implementing service projects. She used the fellowship money to purchase equipment and materials for these projects. Not until the money was spent did she learn that McAuliffe Fellowships were to be treated as taxable income. She was shocked to discover she owed $8,000 in taxes—$8,000 she had already spent to help educate American children.

Mr. President, this is not an isolated situation, nor was it caused by negligence on Sheri's part. Research shows that the tax information provided by the States and given to McAuliffe fellows is often inadequate and inconsistent. Many fellows do not learn their grants are taxable until the money is spent. The combination of taxing the grant and the States not providing reliable information has led to situations in which recipients who donate a large portion or their entire grants to schools end up paying the taxes out of their own pockets.

Mr. President, this is unfair. We should not tax these teachers on money they spend to help educate American children. Large portions of these fellowship awards are spent to buy such things as computers, equipment, and materials for service projects.

Mr. President, I do not believe it was the intent of Congress to place this undue tax burden on recipients of the Christa McAuliffe Fellowship. The bill I am introducing today will remedy this situation by retroactively reinstating the tax exclusion included in TAMRA. Award money the teacher spends on a project approved by the Secretary of Education would be excluded from taxable income. To prevent abuse, the bill also states that any amounts which directly or indirectly benefit the recipient are fully taxable.

This is not an expensive change to make in terms of revenue lost to the Treasury. The Joint Committee on Taxation has estimated the lost revenue over five years to be only $3 million.

This tax exclusion is only fair. We should not punish this country's most outstanding teachers by requiring them to pay taxes on money they spend to benefit our children. Excluding these fellowship awards would help teachers, students, and this great Nation meet its educational goals.

I urge each of my colleagues to support this bill.

By Mr. WOFFORD:

S. 2367. A bill to amend section 3013 of title 18, United States Code, to double the special criminal assessment amounts for the purpose of enhancing revenues for the Crime Victims Fund of the Office of Victims of Crime; to the Committee on the Judiciary.

THE CRIME VICTIMS FUND ENHANCEMENT ACT OF 1994

• Mr. WOFFORD. Mr. President, today I introduce the Crime Victims Fund Enhancement Act of 1994. My bill will double the special criminal assessment amounts paid by convicted Federal defendants for the purpose of enhancing revenues for the crime victims fund.

In the next few days we will begin debate on final passage of the crime bill, the most comprehensive anticrime legislation in history. In addition to putting 100,000 new cops on the street, providing funding for prison construction and prevention programs, the crime bill includes several important provisions to assist victims of crime. I support those provisions and my legislation will add to that effort by further assisting the real casualties of crime: The victims.

Since its beginning in 1986, the crime victims fund, created by the Victims of Crime Act of 1984 [VOCA], have increased from $68 million to a high of $221 million in 1992. Grants from the fund support State programs that compensate victims and their families for medical and other expenses resulting from violent crime and organizations that provide direct assistance to crime victims, such as rape crisis centers, shelters for battered spouses, and counseling for child sexual abuse victims.

But as crime and its costs have increased over the past 8 years, so has the demand for victims compensation and services. This demand has unfortunately outdistanced the supply of funding available through the crime victims fund.

By doubling the special criminal assessment my legislation will provide up to $10 million to the crime victims fund. Such an increase would mean an additional $1 million to Pennsylvania victims assistance programs and direct victims compensation.

While that sum may seem small to some, it can make a significant difference to a victims assistance program that is operating on a shoe string budget or an individual who might regain a element of dignity through the assistance or compensation available through the Crime Victims Fund. One such organization is the Daughin County Victim/Witness Assistance Program in Harrisburg, PA. In her letter of support of my legislation, Laurie A. Reiley-Snell, the executive director of the organization writes:

The program I am with is a private, nonprofit agency. Because of the funding situation, especially with VOCA, each year I am tormented with the decision—should we move money around for staff benefits or should we move money to at least maintain the current level of service to victims. It is never an easy decision and up to now we have always chosen the clients. VOCA is a necessity for many of us and the thought of having the funds enhanced is exciting.

The organizations that benefit from the Crime Victims Fund and who will benefit from the enhanced funding provided by my bill serve millions of victims of crime nationwide. My legislation has the support of the National Organization for Victim Assistance, the National Victim Center, as well as many victims organizations across the Commonwealth of Pennsylvania.

Mr. President, day after day, we hear stories of violent crime and the lives and security of our citizens taken by such senseless acts. While the real loss to victims of crime can never be adequately measured, the least we can do, as a society, is provide adequate compensation and assistance to those we have failed to protect from violence. For the past 8 years the Crime Victims Fund has accomplished that. My legislation will enhance this essential effort.

I ask unanimous consent that the full text of the bill appear in the RECORD. I also ask unanimous consent that the letters of support of my legislation appear in the RECORD.

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

S. 2367

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Crime Victims Fund Enhancement Act of 1994".

SEC. 2. SPECIAL CRIMINAL ASSESSMENTS.

Section 3013(a) of title 18, United States Code, is amended—

(1) in paragraph (1)(A)—

(A) in clause (i) by striking "$5" and inserting "$10";

(B) in clause (ii) by striking "$10" and inserting "$20"; and

(C) in clause (iii) by striking "$25" and inserting "$50";

(2) in paragraph (1)(B)—

(A) in clause (i) by striking "$25" and inserting "$50";

(B) in clause (ii) by striking "$50" and inserting "$100"; and

(C) in clause (iii) by striking "$125" and inserting "$250"; and

(3) in paragraph (2)—

(A) in subparagraph (A) by striking "$50" and inserting "$100"; and

(B) in subparagraph (B) by striking "$200" and inserting "$400".

NATIONAL VICTIM CENTER,
Arlington, VA, August 1, 1994.

Hon. HARRIS WOFFORD,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR WOFFORD: On behalf of the Board of Directors and the Staff of the National Victim Center, we would like to offer our full support for the Crime Victims Fund Enhancement Act of 1994.

The National Victim Center works with more than 8,000 victim organizations and criminal justice agencies nationwide, many of which are the direct beneficiaries of the Victims of Crimes Act (VOCA) funds.

Since its creation in 1984 the VOCA Fund, has provided direct financial assistance to millions of crime victims through state administered compensation programs, and insured essential services to millions more through local victim assistance programs. For these thousands of organizations and agencies whose financial constraints force them to walk a precarious line between red and black ink, VOCA Funds have become their life blood.

The rising demand for victim assistance and services has mirrored the rise in the nation's crime rate. While demand has always outstripped available resources, in recent years demand has dramatically increased, while resources for victims and victim service organizations have actually declined.

VOCA fine collections dropped sixty percent from 1992 to 1993, from $221 million to $144 million. These reductions in Federal funding, coupled with budget cutbacks at the state and local level and reductions in private contributions, have led to a financial crisis of unparalleled proportions in the Victims' Movement.

The resulting funding famine becomes painfully evident when viewed on a state by state and case by case basis. Typical is the experience of the Jefferson County Domestic Violence Shelter in Arvada, Colorado. In 1993, alone 524 domestic violence victims, including 222 children, were turned away for lack of space.

Washington state recently funded a program to provide counseling and assistance to male victims of sexual assault (the preferred target of pedophiles). The program, designed to accommodate 50 victims, was swamped by more than 500 requests in the first three months of operation alone.

Texas has been forced to de-fund its Court Appointed Special Advocates Program, which provides critical counseling and advocacy to child victims of incest and abuse.

For organizations and agencies already operating with shoe string budgets, recent reductions in funding have pushed thousands to the brink of bankruptcy and hundreds more beyond the brink.

Additional Federal funding has become not only important, but imperative if victims and victim service organizations are to survive financially.

The introduction of the Crime Victim Fund Enhancement Act of 1994 could not have come at a more opportune time. By doubling the relatively small fines currently assessed to Federal offenders, the Act would raise more than $10 million in additional funding that would, in turn, be available to rescue financially strapped crime victims and victim organizations

In fact, there is virtually nothing Congress could do that would have a greater positive impact on the Victims' Movement and the lives of the millions of crime victims it serves, than passing legislation which will boost fines earmarked for the Victims of Crime Fund.

Indeed, the view was empirically confirmed by a poll conducted by the National Victim Center last month. The Center asked victim policy leaders and organizations to rank the relative importance of numerous victim-related issues of national consequence. Increasing VOCA funding ranked first by a considerable margin.

The proposed measure is supported by the National Victim Center, 8,000 victim organizations and the more than 6 million citizens who fall victim to violent crime each year. Moreover, with statistics indicating that five out of six Americans will be victims of violent crime at least once during their life time, virtually all Americans have a stake in the passage of this legislation.

The Board of Directors and Staff of the National Victim Center wish to applaud Senator Wofford for introducing this vital measure and we strongly urge his colleagues in Congress to lend their full support and endorsement.

Sincerely,

DAVID BEATTY,
Director of Public Affairs.

NATIONAL ORGANIZATION
FOR VICTIM ASSISTANCE,
Washington, DC, July 28, 1994.

Hon. HARRIS WOFFORD,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR WOFFORD: We understand that you are proposing to double the so-called penalty assessments that help to fund the Crime Victims Fund that was created by Victims of Crime Act (VOCA) of 1984. We warmly applaud your initiative of putting the assessments into a still-affordable range of $10 to $400 per offense, the first such increase in many years. A telephone call today from a former victim of violent crime helps to illustrate, with bad news and good, the importance of the additional $10 million that your VOCA amendment would generate.

As background, the woman had called our national helpline—1-800-TRY NOVA—after having seen it as a trailer on one of the many television programs that have recently focused on the crime of domestic violence. She wanted to complain that our number was not cross-referenced as a "domestic violence" service in the "800" directory assistance files. She urged us to correct that problem with our WATTS carrier.

The reason the woman had been looking for such a number was not to get help but to offer it. When she then heard that our 800 line is funded entirely by private donations, and has no funding whatever for the staff and volunteers who handle the calls 24 hours a day, she said she wanted to help in our fundraising efforts to improve and expand that service.

That anecdote once again highlights the bad news that we face every day—namely,

the huge gap that still exists between the need for victim assistance and its availability. A couple of years ago, the National Crime Survey found that one reporting victim in nine was offered some kind of victim services by the authorities—which meant that, finally, victim services were now registering on the radar screen, but that we still were failing to reach eight out of nine victims known to the justice system. Again, the task ahead of us is enormous.

But what motivated the caller in the first place to offer her help was the very encouraging news: she has been looking for years to pay back a movement whose help in her bleakest months had saved her life—figuratively and perhaps literally. That lifesaver was a talented victim advocate in a rural, VOCA-funded program who helped make sure the justice authorities took seriously the violence the woman's husband had done to her, and who helped the victim find the interior and external resources to see the case through and to reformulate her life.

The victims' movement survives on the goodwill of those it has helped. Our newest volunteer joins tens of thousands of other survivors of crime who, in gratitude for the help they have received, are offering crisis counseling to sexual assault victims, are helping to provide death notifications in the horrible aftermath of murder, are holding a child's hand in the alienating confines of a courtroom, and are organizing the yard sales that put a few more dollars in the local program's emergency fund.

But essential to all of these volunteer services are the full-time, paid staff who train and supervise them, who know the local justice officials and the victim rights laws they are supposed to honor, and who provide the workaday services that transform goodwill into concrete deeds—staff members like that VOCA-supported victim advocate whose skilled compassion indirectly led to our today's telephone offer of help.

The extra good news in this example is that each victim assistance advocate funded by VOCA has a major multiplier effect in the hundreds of victims they help every year and the recruits they enlist to help others. If, as we estimate, 200 or 300 additional advocates will be hired if your bill becomes law, the ripple effects will reduce in significant measure the gap between the aspirations and the actualities of our movement.

Thank you for your initiative; it will have our stringest support.

Sincerely,

MARLENE A. YOUNG, PH.D., J.D.,
Executive Director.

VICTIM/WITNESS
ASSISTANCE PROGRAM,
Harrisburg, PA, August 1, 1994.

Hon. HARRIS WOFFORD,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR WOFFORD: I write to you on behalf of the individuals who are victimized in Dauphin County, Pennsylvania. I was excited to hear that you are presenting legislation that will enhance the Crime Victims Fund.

The program that I am with is a private, non-profit agency. The staff consists of six members. Four staff members work with victims who are proceeding through the criminal justice system, one staff member works in the juvenile justice system and my position. We do not have a support staff—each individual is responsible for their own "paperwork". Four of the staff work 40 hours/week and the other two staff work 37.5 hours/week. The latter two are VOCA funded positions. No one has medical benefits. Because of the funding situation, especially with VOCA, each year I am tormented with the decision—should we move money around staff benefits or should we move money to at least maintain the current level of services to victims. It is never an easy decision and up to now we have always chosen the clients.

