

SENATE—Wednesday, February 23, 1994

(Legislative day of Tuesday, February 22, 1994)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable BEN NIGHORSE CAMPBELL, a Senator from the State of Colorado.

PRAYER

Rabbi Paul D. Kerbel, Congregation Nevey Shalom, Bowie, MD, offered the following prayer:

Let us pray:

Our God and God of our ancestors: We ask Your blessings for our country, for its Government, for its leaders and advisers, and for all who exercise just and rightful authority. Teach them insights of Your Torah, that they may administer all affairs of State fairly, that peace and security, happiness and prosperity, justice and freedom may forever abide in our midst.

Creator of all flesh, bless all the inhabitants of our country with Your spirit. May citizens of all races and creeds forge a common bond in true harmony to banish all hatred and bigotry and to safeguard the ideals and free institutions which are the pride and glory of our country.

May this land under Your Providence be an influence for good throughout the world, uniting all people in peace and freedom and helping them to fulfill the vision of Your prophet: "Nation shall not lift up sword against nation, neither shall they experience war any more."

And let us say: Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 23, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BEN NIGHORSE CAMPBELL, a Senator from the State of Colorado, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RABBI PAUL KERBEL

Ms. MIKULSKI. Mr. President, this morning's guest chaplain is Rabbi Paul

Kerbel, a leader of the Jewish community in Prince Georges County, MD. I know the Senate joins me in thanking Rabbi Kerbel for delivering this morning's prayer.

Rabbi Kerbel is Rabbi of Congregation Nevey Shalom in Bowie, MD. He is vice president of the Washington Board of Rabbis, a member of the board of the United Jewish Appeal—Federation of Greater Washington, and a member of the National Rabbinic Cabinet of the United Jewish Appeal.

I certainly appreciated Rabbi Kerbel's words of inspiration this morning. I am confident that they will enlighten our efforts to engage in reasoned, respectful debate today.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until the hour of 10:15 a.m., with Senators permitted to speak therein for up to 5 minutes each. The first 45 minutes of morning business is under the control of the Senator from Wyoming [Mr. WALLOP] or his designee.

Mr. WALLOP addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming [Mr. WALLOP] is recognized.

Mr. WALLOP. I thank the Chair. I will shortly yield to the Senator from Montana.

THE EFFECTS OF BUDGET DEFICITS

Mr. WALLOP. Mr. President, one of the things about budget deficits that ought to concern Americans is that it is the tool by which Government can excessively control the lives of Americans. With Congress inattentive and uncaring about the size of the budget deficit, we find that we end up funding an increasingly arrogant bureaucracy which stretches its influence over the daily lives of Americans in untold, unnumbered, and unimaginable ways. The loss of freedoms that Americans sense can be directly attributed to the size of the Federal budget deficit.

If Congress ever got to the point where we actually accounted for every-

thing we spent, we would then have to prioritize. And once we started to prioritize, those agencies of Government that are the most offensive, the most invasive of American privacy, would clearly come under our purview.

We discuss the deficit in such abstract terms that it is almost impossible to understand fully what impact the deficit has on the lives of Americans. As I travel this country, and as I travel my home State of Wyoming, I find an increasing number of Americans terrified of their Government, actively trying to serve it instead of expecting it to serve them, and actively trying to stay out of sight lest it should take notice.

For example, among the other things Congress does is to increase continuously the funding of an agency, like the Internal Revenue Service, which, when it challenges an American on his or her taxes, can rely on a bottomless well of money to audit, investigate, and litigate. Oftentimes, a taxpayer is placed in the position of literally having to admit guilt rather than contest the IRS's judgment because it will cost more to defend than to admit guilt.

The EPA acts in much the same way. If you attempt to challenge the EPA, they will very likely declare you a willful violator and assess a fine, which will run throughout the litigation, for your alleged violation. Who dares expose themselves to that kind of judgment?

This invidious power is the result, as much as anything, of agencies having too much money. Of agencies that themselves do not have to decide among the priorities under their purview. And so as we casually go along adding to the budget deficit, we are also adding to the arrogance of American bureaucratic power.

We have allowed the budget system to get so complex that even its most admirable practitioners do not understand it all. That is why the debate on the balanced budget resolution is so critical a one to Americans.