The Dauphin County Victim/Witness Assistance Program provides a variety of services to all different types of victims. The crimes range from harassment to theft to forgery to assault to homicide—and everything in between. Services include: accompaniment to any meeting or proceeding, assistance and follow-up with Crime Victims Compensation and restitution claims, referrals to other agencies, options counseling, crisis intervention, assistance with property return, case status updates, criminal justice system orientation, creditor and employer intercession notification (case outcome, offender release), victim input sentence, plea agreements), assistant with transportation and/or day care, legal options counseling, advocacy and most importantly we provide a caseworker that really does not care about how they are feeling about what happened to them. Each caseworker carries an average caseload of 150–200 clients (or more).

I am proud to say that we have a special component to our program that not all agencies are able to provide yet and that is the juvenile Justice System Coordinator. Often, the system does not always acknowledge victims of juvenile crime the way victims want to be acknowledged. In addition to all the above mentioned responsibilities of a caseworker, this position also includes; witness management, oversight of the Victim-Offender Mediation Program and the recruitment, training and coordination of the volunteer program that assists with duties mentioned. This position is funded by Drug Control and Systems Improvement funds which are received through the Pennsylvania Commission on Crime and Delinquency.

If there was an increase in the VOCA funding it may mean that the two VOCA staff members may be able to work the same number of hours per week as the other staff and/or have comparable wages ($8.00/hour is the maximum for current staff—VOCA pays $7.25/hour and $6.85/hour). It may mean five additional hours per week for clients. If the funds were increased significantly it would probably mean more in terms of client needs and/or staff benefits.

I thank you for the opportunity to bring to your attention one small program in the arena of many programs that are providing services. VOCA is a necessity for many of us and the thought of having the funds enhanced is exciting.

If there is any information that I can provide in the future, please contact me at the above address or telephone number. Good luck with your proposal. We will anxiously await a response on its progression. Thank you for your time.

Sincerely yours,

LAURI A. REILEY-SNELL,
Executive Director.

ANTI-VIOLENCE PARTNERSHIP
OF PHILADELPHIA,
Philadelphia, PA July 29, 1994.

Hon. HARRIS WOFFORD,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR WOFFORD: I am writing this letter in support of the Crime Victims Fund Enhancement Act of 1994. I have been very dismayed to see that most legislators do not include services to crime victims as they struggle to put together a comprehensive Crime package. Victims services have always been vastly underfunded. In the last decade, as crime and violence in America has risen, funding to victims services has not even increased proportionally—in fact it has been reduced.

Families of Murder Victims (FMV), a program of the Anti-Violence Partnership of Philadelphia (AVP) has received Victims of Crime Act (VOCA) funding since, 1986, the first year of VOCA'S inception. FMV was the first program in the United States created solely for the co-victims of homicide (friends and families of murder victims) to receive VOCA funding.

FMV, a non-profit victims service agency is located in the Philadelphia District Attorney's Office, and provides a wide array of services to co-victims. These services include accompaniment to court proceedings, assistance with filing for crime victims compensation, crisis counseling, grief and bereavement counselling, support groups, referrals to mental health and legal services, and orientation to the criminal justice system.

Last year, FMV provided services to more than 1,200 co-victims of homicide and assisted families in receiving more than $125,000.00 in reimbursement from the Pennsylvania Crime Victim Compensation Board. And we accomplished this with a budget of only $69,000.00, of which $36,00,000 was from VOCA funds.

This fiscal year, FMV faces an 8% cut in VOCA funding due to the VOCA funding shortfall. Considering our total budget of $69,000.00, this loss is very difficult to absorb and we are unable to make it up from other sources. This is on top of a total loss of $24,000.00 in revenue over the last two years. Some of this loss is as a result of governmental cutbacks as well as our chronic difficulty in attracting traditional funding. Without VOCA funding over the last eight years, FMV would have had to close down, or at the very least, sharply curtail services.

We applaud your efforts to try and restore some of your VOCA funding. Funding for crime victim services must be included in the campaign against crime and violence in our country. It is not an issue that deserves to be put on the back burner. There needs to be greater recognition that funding must be directed to assist those who have already been victimized by crime.

Thank you for recognizing this important issue and directing your energies and resources into The Crime Victims Fund Enhancement Act of 1994. Any additional efforts in this direction will be greatly appreciated by all victim services agencies and the crime victims they serve.

Sincerely

DEBORAH SPUNGEN,
Executive Director.

PENNSYLVANIA COALITION
AGAINST RAPE,
Harrisburg, PA, July 29, 1994.

Hon. HARRIS WOFFORD,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR SENATOR WOFFORD: On behalf of the Pennsylvania Coalition Against Rape, I am writing in support of the Crime Victims Enhancement Act of 1994. It is our understanding that this bill would substantially increase revenues for the Crime Victims Fund of the Office of Victims of Crime at the Justice Department.

PCAR represents 51 sexual assault centers in Pennsylvania which provide services to

victims in 67 counties. These programs provide free counseling services to victims as well as other direct services; and in addition provide prevention education programs and trainings in their communities.

Many of the programs have experienced a decrease in the amount of funding received from various sources. This has impacted the centers by limiting the number of counseling hours which can be maintained to serve an ever-increasing number of children and adults requesting services. Many of the centers have had to establish waiting lists for services and reduce the number of professional trainings provided.

For these reasons, PCAR strongly supports your bill which would double the special criminal assessment amounts. The revenue provided would directly benefit victims of sexual assault as well as victims of other violent crimes. We look forward to hearing from you as to the passage of this important piece of legislation.

Sincerely,

BRENDA TODD ROBERSON,
Public Policy Analyst.

COALITION OF PENNSYLVANIA
CRIME VICTIMS ORGANIZATION,
Harrisburg, PA, July 29, 1994.

Hon. HARRIS WOFFORD,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR: On behalf of the Coalition of Pennsylvania Crime Victims Organization (COPCVO) I would like to express our support for your legislation, The Crime Victims Fund Enhancement Act of 1994. COPCVO is a coalition of over 150 victim advocacy programs and individuals in Pennsylvania who work directly with victims and on behalf of victims.

Since 1984 Victims of Crime Act monies have greatly enhanced services to child abuse, domestic violence, sexual assault and other serious crime victims in Pennsylvania. However, during this same period of time VOCA funding has had several years of decreases. The funding may decrease but the need for services continues to rise.

Increasing the assessments would, in fact, help to increase and possibly stabilize the fund. By increasing the fund we can continue to attempt to provide services to all those in need in our Commonwealth.

Please let me know if our coalition can assist you in anyway in future supporting this legislation.

Sincerely,

MARY ACHILLES,
Director, Office of Victim Services.

WOMEN'S CENTER & SHELTER
OF GREATER PITTSBURGH,
Pittsburgh, PA, July 29, 1994.

Hon. HARRIS WOFFORD,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR WOFFORD: I am pleased to write in support of legislation to double the special assessments for enhancing revenues for the Crime Victims Fund of the Office of Victims of Crime at the Justice Department. Women's Center and Shelter of Greater Pittsburgh has provided sanctuary from stress and violence to women and their children for twenty years. As a recipient of Pennsylvania Commission on Crime and Delinquency Victims of Crime Act funding, we are well positioned to understand the urgent need for an increase in this funding.

As an agency committed to the elimination of domestic violence, the Women's Center and Shelter is in need of increased funding to help more victims of domestic violence. Women's Center and Shelter provides a safe and supportive community to women and their children, educates the public about the needs of women, especially those who are victims of domestic violence. We accompany women through the Criminal Justice System and inform them of the services available. We collaborate in order to utilize our resources effectively. Our focus is on the needs of women in domestic violence situations who come from all ethnic, racial, educational and economic backgrounds.

Women's Center and Shelter supports your efforts to increase funding for these much needed services. I am confident The Crime Victims Fund Enhancement Act of 1994 will provide increased funding for additional domestic violence services greatly needed in this community.

Sincerely yours,

MARTHA A. FRIDAY,
Executive Director.

WOMEN ORGANIZED
AGAINST RAPE,
Philadelphia, PA, July 29, 1994.

Hon. HARRIS WOFFORD,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR SENATOR WOFFORD: Women Organized Against Rape supports your legislation to increase funding for the Office of Victims of Crime.

As a rape crisis center operating in Philadelphia, PA, we see over 6,000 women, children and men each year who are victimized and traumatized by the prevalence of sexual violence. In order to provide the level of services demanded by our county, we need to maintain adequate funding. Such funding received from the Victims of Crime Act (VOCA) has enabled us to extend much needed counseling services in the form of individual, family and support group counseling. At present, approximately one-third of our clients are under the age of eighteen—many of whom grew up in abusive households where sexual abuse occurred on an ongoing basis. These same children come from families where the parent(s) were also victimized by sexual violence and suffered in silence.

An increase in funding would allow our center to provide more counseling support and decrease the waiting list of families needing our services. More funding would assist us in outreach efforts to women and children that respond to the sexual violence perpetrated in their communities by keeping quiet. Furthermore, a funding increase would enable us to expand our prevention education efforts in the community, addressing the attitudes and behaviors that condone the ever-increasing rate of sexual assault.

We thank you for your awareness of victim support and your development of the legislation to increase this much needed funding.

Sincerely,

VANESSA G. JACKSON,
Executive Director.

CENTER FOR VICTIMS OF
VIOLENT CRIME
Pittsburgh, PA, July 29, 1994.

Hon. HARRIS WOFFORD,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR WOFFORD: This letter is in response to your Crime Victims Fund Enhancement Act of 1994 legislation, which will soon be introduced into the United States Senate. The Center for Victims of Violent Crime (CVVC) is unequivocally aware of the Victims of Crime Act of 1984, which created the Crime Victims Fund to provide federal financial assistance for Victims of Crime. Consequently, the Center has been a recipient of this fund for years.

According to our facts, the proposed legislation would increase funding for the Office of Victims of Crime, eventually providing greater funding for victim-witness groups in this country. The Center for Victims of Violent Crime is assuredly in support of this legislation and will continue to support your efforts throughout the legislative process.

CVVC provides assistance to thousands of crime victims, families of victims, and witnesses annually. Victims of Crime Act funding has enabled CVVC to provide victims with a 24-hour hotline, crisis intervention, home and hospital visits, court accompaniment, counseling support groups, post-trial advocacy, victim compensation claims assistance, and many other unique services.

Within the last four years, there has been an immense escalation in crime in Pennsylvania. Doubling the special criminal assessment amounts for the purpose of enhancing revenues for the Crime Victims Fund would be a desirable relief. This additional money would afford victim-witness groups in Pennsylvania the opportunity to enhance and create programs that are presently lacking.

Again, we are in favor of this bill and will do all in our power to help move it through Congress. If CVVC can provide you with additional information or assistance, please do not hesitate to contact Mary Phan-Gruber or Jeffrey Kerr at (412) 392-8582.

Sincerely,

NANCY WELLS,
Executive Director.

VICTIM WITNESS SERVICES
OF ERIE COUNTY,
Erie, PA, July 29, 1994.

Hon. HARRIS WOFFORD,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR WOFFORD: Victim Witness Services is a program of the Erie County Rape Crisis Center and receives more than one half of its funding from VOCA. This program was begun in 1986 to serve victims of personal injury crimes and family members of homicide victims.

The program provides individual and group counseling, crisis intervention, and accompaniment to criminal justice proceedings. Nearly one thousand victims and their significant others each year benefit from these and other services.

Fiscal year 94-95 brought us a decrease in federal funds and forced us to reduce a full time counselor position to twenty-one hours per week.

The Crime Victims Fund Enhancement Act, if passed, would assist many thousands of victims. Continued and increased financial support to victim assistance programs would enable the programs to continue and increase services to those in need.

Thank you for your continued work to improve the lot of crime victims.

Very truly yours,

ANGELA PORFILIO,
Program Director.

THE CRIME VICTIMS CENTER
OF CHESTER COUNTY,
West Chester, PA, August 1, 1994.

Hon. HARRIS WOFFORD,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR WOFFORD: I would like to take this opportunity to thank you for introducing The Crime Victims Fund Enhancement Act of 1994. As the Executive Director

of The Crime Victims' Center of Chester County, Inc., I see, firsthand, the absolute need for additional financial assistance for victims of crime through both direct victims compensation and victims assistance programs.

The Crime Victims' Center of Chester County, Inc., is a non-profit, comprehensive victims' center that celebrated its 20th anniversary in November of 1993. We serve the County of Chester—762 square miles with a population of 376,396, 13 school districts, 5 hospital emergency rooms, 57 police municipalities (including 2 State Police Barracks and the County Detectives), 13 District Justices as well as the Chester County Court of Common Pleas. This agency provided 21,656 hours of direct service to 2,594 victims and family members/witnesses during fiscal year 1993–1994.