It is interesting to listen to those who oppose the amendment; they say it would raise taxes on Americans. The assumption behind such a statement is that those of us in Congress are such fools that we are unable to make a judgment about priorities. Instead of raising taxes on Americans, we might select among some of the current wealth transfer programs, or maybe we would make a judgment on whether some of the agencies of Government were actually serving the needs of the

people as contemplated by the Constitution.

We do not have to raise taxes to balance the budget. We have to make decisions. The assumption that our choice lies among adding to the deficit, continuing the deficit interminably, or simply increasing the abuse of Government on Americans is a telling statement about the mindset that has settled upon Congress. Why is it that we can borrow from our grandchildren's future or punish Americans with taxes, but we are unable to make a judgment to spend less or spend more wisely?

Mr. President, I will have more to say on the budget as the morning goes on, but for the moment I yield 5 minutes to the Senator from Montana [Mr. BURNS].

The ACTING PRESIDENT pro tempore. The Senator from Montana [Mr. BURNS] is recognized for 5 minutes.

Mr. BURNS. I thank my friend. I wish to ask a question to my friend from Wyoming, who will be leaving this body at the end of this Congress, and he will be missed for the depth that he goes into subjects such as this.

For those who would oppose the balanced budget amendment, is that an indication we have given up, that we cannot prioritize or quit funding programs that will not work?

Mr. WALLOP. Mr. President, I say to the Senator from Montana, that is the only conclusion you can draw from the arguments raised against it. The whole argument that we are taking from Congress the power of the purse is nonsense. We will still have the power of the purse. It will just be a more responsibly defined power, which is not the type of power we possess at this moment.

Mr. BURNS. I thank my friend. I am not schooled in the school of economics. I was raised in an area where economics or your economic well-being was judged by your accounts receivable which was in your left front pocket and your accounts payable were in your right front pocket. And nothing happens in the right front until something happens in the left front.

That is the way we should operate this Government, because I come out of local government where we were not only the people who set the budget, we were also the same three people who were on the appropriations. We appropriated the money and spent it.

Let us take a look at this budget this morning. Yes, there are some things that we like about the budget and some things we want to work with the Budget Committee on. But there are some that I think we have forgotten as we are making our assumptions on how we do our business. No. 1, it is my opinion that we have to get away or depart from baseline budgeting. If we are to get some kind of control on the spending side of the ledger, we have to do something other than baseline budgeting.

We do not assume that we start 6 percent higher this next year based on last year's budget. It was my intention back in 1990 on the 4 percent solution that would say we can allow the Federal budget to grow 4 percent based on previous year's expenditures, and still maintain proper reserves in the event that we had a catastrophe or national emergency that we will take care of. We have had to take care of some of those, of course the latest being the earthquake in California. So deficit reduction is one thing. Debt reduction is quite another.

I have talked about what is really fueling the economy at this time which, of course, is small business. Big business is laying off people. There is no expansion, no job opportunity right now like there is in small business. Yet, that engine that is powering this new rebirth of the American economy is under a great deal of pressure right now.

The small businesses that I am talking about are on Main Street Montana which were telling me this: That they are hiring part-time workers—no full-time workers—because of the reluctance to accept the fact that this is a solid rebuilding, that the future is pretty well intact. But they also see more rules and regulations coming down the pike that is going to affect the way they do business. And they are worried about that. They are also worried, and legitimately so, about health care and which direction it is going to go while we reform that industry. I think we should probably tackle welfare reform before we do anything about health care reform.

I am not particularly enamored with the President's health plan. But I am also not enamored with the status quo. There are some reforms that have to be made. I think we can do that. Let us take a look at welfare reform.

I cannot blame these small-business men as they try to make some kind of commitment to the future not only for their employees but for themselves and for the enterprise that they are they are in.

Let us take one example in the budget. There is a 1,000 percent increase in fees to be a dealer in firearms; 1,000 percent. That affects almost 3,000 individual people in my State of Montana who probably, more than anything else, maintain a license for a hobby.

I would say that the engine that is fueling the economy—small business in this country—right now has more fears and reservations about the activities of this Government and what is coming down not only in taxes, not only in the taxes that were retroactively passed a year ago, but now are doing business with their CPA's and finding out that their future may be on the line and they might make it on that dreaded endangered species list.

I thank my friend from Wyoming.

I yield the floor.