The range of services provided include 24 hour crisis response to 2 hotlines—sexual assault and other crimes, accompaniment to emergency rooms, police and court procedures, supportive counseling, both individual and groups, and assistance with Victim Impact Statement Procedures, the Victim Input program with the Pennsylvania Board of Probation and Parole, and Crime Victims' Compensation Forms.

It takes a variety of people with special skills and caring to provide these services. At a time when requests for services is increasing, the funding to provide these services is not keeping pace. Increased funding is essential, for our center and others like it, to accommodate the variety of victims' needs as they achieve recovery from emotional and physical trauma and to maintain the quality service provision to those who so need it.

We wholeheartedly support this piece of legislation and would certainly encourage everyone else to do likewise.

On behalf of the victims and families we serve, we thank you for your efforts.

Sincerely,

MARGARET D. GUSZ,
Executive Director.

YWCA,
Lancaster, PA, August 1, 1994.

Hon. HARRIS WOFFORD,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR WOFFORD: The Lancaster YWCA is in support of the Crime Victims Fund Enhancement Act of 1994, which provides greater funding for victims across the country.

The Lancaster YWCA Sexual Assault Prevention and Counseling Center provides direct services to child and adult victims of sexual assault in Lancaster County. We are dedicated to assisting survivors and their families through the entire healing process. All of our client services are free and confidential. Staff and trained volunteers are available 24 hours a day and 365 days a year.

The Lancaster YWCA Sexual Assault Prevention and Counseling Center provides a 24 hour hotline, short and long term counseling to victims and their families, accompaniment services to hospitals, police, and through court proceedings as necessary, information and referral services, Crime Victims Compensation information, referrals for children's medical exams, and prevention/education programs.

If the additional funds provided for in your proposal would become available, they would certainly make a difference for victims of sexual assault by providing victims with assistance for medical and other expenses. These funds are needed to help victims through the entire healing and recovery process.

Best Wishes for the passage of the bill!

Sincerely,

HEIDI WEBER,
Associate Executive Director.

PENNSYLVANIA COALITION
AGAINST DOMESTIC VIOLENCE,
Harrisburg, PA, August 1, 1994.

Hon. HARRIS WOFFORD,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR WOFFORD: I am pleased to write in support of the Crime Victims Fund Enhancement Act of 1994, which will provide additional revenue for the Crime Victims Fund administered by the Justice Department's Office of Victims of Crime.

Providers of domestic violence services in Pennsylvania have long struggled to meet the needs of battered women and their dependent children within the context of sharply limited resources. Passage of the legislation you have proposed will result in the availability of additional financial assistance to victims of domestic violence—in some instances through compensation for medical and other expenses resulting from the violent crimes which are committed against them, in other situations through increased funding for shelter programs and legal advocacy projects.

Many thanks for your efforts to provide the additional resources which can so positively affect the lives of women and children who are victims of domestic violence.

Sincerely,

SUSAN KELLY-DREISS,
Executive Director.

VICTIMS RESOURCE CENTER,
Wilkes-Barre, PA, August 1, 1994.

Hon. HARRIS WOFFORD,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR WOFFORD: On behalf of Victims Resource Center, I am writing to express our whole-hearted support of the Crime Victims Fund Enhancement Act of 1994. We, like the majority of crime victim service centers across the state of Pennsylvania, are in desperate need of additional funding to serve the ever increasing number of persons seeking aide at our center.

The services which we have developed in response to victim needs include crisis intervention; counseling; court orientation; personal advocacy; accompaniment services to hospitals, police interviews, and all court related proceedings; assistance in filing Crime Victims Compensation claims; and transportation. We provide these services to over 900 adult victims and 300 child victims each year, as well as to their family members. This is a 48% increase over the numbers of persons seeking services only three years before, and a 165% increase over five years ago.

Our resources to provide these services are extremely limited, and growing at a rate disproportionate to service demands. While these service demands have increased by 48% within the last three years, our operating income has grown only by 23%. Our VOCA funds, of which we will receive $47,657.00 this year, comprising 9% of our income, have in fact been reduced from the previous year by five percent.

Everyone knows that crime is escalating. This is true in suburban and rural America such as in Wilkes-Barre or Tunkhannock, Pennsylvania, just as it is true in urban centers. Increasing crime creates larger numbers of victims, each in need of information and support, and often crisis counseling and other services only available from victim service programs such as VRC. This escalating crime has created a demand well beyond our limited resources. As a result, it is difficult, but unfortunately necessary, for a victim of rape to hear that her counseling sessions must stop, because too many others are waiting for their first appointment. It is difficult, but necessary, for a child victim to hear that her or his counselor cannot attend their trial, because another child victim is testifying at the same time and also needs the counselor. These are difficulties that can only be solved with increasing funding of victim programs through an increasing commitment to crime victims.

We are therefore pleased to see the new legislation which would increase the funds available to centers such as ours, enabling us to restore higher levels of service to all victims seeking our aide. As I stated, our need is desperate.

Sincerely,

CAROL L. LAVERY,
Executive Director.

By Mr. DECONCINI:

S. 2368. A bill to implement the intellectual property right provisions of the Uruguay round of the General Agreement on Tariffs and Trade, and for other purposes; to the Committee on the Judiciary.

THE TRADE-RELATED ASPECTS OF INTELLECTUAL PROPERTY RIGHTS IMPLEMENTATION ACT OF 1994

• Mr. DECONCINI. Mr. President, today I would like to submit the administration's draft legislation to implement the intellectual property provisions of the Uruguay round of the General Agreement on Tariffs and Trade [GATT]. I believe it is important for the public to have the opportunity to review the changes that are being proposed to domestic law prior to the formal submission of the implementing legislation by the administration. For this reason, I am introducing this bill today.

The agreement on trade-related aspects of intellectual property rights [TRIP's] makes some positive improvements in the protection of intellectual property worldwide. It establishes comprehensive standards for the protection of intellectual property rights in countries which join the World Trade Organization [WTO]. Each member country is required to implement standards that supplement several existing intellectual property conventions and to ensure that critical enforcement procedures will be available to safeguard intellectual property rights.

Certain changes to United States law are necessary under the proposed Uruguay round. In the patent area, the agreement requires changing the term of patent protection. The agreement also provides that patents rights must include the exclusive right to offer for sale and to import patented goods. In addition, patent inventive activity in member countries will be treated the

same as inventive activity in the United States allowing proof of a date of invention in any WTO country in order to establish priority of invention.

In the trademark area, the agreement requires that U.S. law prohibit the registration of trademarks for wines and spirits that contain misleading geographical indications. In addition, the definition of abandonment must be changed to require 3 consecutive years of non-use of a mark to cancel a registration rather than 2 years as currently required.

In the copyright area, the agreement requires member countries to provide rental rights in computer programs. Therefore, the draft implementing legislation would strike the sunset provision that exists in U.S. law on rental rights.

In addition, the draft implementing legislation proposes two additional changes to U.S. copyright law. First, it provides retroactive copyright protection to foreign works that fell into the public domain in the United States because of the failure to comply with copyright formalities prior to U.S. accession to the Berne Convention. The draft legislation also provides for both civil and criminal protection against the unauthorized creation and trafficking in bootleg copies of sound recordings of a live performances.

The purpose of introducing this bill is to provide the public with an opportunity to comment on the proposed changes. The procedure under which the GATT agreement and other fast-track trade agreements are considered in Congress significantly limits the ability of Congress and its committees to amend the legislation. Therefore, all concerns need to be resolved prior to the submission by the administration of their final bill. Strong U.S. intellectual property laws are critical to keeping this Nation the leader in technology and innovation. Only through careful consideration can we ensure that the proposed changes will responsibly improve intellectual property protection.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

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

S. 2368

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Intellectual Property Rights, Trade-Related Aspects of Implementation Act of 1994".

SEC. 2. RENTAL RIGHTS IN COMPUTER PROGRAMS.

Section 804(c) of the Computer Software Rental Amendments Act of 1990 (Public Law 101-650; 104 Stat. 5089, 5136) is amended by striking out the first sentence.

SEC. 3. CREATION AND TRAFFICKING IN BOOTLEG SOUND RECORDINGS PROHIBITED.

(a) IN GENERAL.—Chapter 113 of title 18, United States Code, is amended by inserting after section 2319 the following new section:

"§ 2319a. Creation of and traffic in bootleg sound recordings prohibited

"(a) Whoever, willfully and for purposes of commercial advantage or private financial gain, without the consent of a performer or a performer's agent—

"(1) fixes or causes to be fixed in a sound recording;

"(2) broadcasts, transmits, or otherwise communicates to the public or causes to be so broadcast, transmitted, or otherwise communicated, the sounds of a live performance; or

"(3) reproduces, distributes, sells, rents, offers for sale or rent, transports, broadcasts, transmits, or otherwise communicates to the public or possesses, for the purpose of—

"(A) creating any article in violation of paragraph (1); or

"(B) fixing the sounds therein,

shall, upon judgment of conviction, be fined not more than $250,000 or imprisoned for not more than 5 years, or both.

"(b) When any person is convicted of any violation of subsection (a), the court in its judgment of conviction shall, in addition to the penalty therein prescribed, order the forfeiture, destruction, or other disposition of the applicable articles, implements, devices, and equipment as required under section 4 (b) and (d) of the Intellectual Property Rights General Agreement on Tariffs and Trade Implementation Act of 1994.

"(c) The provisions of this section do not preempt any State statute or civil or criminal cause of action arising under a State's common law.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 113 of title 18, United States Code, is amended by inserting after the item relating to section 2319 the following:

"2319a. Creation of and traffic in bootleg sound recordings prohibited.".

(c) EFFECTIVE DATE.—This section shall take effect 1 year after the date of entry into force of the World Trade Organization Agreement as referred to under the Uruguay Round Implementation Act and shall apply to—

(1) all performances fixed on and after that date; and

(2)(A) all traffic in articles containing sounds fixed without their performer's authorization; and

(B) all broadcasts, transmissions or other disseminations of sounds fixed without their performer's authorization on and after that date without regard to the date upon which the article containing such sounds was fixed.

SEC. 4. PROHIBITION OF CREATION AND TRAFFICKING IN BOOTLEG SOUND RECORDINGS.

(a) IN GENERAL.—Whoever, without the consent of a performer or a performer's agent—

(1) fixes or causes to be fixed in a sound recording;

(2) broadcasts, transmits, or otherwise communicates to the public or causes to be so broadcast, transmitted, or otherwise communicated the sounds of a live performance; or

(3) reproduces, distributes, sells, rents, offers for sale or rent, transports, broadcasts, transmits, or otherwise communicates to the public or possesses, for the purpose of—

(A) creating any article in violation of paragraph (1); or

(B) fixing the sounds therein,

shall, upon judgment of liability in a civil proceeding, be subject to the sanctions under sections 502 through 505 of title 17, United States Code, as if he were an infringer of copyright under section 501 of such title.

(b) DISPOSITION OF ARTICLES CONTAINING UNAUTHORIZED FIXATIONS.—When any person is held liable for a violation of subsection (a), the court in its judgment shall, in addition to the other relief therein granted, order the forfeiture and destruction or other disposition of all articles created in violation thereof and all implements, devices, or equipment used in the manufacture of such articles.

(c) NO PREEMPTION.—The provisions of this section do not preempt any State statute or civil or criminal cause of action arising under a State's common law.

(d) FOREIGN-MANUFACTURED ARTICLES.—(1) In a case where the fixing of sounds in articles outside the United States would have been a violation of subsection (a) if said fixation had taken place within the United States, the importation, sale, rental, or other distribution of such articles is prohibited. Persons committing these acts shall be subject to the sanctions set out in subsection (a) to the same extent as if that subsection had been violated.

(2)(A) The Secretary of the Treasury and the United States Postal Service shall separately or jointly prescribe regulations for the enforcement of the provisions of this section prohibiting importation.

(B) The Secretary of the Treasury shall prescribe, by regulation, a procedure under which any performer or representative thereof may, upon payment of a specified fee, be entitled to notification by the United States Customs Service of the importation of articles that appear to consist of fixations of a particular performance.

(C) Articles imported in violation of the importation prohibitions of this section are subject to seizure and forfeiture in the same manner as property imported in violation of the customs revenue laws. Forfeited articles shall be destroyed as directed by the Secretary of the Treasury or the court, as the case may be, except that the articles may be returned to the country of export whenever it is shown to the satisfaction of the Secretary of the Treasury that the importer had no reasonable grounds for believing that his or her acts constituted a violation of law.

(e) EFFECTIVE DATE.—This section shall take effect 1 year after the date of entry into force of the World Trade Organization Agreement as referred to under the Uruguay Round Implementation Act and shall apply to—

(1) all performances fixed on and after that date; and

(2)(A) all traffic in articles containing sounds fixed without their performer's authorization; and

(B) all broadcasts, transmissions or other disseminations of sounds fixed without their performer's authorization on and after that date without regard to the date upon which the article containing such sounds was fixed.

SEC. 5. RESTORATION OF COPYRIGHT.

(a) IN GENERAL.—Section 104A of title 17, United States Code, is amended to read as follows:

"§ 104A. Copyright in certain works

"(a) RESTORATION OF COPYRIGHT; TERM OF RESTORED COPYRIGHT.—(1) Copyright in a restorable work shall vest automatically on the date of restoration.

"(2) Subject to the provisions of subsections (b) through (j), any restorable work shall have copyright protection under this title for the remainder of the term of copyright protection that it would have otherwise enjoyed in the United States.

"(3) Copyrights in certain motion pictures and works included therein as to which restoration was properly sought under section 104A of this title as it was in force on the day prior to the effective date of this section shall be deemed to have been restored thereunder, but shall otherwise be subject to all of the provisions of this section.

"(b) OWNERSHIP OF RESTORED COPYRIGHT.—A restored copyright shall vest initially in the author of a restorable work as determined under the law of its source country.

"(c) ELIGIBILITY TO FILE NOTICE OF INTENT TO ENFORCE A RESTORED COPYRIGHT AGAINST RELIANCE PARTIES.—(1) Any person who owns a restored copyright, or any exclusive right therein, may file or serve a notice of intent to enforce that copyright against reliance parties under the provisions of subsections (d) and (e) of this section.

"(2) The filing or service of such a notice shall create no presumption as to the truth of any statement set out in such notice.

"(d) REMEDIES AND LIMITATIONS THEREON.—(1) Subject to paragraphs (2) through (4) of this subsection, the remedies set out in chapter 5 of this title shall be available, in respect of a restored copyright, immediately upon restoration, with respect to any act committed on or after the date of restoration.

"(2) The remedies for infringement set out in chapter 5 of this title shall be available against reliance parties only upon satisfaction of at least one of the following conditions:

"(A) The owner of the restored copyright files, between the date of restoration and 24 months thereafter, a notice of intent to enforce a restored copyright that complies with regulations of the Copyright Office that shall be published in the Federal Register no later than 60 days prior to the TRIPs effective date.

"(B) As against a particular reliance party, the owner serves upon that reliance party a proper notice of intent to enforce a restored copyright.

"(3) Notwithstanding the provisions of paragraph (2), no reliance party shall be subject to liability under this title, for any act other than reproduction of the work in which a restored copyright subsists, if such act is performed prior to the completion of 12 months after the earlier of publication of the title of the restored work in the Federal Register or receipt of notice in compliance with paragraph (2)(B).

"(4) Notwithstanding any other provision of law, a reliance party shall be subject to statutory damages or attorney's fees only with respect to any act of infringement committed after both—

"(A) January 1, 2000; and

"(B) receipt of notice that complies with subsection (e) (1), (2), and (4).

"(e) NOTICES OF INTENT TO ENFORCE A RESTORED COPYRIGHT.—(1) Any notice of intent shall clearly identify—

"(A) the person who owns the restored copyright; and

"(B) the title of the restorable work, including—

"(i) an English translation of a foreign language title; and

"(ii) alternative titles by which the work, or a derivative work based thereon, may reasonably be expected to have been known in the United States, and any other information specified by regulation.

"(2) If a work has no formal title, it shall be described in sufficient detail so as to maximize the probability of its identification. Such notice shall be signed by the owner of the restored copyright or his agent. If such notice is signed by an agent, the agency shall have been constituted in a writing signed by the owner prior to execution of notice by the agent.

"(3) For a notice filed with the Copyright Office—

"(A) a reasonable fee may be imposed to cover its receipt, processing, recordation, or publication of the information set out in such notice of intent; and

"(B) minor errors and omissions may be corrected after the period established in subsection (d)(2)(A), and such corrections shall be published in the Federal Register.

"(4) For a notice served upon a reliance party, the notice shall identify with substantial precision the use to which the owner of the restored copyright objects.

"(5) Any material false statement or claim knowingly made in any notice of intent shall make void all claims and assertions set out therein, with respect to all titles set out therein.

"(6) The Copyright Office shall publish in the Federal Register, on a quarterly basis, beginning no later than 4 months after the TRIPs effective date, a list containing at least the information required under paragraph (1) with respect to restored copyrights as to which a notice of intent has been filed. With respect to works whose copyrights are restored after the TRIPs effective date, the Copyright Office shall publish a list containing at least the information required under paragraph (1) with respect to restored copyrights as to which a notice of intent has been filed, on a quarterly basis as established by regulation.

"(7) Such lists shall be cumulative on an annual basis. In order to facilitate the public identification of restored copyrights as to which enforcement is intended, at least one complete list shall be maintained in one or more files distinct from other Copyright Office records.

"(f) EFFECT OF RESTORATION OF COPYRIGHT IN DERIVATIVE WORKS, COLLECTIVE WORKS, AND COMPILATIONS.—A copyright restored under this section shall protect only the copyrightable authorship contributed to the work whose title is set out in the notice of intent. Neither a restored copyright in a work upon which a derivative work is based nor a restored copyright in a separately copyrightable work contained in a collective work or compilation shall be enforceable against a reliance party unless a notice of intent has been filed in the Copyright Office or served on the reliance party.

"(g) IMMUNITY FROM WARRANTY AND RELATED LIABILITY.—(1) No person who warranted, promised or otherwise undertook to guarantee that a work created by such person infringes no rights of another, and which warranty, promise, or guarantee is breached by virtue of the restoration of copyright under this section, shall be liable to any claimant seeking legal, equitable, arbitral, or administrative relief of any type whatsoever therefore.

"(2) No person shall be compelled to perform, or held liable for failure to perform, any act the performance of which is made infringing under the provisions of this section.

"(h) NO ESTOPPEL.—The act of filing any notice described in subsection (e) shall not prejudice the ability of a person to seek at any time a judicial determination that a particular work was never in the public domain in the United States.

"(i) PROCLAMATION OF COPYRIGHT RESTORATION.—Whenever the President finds that a particular foreign nation extends, to works by authors who are nationals or domiciliaries of the United States or to works that are first published in the United States, restored copyright protection to a similar extent as that provided to restorable works under this section, the President may by proclamation extend protection under this section to works of which one or more of the authors is, on the date of first publication, a national, domiciliary, or sovereign authority of that nation, or which was first published in that nation. The President may revise, suspend, or revoke any such proclamation or impose any conditions or limitations on protection under a proclamation.

"(j) DEFINITIONS.—For the purposes of this section and section 109(a):

"(1) The term 'date of adherence or proclamation' means the earlier of the dates upon which a foreign country that, as of the TRIPs effective date, is neither a member of the Berne Union or World Trade Organization, nor the subject of a proclamation under section 104A(i)—

"(A) becomes a member of either the Berne Union or World Trade Organization; or

"(B) is effectively proclaimed under section 104A(i).

"(2) The term 'date of restoration' of a restored copyright means—

"(A) the TRIPs effective date, if the work is restorable work on that date; or

"(B) the date of adherence or proclamation.

"(3) The term 'eligible country' means a country, not the United States, that on the date copyright is restored under the provisions of this section has either—

"(A) joined the World Trade Organization or adhered to the Berne Convention for the Protection of Literary and Artistic Works; or

"(B) been the subject of a proclamation under subsection (i).

"(4) The term 'reliance party' means a person who, prior to the date of enactment of the Intellectual Property Rights General Agreement on Tariffs and Trade Implementation Act of 1994, or with respect to a restorable work having a source country that was not an eligible country until after the TRIPs effective date, prior to the date of adherence or proclamation—

"(A) was engaged to a significant extent in, and, as of the relevant date, was continuing to do or authorize any of the acts set out in section 106 with respect to a restorable work; or

"(B) had, in preparing to do such acts, either—

"(i) acquired a substantial number of copies or phonorecords of a restorable work; or

"(ii) made substantial monetary investments in respect of such work.

"(5)(A) The term 'restorable work' means an original work of authorship that is not protected under this title by virtue of—

"(i) noncompliance with formalities imposed at any time by United States copyright law, including failure of renewal, lack of proper notice, or failure to comply with the manufacturing requirement;

"(ii) the absence of copyright relations between the United States and the source country; or

"(iii) by reason of section 301(c); but not in the public domain in its source country that—

"(I) has at least one author or, if the work is a sound recording a producer, who was, at the time the work was created, a national or domiciliary of an eligible country; and

"(II) if published, was published initially in an eligible country and not published within 30 days thereafter in the United States.

"(B) No work in which the copyright was ever owned or administered by the Alien Property Custodian which could if restored, be owned by a government or instrumentality thereof, shall be a restorable work.

"(6) The term 'restored copyright' means a copyright that becomes effective under the provisions of this section, without regard to whether such copyright was ever previously in effect in the United States.

"(7)(A) The term 'source country' of a restorable work means—

"(i) not the United States; and

"(ii)(I) in the case of an unpublished work, the eligible country in which—

"(aa) the author is a national or domiciliary; or

"(bb) if a restorable work has more than one author, the majority of foreign authors are nationals or domiciliaries; or

"(II) in the case of a published work, the eligible country in which the work is initially published.

"(B) If under subparagraph (A)(ii)(I) of this definition, no majority exists, or under subparagraph (A)(ii)(II) of this definition, a restorable work was published on the same day in two or more eligible countries, then the source country shall be the country other than the United States having the most significant contacts with the work.

"(8) The term 'TRIPs effective date' is the date upon which the obligations under the Agreement on Trade-Related Aspects of Intellectual Property become effective with respect to the United States.".

(b) LIMITATION ON EXCLUSIVE RIGHTS.—Section 109(a) of title 17, United States Code, is amended by striking out "copy or phonorecord." and inserting "copy or phonorecord; except that the sale or other disposition, without the authorization of the owner of a restored copyright, of copies or phonorecords manufactured before the date of restoration of works in which copyright has been restored under the provisions of section 104A of this title shall be authorized under this section—

"(1) only during the post-restoration grace period afforded to reliance parties established by section 104A(d)(3); and

"(2) thereafter, only as part of a sale or disposition of no more than one copy or phonorecord at a time.".

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 1 of title 17, United States Code, is amended by amending the item relating to section 104A to read:

"104A. Copyright in certain works.".

SEC. 6. DEFINITION OF "ABANDONMENT".

Section 45 of the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946, commonly referred to as the Trademark Act of 1946 (15 U.S.C. 1127) is amended by amending the paragraph defining "abandonment" to read as follows:

"A mark shall be deemed to be 'abandoned' when either of the following occurs:

"(1) When its use has been discontinued with intent not to resume such use. Intent not to resume may be inferred from circumstances. Nonuse for three consecutive years shall be prima facie evidence of abandonment. 'Use' of a mark means the bona fide use of that mark made in the ordinary course of trade, and not made merely to reserve a right in a mark.

"(2) When any course of conduct of the owner, including acts of omission as well as commission, causes the mark to become the generic name for the goods or services on or in connection with which it is used or otherwise to lose its significance as a mark. Purchaser motivation shall not be a test for determining abandonment under this paragraph.".

SEC. 7. NONREGISTRABILITY OF MISLEADING GEOGRAPHIC INDICATIONS FOR WINES AND SPIRITS.

Section 2 of the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946, commonly referred to as the Trademark Act of 1946 (15 U.S.C. 1052(a)) is amended by amending subsection (a) to read as follows:

"(a) Consists of or comprises immoral, deceptive, or scandalous matter; or matter which may disparage or falsely suggest a connection with persons, living or dead, institutions, beliefs, or national symbols, or bring them into contempt, or disrepute; or a geographical indication which, when used on or in connection with wines or spirits, identifies a place other than the origin of the goods and is first used on or in connection with wines or spirits by the applicant on or after the date of entry into force of the World Trade Organization Agreement as referred to under the Uruguay Round Implementation Act.".

SEC. 8. TREATMENT OF INVENTIVE ACTIVITY.

(a) IN GENERAL.—Section 104 of title 35, United States Code, is amended to read as follows:

"§ 104. Invention made abroad

"(a) IN GENERAL.—In proceedings in the Patent and Trademark Office, in the courts, and before any other competent authority, an applicant for a patent, or a patentee may not establish a date of invention by reference to knowledge or use thereof, or other activity with respect thereto, in a foreign country other than a NAFTA country or a WTO Member country, except as provided in sections 119 and 365 of this title. Where an invention was made by a person, civil or military, while domiciled in the United States or a NAFTA country or a WTO Member country serving in any other country in connection with operations by or on behalf of the United States or a NAFTA country or a WTO Member country, respectively, the person shall be entitled to the same rights of priority in the United States with respect to such invention as if such invention had been made in the United States or a NAFTA country or a WTO Member country, respectively. To the extent that any information in a NAFTA country or a WTO Member country concerning knowledge, use, or other activity relevant to proving or disproving a date of invention has not been made available for use in a proceeding in the Office, a court, or any other competent authority to the same extent as such information could be made available in the United States, the Commissioner, court, or such other authority shall draw appropriate inferences, or take other action permitted by statute, rule, or regulation, in favor of the party that requested the information in the proceeding.

"(b) DEFINITIONS.—For purposes of this section:

"(1) The term 'NAFTA country' has the meaning given that term in section 2(4) of the North American Free Trade Agreement Implementation Act.

"(2) The term 'WTO Member country' has the meaning given that term under the Uruguay Round Implementation Act.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to all patent applications that are filed on or after the date that is 1 year after the date of entry into force of the WTO Agreement, as referred to in the Uruguay Round Implementation Act, except that an applicant for a patent, or a patentee, may not establish a date of invention that is earlier than the effective date of this amendment by reference to knowledge or use thereof, or other activity with respect thereto, in a World Trade Organization country, except as provided in sections 119 and 365 of title 35, United States Code.

SEC. 9. PATENT RIGHTS CONFERRED.

(a) CONTENTS OF A PATENT.—Section 154 of title 35, United States Code, is amended to read as follows:

"§ 154. Contents and term of patent

"(a) IN GENERAL.—Every patent shall contain a short title of the invention and a grant to the patentee, his heirs or assigns, of the right to exclude others from making, using, offering for sale, or selling the invention throughout the United States and, if the invention is a process, of the right to exclude others from using, offering for sale, or selling throughout the United States, or importing into the United States, products made by that process, referring to the specification for the particulars thereof. Subject to the payment of fees as provided for in this title, such grant shall be for a term beginning on the date on which the patent issues and ending 20 years from the date on which the application for the patent was filed in the United States or, if the application contains a specific reference to an earlier filed application or applications under sections 120, 121, or 365(c) of this title, from the date on which the earliest such application was filed. Priority under sections 119, 365(a), or 365(b) of this title shall not be taken into account in determining the term of a patent. A copy of the specification and drawings shall be annexed to the patent and be a part thereof.

"(b) EXTENSION OF TERM IF CERTAIN DELAY.—Where the issuance of an original patent is delayed because of a proceeding under section 135(a) of this title or the application is placed under an order pursuant to section 181 of this title, the term of the patent shall be extended for the period of delay up to 5 years.".

(b) DEFINITION OF INFRINGEMENT.—Section 271 of title 35, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting ", offers to sell," after "uses"; and

(B) by inserting "or importing into the United States any patented invention" after "the United States";

(2) in subsection (c) by striking out "sells" and inserting "offers to sell or sells within the United States or imports into the United States for such purposes";

(3) in subsection (e)—

(A) paragraph (1) by striking out "or sell" and inserting "offer to sell, or sell within the United States or import into the United States";

(B) paragraph (3) by striking out "or selling" and inserting "offering to sell, or selling within the United States or importing it";

(C) paragraph (4)(B) by striking out "or sale" and inserting "offer to sell, or sale

within the United States or importation into the United States for such purposes"; and

(D) paragraph (4)(C) by striking out "or sale" and inserting "offer to sell, or sale within the United States or importation into the United States"; and

(4) in subsection (g)—

(A) in the first sentence by striking out "sells" and inserting "offers to sell, sells,";

(B) in the second sentence by inserting "offer to sell," after "importation,"; and

(C) in the second sentence by inserting ", offer to sell" after "other use".

(c) CONFORMING AMENDMENTS.—(1) Section 41(c)(2) of title 35, United States Code, is amended to read as follows:

"(2) No patent, the term of which has been maintained as a result of the acceptance of a payment of a maintenance fee under this subsection, shall abridge or affect the right of any person or his successors in business who made, purchased, or used anything protected by the patent within the United States, or imported anything protected by the patent into the United States after the 6-month grace period but prior to the acceptance of a maintenance fee under this subsection, to continue the use of, to offer for sale, or to sell to others to be used, offered for sale, or sold, the specific thing so made, purchased, used, or imported. The court before which such matter is in question may provide for the continued manufacture, use, offer for sale, or sale of the thing made, purchased, or used within the United States, or imported into the United States, as specified, or for the manufacture, use, offer for sale, or sale in the United States of which substantial preparation was made after the 6-month grace period but before the acceptance of a maintenance fee under this subsection, and it may also provide for the continued practice of any process, practice, or for the practice of which substantial preparation was made, after the 6-month grace period but prior to the acceptance of a maintenance fee under this subsection, to the extent and under such terms as the court deems equitable for the protection of investments made or business commenced after the 6-month grace period but before the acceptance of a maintenance fee under the subsection.".

(2) The second paragraph of section 252 of title 35, United States Code, is amended to read as follows:

"No reissued patent shall abridge or affect the right of any person or his successors in business who, prior to the grant of a reissue, made, purchased, or used within the United States, or imported into the United States anything patented by the reissued patent, to continue the use of, to offer to sell, or to sell to others to be used, offered for sale, or sold, the specific thing so made, purchased, used, or imported unless the making, using, offering for sale, or selling of such thing infringes a valid claim of the reissued patent which was in the original patent. The court before which such matter is in question may provide for the continued manufacture, use, offer for sale, or sale of the thing made, purchased or used, or imported as specified, or for the manufacture, use, offer for sale, or sale in the United States of which substantial preparation was made before the grant of the reissue, and it may also provide for the continued practice of any process patented by the reissue, practiced, or for the practice of which substantial preparation was made, prior to the grant of the reissue, to the extent and under such terms as the court deems equitable for the protection of investments made or business commenced before the grant of the reissue.".

(3) Section 262 of title 35, United States Code, is amended—

(A) by inserting ", or offer to sell," after "may make use"; and

(B) by inserting "within the United States, or import into the United States," after "or sell the patented invention".

(4) Section 272 of title 35, United States Code, is amended by inserting "offered for sale," after "vehicle and is not".

(5) Section 287 of title 35, United States Code, is amended—

(A) in subsection (a) by striking out "making or selling any patented article for or under them," and inserting "making, offering for sale, or selling within the United States any patented article for or under them, or importing any patented article into the United States for such purposes,";

(B) in subsection (b)(1)(C) by inserting "offer for sale," after "importation, use,";

(C) in subsection (b)(4)(A) by inserting "or offered for sale" after "or sold";

(D) in subsection (b)(4)(A)(ii) by inserting "offer for sale," after "importation, use,";

(E) in subsection (b)(4)(C) by inserting "offered for sale or" after "patented process which have"; and

(F) in subsection (b)(4)(C) by inserting "or imported into the United States," after "United States".

(6) Section 292(a) of title 35, United States Code, is amended—

(A) by inserting "offered for sale," after "anything made, used,";

(B) by inserting "within the United States, or imported into the United States" before "by him"; and

(C) by striking out "made or sold" and inserting "made, offered for sale, sold, or imported".

(7) Section 295 of title 35, United States Code, is amended by inserting ", offer for sale," after "importation, sale".

(8) Section 307(b) of title 35, United States Code, is amended by inserting "within the United States, or imported into the United States," after "purchased, or used".

SEC. 10. PATENT TERM AND INTERNAL PRIORITY.

(a) TERM.—Section 154 of title 35, United States Code, is amended to read as follows:

"§ 154. Contents and term of patent

"(a) IN GENERAL.—Every patent shall contain a short title of the invention and a grant to the patentee, his heirs or assigns, of the right to exclude others from making, using, offering for sale, or selling the invention throughout the United States and, if the invention is a process, of the right to exclude others from using, offering for sale, or selling throughout the United States, or importing into the United States, products made by that process, referring to the specification for the particulars thereof. Subject to the payment of fees as provided for in this title, such grant shall be for a term beginning on the date on which the patent issues and ending 20 years from the date on which the application for the patent was filed in the United States or, if the application contains a specific reference to an earlier filed application or applications under sections 120, 121, or 365(c) of this title, from the date on which the earliest such application was filed. Priority under sections 119, 365(a), or 365(b) of this title shall not be taken into account in determining the term of the patent. A copy of the specification and drawings shall be annexed to the patent and be a part thereof.

"(b) EXTENSION OF TERM IN CERTAIN DELAY.—Where the issuance of an original patent is delayed because of a proceeding under section 135(a) of this title or the application is placed under an order pursuant to section 181 of this title, the term of the patent shall be extended for the period of delay up to 5 years. Any and all extensions available under this subsection shall not extend the term of an original patent for more than 5 years.

"(c) TERMS OF CERTAIN PATENTS.—Except for patents for designs, the term of a patent in force on the effective date of this section shall be the greater of the 20-year term provided in this section or 17 years after the date of the grant. The remedies of sections 283, 284, and 285 of title 35, United States Code, shall not apply to any acts which were commenced or for which significant investment was made before the date of acceptance of the World Trade Organization Agreement by the United States and which became infringing because of the change in the term of a patent; except that such acts may only be continued upon the payment of an equitable remuneration to the patentee.".

(b) ESTABLISHMENT OF A DOMESTIC PRIORITY SYSTEM.—(1) Section 119 of title 35, United States Code, is amended to read as follows:

"§ 119. Benefit of earlier filing date; right of priority

"(a) IN GENERAL.—An application for patent for an invention filed in this country by any person who has, or whose legal representatives or assigns have, previously filed an application for a patent for the same invention in a foreign country which affords similar privileges in the case of applications filed in the United States shall have the same effect as the same application would have if filed in this country on the date on which the application for patent for the same invention was first filed in such foreign country, if the application in this country is filed within 12 months from the earliest date on which such foreign application was filed; but no patent shall be granted on any application for patent for an invention which had been patented or described in a printed publication in any country more than 1 year before the date of the actual filing of the application in this country, or which had been in public use or on sale in this country more than 1 year prior to such filing.

"(b) RIGHT OF PRIORITY.—No application for patent shall be entitled to a right of priority under subsection (a) unless a claim therefor and a certified copy of the original foreign application, specification, and drawings upon which it is based are filed in the Patent and Trademark Office before the patent is granted, or at such time during the pendency of the application as required by the Commissioner not earlier than 6 months after the filing of the application in this country. Such certification shall be made by the patent office of the foreign country in which filed and show the date of the application and of the filing of the specification and other papers. The Commissioner may require a translation of the papers filed if not in the English language and such other information as he deems necessary.

"(c) FOREIGN FILING.—In like manner and subject to the same conditions and requirements, the right provided under subsection (a) may be based upon a subsequent regularly filed application in the same foreign country instead of the first filed foreign application, provided that any foreign application has been withdrawn, abandoned, or otherwise disposed of, without having been laid open to public inspection and without leaving any rights outstanding, and has not served, nor thereafter shall serve, as a basis for claiming a right of priority.

"(d) INVENTOR'S CERTIFICATES.—Applications for inventor's certificates filed in a foreign country in which applicants have a

right to apply, at their discretion, either for a patent or for an inventor's certificate shall be treated in this country in the same manner and have the same effect for purpose of the right of priority under subsection (a) as applications for patents, subject to the same conditions and requirements of this section as apply to applications for patents. Such applicants shall be entitled to the benefits of the Stockholm Revision of the Paris Convention at the time of such filing.

"(e) PROVISIONAL APPLICATION.—An application for patent filed under sections 111(a) or 363 of this title for an invention disclosed in the manner provided by the first paragraph of section 112 of this title in a provisional application filed under section 111(b) of this title, by an inventor or inventors named in the provisional application shall have the same effect, as to such invention, as though filed on the date of the provisional application filed under section 111(b) of this title, if the application for patent filed under sections 111(a) or 363 of this title is filed within 12 months from the date on which the provisional application was filed and if it contains or is amended to contain a specific reference to the provisional application. A provisional application filed under section 111(b) of this title may not be relied upon in any proceeding in the Patent and Trademark Office unless the fee set forth in subsection 41(a)(1)(C) has been paid and the provisional application was pending on the filing date of the application for patent under sections 111(a) or 363 of this title.".

(2) Section 41(a)(1) of title 35, United States Code, is amended by adding at the end the following new subparagraph:

"(C) On filing each provisional application for an original patent, $150.".

(3) Section 111 of title 35, United States Code, is amended to read as follows:

"§ 111. Application

"(a) IN GENERAL.—(1) Application for patent shall be made, or authorized to be made, by the inventor, except as otherwise provided in this title, in writing to the Commissioner. Such application shall include—

"(A) a specification as prescribed by section 112 of this title;

"(B) a drawing as prescribed by section 113 of this title; and

"(C) an oath by the applicant as prescribed by section 115 of this title.

"(2) The application must be accompanied by the fee required by law. The fee and oath may be submitted after the specification and any required drawing are submitted, within such period and under such conditions, including the payment of a surcharge, as may be prescribed by the Commissioner. Upon failure to submit the fee and oath within such prescribed period, the application shall be regarded as abandoned, unless it is shown to the satisfaction of the Commissioner that the delay in submitting the fee and oath was unavoidable or unintentional. The filing date of an application shall be the date on which the specification and any required drawing are received in the Patent and Trademark Office.

"(b) PROVISIONAL APPLICATIONS.—(1) A provisional application for patent shall be made, or authorized to be made, by the inventor, in accordance with regulations prescribed by the Commissioner. Such application shall include—

"(A) a specification as prescribed by the first paragraph of section 112 of this title; and

"(B) a drawing as prescribed by section 113 of this title.

"(2) A claim shall not be required in a provisional application. The application must be accompanied by the fee required by law. The fee may be submitted after the specification and any required drawing are submitted, within such period and under such conditions, including the payment of a surcharge, as may be prescribed by the Commissioner. Upon failure to submit the fee within such prescribed period, the application shall be regarded as abandoned, unless it is shown to the satisfaction of the Commissioner that the delay in submitting the fee was unavoidable or unintentional. The filing date of a provisional application shall be the date on which the specification and any required drawing are received in the Patent and Trademark Office. The provisional application shall be regarded as abandoned 12 months after its filing date and shall not be subject to revival thereafter. Subject to all the conditions in this subsection, sections 111(b)(2) and 119(e) and as prescribed by the Commissioner, an application for patent filed under section 111(a) of this title may be treated as a provisional application for patent.

"(3) A provisional application shall not be entitled to the right of priority of any other application under sections 119 or 365(a) of this title or the benefit of an earlier filing date in the United States under sections 120, 121, or 365(c) of this title.

"(4) The provisions of this title relating to applications for patent shall be applicable to provisional applications for patent, except as otherwise stated and except that provisional applications for patent shall not be subject to sections 115, 131, 135, and 157 of this title.".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Section 156(a)(2) of title 35, United States Code, is amended by adding "under subsection (e)(1) of this section" after "extended".

(2) Section 172 of title 35, United States Code, is amended—

(A) by striking out "section 119" and inserting "section 119 (a) through (d)"; and

(B) by inserting at the end "The right of priority provided for by section 119(e) of this title shall not apply to designs.".

(3) Section 173 of title 35, United States Code, is amended by inserting "after the date of grant" after "years".

(4) Section 365 of title 35, United States Code, is amended—

(A) in subsection (a) by striking out "section 119" and inserting "section 119 (a) through (d)"; and

(B) in subsection (b) by striking out "the first paragraph of section 119" and inserting "section 119(a)".

(5) Section 373 of title 35, United States Code, is amended by striking out "section 119" and inserting "section 119 (a) through (d)".

(6) The table of sections for chapter 11 of title 35, United States Code, is amended—

(A) by striking the item relating to section 111 and inserting the following:

"111. Application.";

and

(B) by striking the item relating to section 119 and inserting the following:

"119. Benefit of earlier filing date; right of priority.".

SEC. 11. EFFECTIVE DATE.

(a) IN GENERAL.—Subject to subsection (b), the provisions of this Act and the amendments made by this Act shall take effect 1 year after the date of entry into force of the World Trade Organization Agreement as referred to under the Uruguay Round Implementation Act.

(b) PATENT TERM AND INTERNAL PRIORITY.—Section 10 shall take effect 6 months after the date of enactment of this Act and shall apply to all applications filed in the United States on or after the effective date. The term of a patent granted on a plant or utility application that is filed after the effective date and that contains a specific reference to an earlier filed application under the provisions of sections 120, 121, or 365(c) of title 35, United States Code, shall be determined from the filing date of the earliest filed application, a reference to which is made under sections 120, 121, or 365(c) of such title.●

By Mr. SIMON (for himself, Ms. MOSELEY-BRAUN and Mr. FORD):

S. 2369. A bill to grant the consent of the Congress to amendments to the central midwest interstate low-level radioactive waste compact; to the Committee on the Judiciary.

LEGISLATION ON THE CENTRAL MIDWEST COMPACT

● Mr. SIMON. Mr. President, at the request of Governor Edgar of Illinois, I am introducing legislation today granting congressional approval for various amendments to the central midwest compact on low-level radioactive waste.

The central midwest compact was established by Illinois and Kentucky in 1984 and received Congress' approval in 1986. The creation of the compact was a critical step in allowing Illinois and Kentucky to manage and control the disposal of radioactive waste within their borders.

This past year, both States adopted amendments to that compact that clarified its implementation and operation. Since these amendments modify an agreement between two States, they must receive congressional approval under the U.S. Constitution. The legislation I am offering provides that authorization.

In introducing this measure, I want to emphasize that I have taken no position on the merits of any specific waste disposal site or disposal plan. When these issues are subsequently debated in Illinois and Kentucky, it will be necessary for all concerned to act with the highest public concern for the health and safety of local citizens, for the protection of the environment, and for the efficient management of our waste materials.

I want to thank Senators MOSELEY-BRAUN and FORD for cosponsoring this legislation with me. We look forward to a speedy congressional approval.●

By Mr. DOLE:

S.J. Res. 215. A joint resolution designating September 5, 1994, Labor Day, as "Try American Day"; to the Committee on the Judiciary.

TRY AMERICAN DAY

Mr. DOLE. Mr. President, in the frequent debates we have in the Senate over the trade deficit, we pay a great deal of attention to the reasons for that deficit: the competitiveness of our

producers, the trade barriers erected by some of our competitors, and the relative openness of the American market in comparison with other countries, to name a few.

The debate often overlooks one reason for the trade deficit—the tremendous appetite Americans have for products made outside the United States. That appetite helps make us the largest importing nation in the world.

Being the largest importer should not be a problem for us. In fact, it should serve as an argument for other countries to open their markets to American-made products.

I believe it would be constructive, however, if all Americans gave more thought to selecting American-made products whenever possible. It would be good if every American looked at products made here in the United States as not just a consumer's choice, but as a job in their locality, a paycheck for their neighbor, and a direct economic benefit to their community.

This idea should not just occur to the individual consumer but to corporate purchasers as well. Those corporations who come to Washington seeking some sort of protection might do well to survey their machine tools, their corporate vehicles and their capital equipment to see where they were produced and how the purchasing choice was made.

To try to promote the idea of considering American-made products, I am introducing today a joint resolution designating September 5, 1994, Labor Day, a "Try American Day." Last year, I introduced a similar joint resolution which passed the Senate. I am pleased to say that this joint resolution is supported by "USA-Owned/USA-Made," an organization which promotes American quality, services and products.

The designation "Try American Day" avoids any confusion with "Buy American" legislation or any Federal Government mandate. This should be a personal choice for the American buyer.

Labor Day has been chosen as an appropriate day to honor the American worker.

The joint resolution also identifies American agriculture as a salute to the productivity of that important sector of American life.

The joint resolution authorizes the President to issue a proclamation calling on Americans to observe the day with appropriate activities and the purchase of American-made goods and services. But I would hope, Mr. President, that the resolution would have a positive effect on the purchase of American-made goods and services for the other 364 days of the year as well.

Mr. President, to date, "Try America" joint resolutions similar to this one have been passed by State governments in Arizona, Nevada, and Utah and by counties and cities in California, Arizona, and Washington State and are expected to pass in a number of other States and localities.

I want to make it clear to my colleagues that this joint resolution is not intended as any sort of Government-imposed mandate or any criticism of goods produced in other countries. It is simply intended as a modest effort to make consumers more aware of the skills and hard work of the millions of American men and women producing world-class products in large companies, small businesses, agriculture, the food industry, and the service sector.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

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

S.J. RES. 215

Whereas the creativity and ingenuity of American working men and women in the United States have provided a host of new products and services which improve the quality of life in the United States and the world;

Whereas American workers should be recognized as one of our Nation's most valuable resources;

Whereas the American spirit of entrepreneurship, pride of craftsmanship, and commitment to quality are hallmarks recognized throughout the world;

Whereas the United States and its citizens have reason to celebrate the strength and quality of American products and services;

Whereas the quality and abundance of American goods are a tribute to the productivity and ability of American workers;

Whereas the ability of American companies to export, even in the face of strong trade barriers in many countries, is a sign of the true competitiveness of American products;

Whereas American farmers and ranchers provide this country and the world with a wide array of high quality food and fiber products and consistently create annual agricultural trade surpluses of more than $20,000,000,000;

Whereas the energy and perseverance of American business serves as a beacon for other nations that strive to ensure prosperity for their people; and

Whereas American small business provides a basis for economic progress and for the creation of jobs and opportunities for people from every corner of America: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September 5, 1994, Labor Day, is designated "Try American Day", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities and to honor the day through the purchase of American-made goods and services.

ADDITIONAL COSPONSORS

S. 277

At the request of Mr. SIMON, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 277, a bill to authorize the establishment of the National African-American Museum within the Smithsonian Institution.

S. 1037

At the request of Mrs. MURRAY, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 1037, a bill to amend the Civil Rights Act of 1991 with respect to the application of such Act.

S. 2127

At the request of Mr. COATS, his name was added as a cosponsor of S. 2127, a bill to improve railroad safety at grade crossings, and for other purposes.

S. 2178

At the request of Mr. DASCHLE, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 2178, a bill to provide a program of compensation and health research for illnesses arising from service in the Armed Forces during the Persian Gulf War.

S. 2238

At the request of Mr. KENNEDY, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 2238, a bill to prohibit employment discrimination on the basis of sexual orientation.

S. 2242

At the request of Mr. DASCHLE, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 2242, a bill to establish a National Institute for the Environment, to improve the scientific basis for decision-making on environmental issues, and for other purposes.

S. 2363

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 2363, a bill to establish registration and tracking procedures and community notification with respect to released sexually violent predators.

SENATE JOINT RESOLUTION 90

At the request of Mr. ROBB, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of Senate Joint Resolution 90, a joint resolution to recognize the achievements of radio amateurs, and to establish support for such amateurs as national policy.

SENATE JOINT RESOLUTION 189

At the request of Mr. ROTH, the names of the Senator from Hawaii [Mr. INOUYE] and the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of Senate Joint Resolution 189, a joint resolution designating October 1994 as "National Decorative Painting Month."

SENATE JOINT RESOLUTION 209

At the request of Mr. COCHRAN, the names of the Senator from Delaware [Mr. BIDEN], the Senator from Arkansas [Mr. BUMPERS], the Senator from Montana [Mr. BURNS], the Senator from Indiana [Mr. COATS], the Senator

from Idaho [Mr. CRAIG], the Senator from Texas [Mrs. HUTCHISON], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Arizona [Mr. MCCAIN], the Senator from Ohio [Mr. METZENBAUM], the Senator from New York [Mr. MOYNIHAN], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Joint Resolution 209, a joint resolution designating November 21, 1994, as "National Military Families Recognition Day."

SENATE CONCURRENT RESOLUTION 66

At the request of Ms. MIKULSKI, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of Senate Concurrent Resolution 66, a concurrent resolution to recognize and encourage the convening of a National Silver Haired Congress.

AMENDMENTS SUBMITTED

LABOR—HHS APPROPRIATIONS ACT

SPECTER AMENDMENT NO. 2460

Mr. SPECTER proposed an amendment to the bill (H.R. 4606) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1995, and for other purposes, supra; as follows:

On Page 25, line 13, before the last period, insert the following:

SEC. 108. PROHIBITION ON THE USE OF THE UNITED STATES ARMED FORCES IN HAITI.

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

(1) Article I, Section 8 of the United States Constitution provides that Congress shall have the sole power to declare war; and

(2) On July 31, the United Nations Security Council adopted Resolution 940, which authorizes member states of the United Nations to use all necessary means to facilitate the departure from Haiti of the military leadership, consistent with the Governors Island Agreement, the prompt return of the legitimately elected President, and the restoration of the legitimate authorities of the Government of Haiti.

(b) PROHIBITION OF UNITED STATES ARMED FORCES IN HAITI.—The President is prohibited from using the United States Armed Forces to facilitate the departure of the military leadership and the restoration of the legitimately elected government.

(c) The prohibition in subsection (b) does not apply if—

(1) the use of the United States Armed Forces in Haiti is authorized in advance by Congress;

(2) the temporary deployment of forces of the United States Armed Forces into Haiti is necessary in order to protect or evacuate United States citizens from a situation of imminent danger and the President reports as soon as practicable to Congress after the initiation of the temporary deployment, but in no case later than 48 hours after the initiation of the temporary deployment; or

(3) the deployment of forces of the United States Armed Forces into Haiti is vital to the national security interests of the United States (including the protection of American citizens in Haiti), there is not sufficient time to seek and receive congressional authorization, and the President reports as soon as practicable to Congress after the initiation of the deployment, but in no case later than 48 hours after the initiation of the deployment.

McCAIN AMENDMENT NO. 2461

Mr. McCAIN proposed an amendment to the bill H.R. 4606, supra; as follows:

At the end of the committee amendment on page 69, at the end of line 5, insert the following: "Provided further, that $37,360,000 shall be transferred to Department of Health and Human Services to be used solely for AIDS research and prevention programs in Fiscal Year 1997."

BROWN (AND OTHERS) AMENDMENT NO. 2462

Mr. BROWN (for himself, Mr. SIMON, Mr. MURKOWSKI, and Mr. LIEBERMAN) proposed an amendment to the bill H.R. 4606, supra; as follows:

At the appropriate place in the committee amendment, add the following new section:

"SEC. . VISAS FOR OFFICIALS OF TAIWAN.

Section 4(b)(6) of the Taiwan Relations Act (22 U.S.C. 3302(b)(6)) is amended—

(1) by inserting "(A)" immediately after "(6)"; and

(2) by adding at the end the following:

"(B) Whenever the president of Taiwan or any other high-level official of Taiwan shall apply to visit the United States for the purposes of discussions with United States federal or state government officials concerning:

(i) Trade or business with Taiwan that will reduce the U.S.-Taiwan trade deficit;

(ii) Prevention of nuclear proliferation;

(iii) Threats to the national security of the United States;

(iv) The protection of the global environment;

(v) The protection of endangered species; or

(vi) Regional humanitarian disasters.

The official shall be admitted to the United States, unless the official is otherwise excludable under the immigration laws of the United States.".

HELMS AMENDMENT NO. 2463

Mr. HELMS proposed an amendment to the bill H.R. 4606, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . PROTECTION AGAINST THE HUMAN IMMUNODEFICIENCY VIRUS.

Chapter 51 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1118. Protection against the Human Immunodeficiency Virus

"(a) IN GENERAL.—Whoever, after testing positive for the Human Immunodeficiency Virus (HIV) and receiving actual notice of that fact, knowingly donates or sells, or knowingly attempts to donate or sell, blood, semen, tissues, organs, or other bodily fluids, except as determined necessary for medical research, shall be fined or imprisoned in accordance with subsection (c).

"(b) TRANSMISSION NOT REQUIRED.—Transmission of the Human Immunodeficiency Virus does not have to occur for a person to be convicted of a violation of this section.

"(c) PENALTY.—Any person convicted of violating the provisions of subsection (a) shall be subject to a fine of not less than $10,000 nor more than $20,000 and imprisoned for not less than 1 year nor more than 10 years, or both.".

DOLE (AND OTHERS) AMENDMENT NO. 2464

(Ordered to lie on the table.)

Mr. DOLE (for himself, Mr. LIEBERMAN, Mr. MCCAIN, Mr. MOYNIHAN, Mr. WELLSTONE, Mr. EXON, Mr. FEINGOLD, Mr. HATCH, and Mr. DECONCINI) submitted an amendment intended to be proposed by them; as follows:

At the appropriate place, add the following:

SEC. . TERMINATION OF ARMS EMBARGO.

(1) TERMINATION.—The President shall terminate the United States arms embargo of the Government of Bosnia and Herzegovina no later than November 15, 1994 so that Government may exercise its right of self-defense under Article 51 of the United Nations Charter.

(2) DEFINITION.—As used in this section, the term 'United States arms embargo of the Government of Bosnia and Herzegovina' means the application to the Government of Bosnia and Herzegovina of—

(A) the policy adopted July 10, 1991, and published in the Federal Register of July 19, 1991 (58 F.R. 33322) under the heading 'Suspension of Munitions Export Licenses to Yugoslavia'; and

(B) any similar policy being applied by the United States Government as of the date of receipt of the request described in paragraph (1) pursuant to request described in paragraph (1) pursuant to which approval is denied for transfers of defense articles and defense services to the former Yugoslavia.

(3) RULE OF CONSTRUCTION.—Nothing in this section shall be interpreted as authorization for deployment of United States forces in the territory of Bosnia and Herzegovina for any purpose, including training, support, or delivery of military equipment.

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, the Committee on Small Business has scheduled a hearing for Tuesday, August 9, 1994. The purpose of the hearing is to receive testimony regarding recommendations to improve the Small Business Administration's [SBA] Minority Small Business and Capital Ownership Development Program [more commonly known as the SBA Section 8(a) Program]. The hearing will be conducted in the committee's hearing room, SR-428A, commencing at 10 a.m. The Senator from Massachusetts [Mr. KERRY] will chair the hearing.

The committee expects to receive testimony from SBA's Deputy Administrator, Cassandra M. Pulley, regarding SBA's concept for a new Minority

Enterprise Development [MED] Program.

Testimony will also be received from representatives of the minority business enterprise community regarding SBA's MED Program proposal and the Business Development Opportunity Act of 1994, being proposed by the Senator from Massachusetts [Mr. KERRY]. Representatives are expected from the Minority Business Enterprise Legal Defense and Education Fund [MBELDEF], the Latin American Management Association [LAMA], the National Federation of 8(a) Companies, the National Association of Minority Business [NAMB], and others.

Further information concerning this hearing may be obtained from the committee's procurement policy counsel, William B. Montalto. Bill may be reached at 224-5175.

COMMITTEE ON INDIAN AFFAIRS

Mr. BUMPERS. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will be holding a markup on Wednesday, August 10, 1994, beginning at 10 a.m., in 216 Hart Senate Office Building on S. 2036, the Indian Self-Determination Contract Reform Act of 1994; S. 2150, the Native Hawaiian Housing Assistance Act of 1994; S. 2259, the Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act; S. 2269, the Native American Cultural Protection and Free Exercise of Religion Act of 1994; S. 2329, the Mohegan Nation of Connecticut Land Claims Settlement Act; and, for other purposes to be followed immediately by confirmation hearings for Harold Monteau to serve as the Chairman of the National Indian Gaming Commission and Gary Kimble to serve as the Commissioner for the Administration for Native Americans.

Those wishing additional information should contact the Committee on Indian Affairs at 224-2251.

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Committee has rescheduled the markup of the Small Business Reauthorization and Amendments Act of 1994. The markup will be held on Wednesday, August 10, 1994, at 1:30 p.m., in room 428A of the Russell Senate Office Building. The markup had previously been scheduled for Wednesday, August 3, 1994. For further information, please call Patricia Forbes, Deputy Staff Director of the Small Business Committee at 224-5175.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Friday, August 5, 1994 at 8:30 a.m., in SR-332, to consider the pending nominations, Dr. Jose Amador, of Texas, to be Assistant Secretary for Science and Education and Roger Viadero, of Virginia, to be Inspector General of the Department of Agriculture.

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

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Friday, August 5, 1994 at 10 a.m., in SR-332, to discuss beef and dairy checkoff programs.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Friday, August 5, beginning at 9:30 a.m., to conduct a hearing pursuant to Senate Resolution 229.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Friday, August 5 beginning at 9:30 a.m. to conduct a markup on the nominations of Janet Yellen to be a member of the Board of Governors of the Federal Reserve System; Julie Belaga to be a member of the Board of Directors of the Export-Import Bank; and Susan Baron and Danny David to be members of the National Corporation for Housing Partnerships.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. MITCHELL. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on the reproductive hazards for veterans associated with radiation, agent orange, and Gulf war exposures. The hearing will be held on August 5, 1994, at 10:30 a.m. in room 216 of the Hart Senate Office Building.

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

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Friday, August 5, 1994, to hold a hearing on "Oversight of the Insurance Industry: Blue Cross/Blue Shield—Federal Contracts."

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

ADDITIONAL STATEMENTS

DESALTING THE SEAS

• Mr. SIMON. Mr. President, the Waukegan News-Sun is one of the few newspapers in the United States that has taken an interest in a problem that is going to be afflicting not only this Nation but the world in the decades to come. They also note something that I was not aware of, a study by Population Action International that suggests, "by the year 2,025, one in three people on the face of the Earth will live where water is scarce."

I am talking about the water problems and the need to have research to find a less expensive way of converting salt water to fresh water.

It may seem strange for the Waukegan News-Sun, published in a community sitting at the edge of a huge body of water, Lake Michigan, to take an interest in the problem of water around the world.

But the reality is that if we do not move toward solving the desalination problem, the sons and daughters of the present residents of Waukegan are going to be adversely affected.

Legislation is now pending in the Senate to move ahead on this, and I hope we will move and move before long.

We should listen to the final two sentences of their editorial: "Furthering mankind's ability to cost-effectively produce fresh water from the sea is most important from a world survival perspective. We hope the usual indifference can be overcome so that better technology can be developed."

I ask to insert the entire editorial into the RECORD at this point.

The editorial follows:

[From the News-Sun, July 23-24, 1994]

DESALTING THE SEAS

At issue: The need for further research to develop cost-effective technology to drink water from the seas.

Desalination may seem a decidedly out-of-the-ordinary cause for one of Illinois' U.S. senators.

Yet, Sen. Paul Simon is the chief sponsor of a bill to revive the federal government's dormant research into desalination—removing salt and impurities from sea water to make it safe for human consumption and agricultural irrigation. No newcomer to this concern, Simon has been working on more research funding since 1986.

With Lake Michigan, many rivers and underground aquifers supplying in most years more than adequate supplies of water, we Illinoisans do not think about water shortages.

However, consider that less than one percent of the Earth's water is fit for human consumption.

We remember from geography that more of the Earth consists of great bodies of water than of land masses. That water, however, is salty.

Technology exists to desalt water from the oceans, but it is expensive and energy-intensive. Among the most arid nations, only rich countries such as Saudi Arabia can afford big-scale desalting plants.

The ocean states of California and Florida are forced by water shortages to rely on existing, expensive commercial desalination. And that can indeed have an impact here in Illinois. Shortages of cheap water for irrigation in California and Florida mean higher prices here for fruits and vegetables.

In Africa and the Middle East, droughts are common and water supplies always are scarce.

Sen. Simon said recently he has heard Israeli and Egyptian leaders talk more about water than oil—to the degree that the next war in that region well could be fought over water, not oil.

A study by Population Action International (PAI) forecasts that, by the year 2025, one in three people will live where water is scarce. Already, PAI noted, half of the world's population suffers from water-related diseases such as diarrhea, which claims the lives of four million infants a year.

With the world's population growing, it's clear, as the senator said, that we "are going to have to use the two-thirds of the world that is covered by salt water."

Simon's bill would authorize investment in research to develop "the best and most economical" means of desalination; $5 million in fiscal year 1995, $10 million in 1996 and "such sums as may be necessary" through 1999.

The measure also would authorize $50 million over the period for development of facilities in a cost-sharing arrangement with municipalities and states.

The United States was once considered at the forefront of desalination technology development. Federally funded research was largely curtailed in 1974, in part because of the Arab oil embargo. That created a shortage of fuel for the experimental plants. Also, the technology development was considered sufficient.

Simon acknowledges it doesn't have much sex appeal. Nevertheless, as he points out, "it really is important for civilization. It is one of these things that is going to have a huge impact on the future for our kids and future generations."

Furthering mankind's ability to cost-effectively produce fresh water from the sea is most important from a world survival perspective. We hope the usual indifference can be overcome so that better technology can be developed.•

CONGRATULATING PROFESSOR LOUIS W. STERN

• Ms. MOSELEY-BRAUN. Mr. President, I would like to take a moment today to congratulate a fellow Illinosan, Prof. Louis W. Stern of the Kellogg Graduate School of Management at the Northwestern University in Evanston, IL. Professor Stern has just been awarded the AMA/Erwin distinguished Marketing Educator Award for 1994.

Professor Stern will be honored on Sunday, August 7, in a ceremony conducted by the American Marketing Association at their conference in San Francisco. He is very well known and respected and is a real leader in his field. He has written 9 books and over 80 articles on marketing management, behaviorial sciences, and legal issues.

In addition to his professional duties, Mr. Stern has served as a consultant to the Federal Trade Commission, IBM, Ford, Kodak, Xerox, and General Electric. He has also testified before committees in the House of Representatives regarding antitrust matters.

Professor Stern should be proud of his many accomplishments and Illinois is glad to call him one of its own.•

TV MENACE EATS AWAY AT CHILDREN, FAMILIES

• Mr. SIMON. Mr. President, a longtime friend of mine, Jack Mabley, who writes a column for the Daily Herald in suburban Cook County, Illinois, and who for many years wrote a column for the Chicago Daily News, recently had a column on television that provides insight.

It is a powerful argument why we have to maintain public television. And as many of my colleagues know, I am not pleased that public television is increasingly relying on the same commercial interests that support commercial television.

My colleagues have heard me speak often about television violence, and the evidence of the harm that has been done is overwhelming. I am pleased the industry is gradually turning around on entertainment television violence, but there is still the overall question of the impact it has on each of us and on our culture beyond the grossest forms of abuse.

I ask to insert the Jack Mabley column into the RECORD at this point.

The column follows:

TV MENACE EATS AWAY AT CHILDREN, FAMILIES

What is the most insidious, most harmful scientific development of this generation? In my opinion, television.

A good argument can be made for the nuclear bomb, which has the potential for eliminating the human race. I think the bomb is less of a menace because its danger is clearly recognizable, and it is under control. In fact, because of its deterrent value, a third world war may have been avoided.

The menace of television is not clearly recognized, and television is out of control. The physical means of transmitting television—the air waves—are a national asset, but we have turned this asset over to business people whose objective is to make money.

I wrote the above three paragraphs 18 years ago, and little has changed except the violence and vulgarity have increased.

William A. Kelly of Arlington Heights clipped that column and sent me a copy this week with his comment that my premonition now seems like an understatement.

"To attack TV now is to undermine the gods of sport, the gladiators, the craze to be entertained—stronger than patriotism," said Kelly, a retired circuit court judge.

The atrophying of the collective brains of families as they sit like mummies in front of the tube every night is bad enough, but the worst tragedy is what television is doing to our children.

Advertisers pour billions into television because they are convinced the medium influences viewers to buy their products.

It is difficult to argue that the content between the commercials does not affect the behavior and morals and ethical standards of the viewers, especially the young viewers who are impressionable and imitative.

And they still spend more time watching television than they spend in school.

I heard from a family who broke up over television. The mother told me:

"The saddest effect is what has been done to family life. Maybe, just maybe, a family can be drawn close together if each member is a video devotee.

"Bucking such a family addiction has had its bad effect, and I speak of a firm marriage that would have seen its silver year this year.

"My former spouse, whose goodness is unquestioned, got hooked, years ago. That example influenced our children. When 'what do we watch?' reached dispute proportions, the solution was yet another TV set.

"Piped-in strangers populated our home, each spouting an alien philosophy, in living color.

"In an effort to insulate myself from the bombardment, I insulated myself from my family. One day we looked at each other and beheld strangers. It wasn't grounds for divorce, but it was reason enough for me."

A few words about technical advancements in TV may be appropriate here.

The telecasts of World Cup soccer games, where they don't have TV timeouts and play is continuous, popularized (with advertisers) the crawl, that is, the ad that creeps across the bottom of the screen, like the warnings of storms or tornadoes that crawl across local TV screens. Look for more of this commercial intrusion.

Baseball has sneaked in a new advertising form by placing little billboards behind home plate, where the center field camera will pick them up.

To counteract this new ad assault, a New York company is selling a device that automatically zaps commercials in taped programs. It will list at $199 starting this month.

I still rely on the old fashioned way, a zapper at my side for live commercials, and fast forward for taped programs.•

SCHEDULE

Mr. MITCHELL. Mr. President, following discussions with several Senators, and following the reaching of certain agreements, some of which have been entered, and some of which I will shortly enter, I have decided upon the following schedule for next week:

Beginning at 10 a.m. on Monday, the Senate will resume consideration of the Labor—Health and Human Services appropriations bill. Under the agreement previously entered, the only amendments in order will be those contained in a list which was presented to the chair today and which will be published in the CONGRESSIONAL RECORD.

Further under that agreement, those amendments must be offered by noon on Monday. The managers will be present and will be prepared to debate any amendments that are offered by that day. Any votes which will be required as a result of those amendments

will occur beginning at 10 a.m. on Wednesday morning.

Upon the completion of the debate on amendments to the Labor—Health and Human Services appropriations bill, the Senate will resume consideration of the Department of Defense appropriations bill. The managers will be present and will be prepared to receive and debate amendments.

On Monday, following completion of the debate on amendments to the Labor—Health and Human Services bill, and on Tuesday morning, it is my intention, and that of the managers; that action on the Defense Department appropriations bill will also be completed by Tuesday; and that any votes required on amendments to that appropriations bill will occur on Wednesday morning following the votes on the Labor—Health and Human Services appropriations bill.

In addition, I will shortly obtain unanimous consent to agreements regarding consideration of the military construction appropriations conference report and the foreign operations conference report. Under these agreements, there will be brief times for debate early next week, and these votes will also be stacked to occur beginning Wednesday morning.

So, Mr. President, there will be no rollcall votes until Wednesday morning beginning at 10 a.m. But Senators should be on notice that beginning at that time there are likely to be several votes. They will include all remaining votes on the Labor—Health and Human Services appropriations bill, all amendments to the Department of Defense appropriations bill, including final passage of both of those bills, and then votes on the two conference reports to which I have just referred and on which I will shortly obtain agreements—the military construction appropriations and foreign operations conference reports. So there will be several votes occurring beginning on Wednesday morning at 10 a.m., and every Senator is on notice to be present at that time.

I will not entertain any requests for changing the times of those votes. I want to make that clear in advance. No Senator should bother to call me and ask to change those times. We now have 5 days notice, ample opportunity for Senators to be present at that time. We have a lot of business to conduct here.

Finally, we will in accordance with our original schedule proceed to begin the debate on the health care reform bill on Tuesday. That will occur following completion of the amendments to the Department of Defense appropriations bill. There will be no votes on health care on Tuesday, however, and there will be no votes prior to 2 p.m. on Wednesday on that bill. Senators can expect soon thereafter that amendments will be offered, debate will occur, and votes will occur on those amendments beginning next Wednesday afternoon.

Finally, I repeat what I have said on several occasions until now. We will remain in session next week through and including Saturday on the health care bill. We will return to session the following Monday, and then we will remain in session continuously through and including each Saturday until we complete action on the bill.

I thank all of my colleagues for their cooperation and assistance.

Mr. President, I am now going to present the unanimous consent request to which I referred first regarding the military construction appropriations bill.

UNANIMOUS-CONSENT AGREEMENT—CONFERENCE REPORT ON H.R. 4453

Mr. MITCHELL. Mr. President, I ask unanimous consent that the majority leader, following consultation with the Republican leader, may at anytime proceed to the consideration of the conference report accompanying H.R. 4453, the military construction appropriations bill, and that when the Senate considers the conference report it be considered under the following limitations; that there be a time limitation of 50 minutes for debate prior to adoption of the conference report, with the time divided as follows: 20 minutes equally divided and controlled between Senators SASSER and GORTON, or their designees, and 30 minutes under the control of Senator MCCAIN.

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

Mr. MITCHELL. Mr. President, I ask unanimous consent that upon adoption of the conference report, the Senate concur, en bloc, in the House amendments to the Senate amendments, and that the Senate recede from its amendment No. 29, and the motions to reconsider be laid upon the table, en bloc, with the above occurring without intervening action.

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

Mr. MITCHELL. Mr. President, I now ask unanimous consent that it be in order to request the yeas and nays on adoption of the conference report.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MITCHELL. 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.

Mr. MITCHELL. Mr. President, as I said earlier, it is my intention to schedule this vote to occur in the series of votes to occur beginning at 10 a.m. on Wednesday. I intend to schedule the debate at some time during Monday or Tuesday when it is most convenient for all participating in that debate.

UNANIMOUS-CONSENT AGREEMENT—CONFERENCE REPORT ON H.R. 4426

Mr. MITCHELL. Mr. President, I now ask unanimous consent that the majority leader, following consultation with the Republican leader, may at any time proceed to the consideration of the conference report accompanying H.R. 4426, the foreign operations appropriations bill, and that when the Senate considers the conference report, it be considered under the following limitations; that there be a time limitation of 50 minutes for debate prior to adoption of the conference report, with the time divided as follows: 15 minutes under the control of Senator LEAHY, 10 minutes each under the control of Senators MCCONNELL, HELMS, and SPECTER, and 5 minutes under the control of Senator GRAMM.

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

Mr. MITCHELL. Mr. President, I now ask unanimous consent that it be in order to request the yeas and nays on adoption of the conference report.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MITCHELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MITCHELL. Mr. President, as previously stated this vote will occur in the sequence of votes beginning on Wednesday at 10 a.m.

NAVAL VESSELS TRANSFER ACT

Mr. MITCHELL. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on a bill (H.R. 4429) to authorize the transfer of naval vessels to certain foreign countries.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendments of the Senate numbered 1 through 11 to the bill (H.R. 4429) entitled "An Act to authorize the transfer of naval vessels to certain foreign countries.".

Resolved, That the House agree to the amendment of the Senate numbered 12 to the aforesaid bill, with the following amendments:

Page 2, beginning on line 13, strike "or any other provision of law".

Page 3, strike line 3 and all that follows through line 9.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate concur in the amendments of the House and that any statements thereon appear in the RECORD at the appropriate place as though read.

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

So the Senate concurred in the amendments of the House.

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

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

ORDERS FOR MONDAY, AUGUST 8, 1994

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand adjourned until 10 a.m., Monday, August 8; and that when the Senate reconvenes on that day, the Journal of proceedings be deemed to have been approved to date, the call of the calendar be waived, and no motions or resolutions come over under the rule; that the morning hour be deemed to have expired; that the time of the two leaders be reserved for their use later in the day; and that immediately thereafter, the previous order regarding the Labor-HHS appropriations bill be executed.

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

ADJOURNMENT TO MONDAY, AUGUST 8, 1994, AT 10 A.M.

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, I now move that the Senate stand adjourned as previously ordered.

The motion was agreed to, and the Senate, at 6:34 p.m. adjourned until Monday, August 8, 1994, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate August 5, 1994:

THE JUDICIARY

ROBERT N. CHATIGNY, OF CONNECTICUT, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF CONNECTICUT VICE WARREN W. EGINTON, RETIRED.

JUDITH D. MCCONNELL, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA VICE A NEW POSITION CREATED BY PUBLIC LAW 101-650, APPROVED DECEMBER 1, 1990.

IN THE ARMY

THE FOLLOWING U.S. ARMY RESERVE OFFICERS FOR PROMOTION TO THE GRADES INDICATED IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF SECTION 593(A) AND SECTION 3384, TITLE 10, UNITED STATES CODE:

To be major general

BRIG. GEN. MAX GUGGENHEIMER, 231-42-2791
BRIG. GEN. GEORGE J. STEINER, 473-38-3427
BRIG. GEN. THOMAS B. MURCHIE, 559-74-3488
BRIG. GEN. BILLY F. JESTER, 492-74-3553

To be brigadier general

COL. JAMES G. BROWDER, 230-58-1364
COL. DANIEL C. BALOUGH, 572-74-0228
COL. ROGER P. HAND, 061-32-3380

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES IN THE GRADE INDICATED BELOW, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593, 3385 AND 3392.

To be major general

SAM C. TURK, 456-60-7366

To be brigadier general

FEDERICO LOPEX III, 458-70-0744

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES IN THE GRADE INDICATED BELOW, UNDER THE PROVISION OF TITLE 10, UNITED STATES CODE, SECTIONS 593, 3385 AND 3392:

To be brigadier general

COL. WAYNE D. MARTY, 458-66-9856

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE.

To be lieutenant colonel

ROBERT G. KOWALSKI, 046-38-4514
JOHN D. SHARKEY, 313-52-73351

THE FOLLOWING NAMED INDIVIDUALS FOR A RESERVE OF THE ARMY APPOINTMENT, WITHOUT CONCURRENT ORDER TO ACTIVE DUTY UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A), 594(A), 3353 AND 3359:

MEDICAL CORPS

To be colonel

ALFRED S. GERVIN, 409-74-6211

MEDICAL CORPS

To be lieutenant colonel

WILLIAM M. DYER, JR., 409-66-7562
CHARLES J. FISHER, JR., 546-68-6693
MICHAEL F. WALSH, 522-70-6491

THE FOLLOWING NAMED INDIVIDUAL FOR A RESERVE OF THE ARMY APPOINTMENT, WITH CONCURRENT ORDER TO ACTIVE DUTY UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593, 594, AND 689:

MEDICAL CORPS

To be Lieutenant Colonel

JOHNATHAN NEWMARK, 139-44-5026

IN THE MARINE CORPS

THE FOLLOWING NAMED LIEUTENANT COLONEL OF THE U.S. MARINE CORPS FOR PROMOTION TO THE TEMPORARY GRADE OF COLONEL UNDER THE PROVISIONS OF ARTICLE II, SECTION 2, CLAUSE 2 OF THE UNITED STATES CONSTITUTION:

TRUMAN W. CRAWFORD, 093-26-4365