Mr. WALLOP. Mr. President, I yield 7 minutes to the Senator from Oklahoma.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized for 7 minutes.

Mr. NICKLES. Mr. President, I thank my friend and colleague from Wyoming.

I wish to compliment Senator WALLOP for his statement and also Senator BURNS for his statement. I cannot help but think, when I listen to the Senator from Montana and he talks about changing the baseline, that he is really saying the Federal Government has a baseline that has built-in escalating spending. That does not happen in the businesses in Montana nor in Oklahoma nor in 99 percent of all the businesses in America or in families. When they use budgets, they say what are we spending this year? What are the actual dollars this year? And they use that as a baseline, not what is anticipated growth, expected growth. That is not the case with the Federal Government. That is very unfortunate.

So I compliment my friend from Montana for saying that we should have some common sense budget reform, and we have not seen that yet.

Mr. President, I want to address a couple of things concerning the President's budget. One is a lot of the rhetoric that we have heard from various administration officials.

I serve on the Budget Committee, and I have heard people taking great claim for the deficit that is coming down. They are saying this administration is responsible for it largely as a result of the deficit reduction package that passed last year. They incorrectly state it is the largest deficit reduction package in history. CBO says that is not the case. CBO says 433, not 3,500.

I think it is important we talk about facts. CBO says in the deficit reduction package that there are over \$2 in taxes for every \$1 of spending cuts. I continually hear people in the administration say it had more in spending cuts than it had in tax increases. That is not the case.

Mr. President, there is CBO's estimates that the deficit for 1995 will be \$113 billion less than what they said it would be a year ago. I think it is important that we know why that is. That is \$113 billion less in debt increase. All of us applaud that. Where did it come from? Did it come from the deficit package last year? Part of it. Did it come from spending cuts? None of it.

I think that is important to know. We have \$113 billion. CBO now says that we are going to have a smaller debt increase than anticipated 1 year ago. That is a significant reduction. Where did that come from?

Mr. President, I will insert this in the RECORD for my colleagues because

we have done this not only for 1995, but for 1996, 1997, and for 1998.

CBO says \$5 billion will come from spending cuts. I said none of it from spending cuts. But CBO did not know we were going to pass so-called urgent disaster relief. All of that was off budget. All of that was added to debt. That more than compensates for the \$5 billion in spending cuts that CBO was saying was in this package. Forty-six billion dollars of it was taxes increases.

I do not make any bones about that. We did pass that. I give President Clinton credit for it. Forty-six billion dollars of the \$113 billion was tax increases. The balance of it, \$2 billion for debt service, \$15 billion for economic changes, and \$45 billion for technical and others. That means we are spending less on S&L bailouts and other assumptions.

The economy is doing better than anticipated, but not through changes made by this administration or by this Congress. This Congress either raises taxes or spends money. That total amount of effort through those two things, all of it was done on the tax increase side of it. None of it was done on the spending cuts.

As a matter of fact, if you look at this administration and compare CBO's number for 1993, how much did we have in spending cuts for deficit reduction in 1993? Zero. Actually, we had a \$4 billion increase in spending over the baseline. How much in 1994? How many billions of dollars in spending cuts did we have in 1994? None. Actually, we had another

\$4 billion over baseline. We did have \$28 billion in taxes increases.

So if you look at this administration for the first 2 or 3 years, in 1993 there were no spending cuts. In 1994 there were no spending cuts. We did have some tax increases, and in 1995, again, no spending cuts. All on the tax increase side. And the majority of the so-called deficit reduction was not through either spending changes or tax increases. The majority of it was reestimations done by CBO.

I just want to make these facts known. These are not DON NICKLES' facts, these are not DON NICKLES' assumptions, this is the information that came from the Congressional Budget Office.

So my colleagues can look and see. Well, if the deficit is coming down, and certainly it is significantly less this year, projected for 1995—I say this year, but we are talking 1995 budget—at \$171 billion. That is a significant reduction. I want my colleagues to know that all of that deficit reduction is in the form of tax increases or reestimates by CBO. Not one dime comes from a spending cut.

I know my colleagues have heard the President and others taking great claim that, well, they are proposing over 150 different spending cuts or terminations. President Bush proposed over 220. What is not often said in the same statement is that the President is proposing something like \$126.5 billion in spending increases over the baseline for the years 1995 through 1999—a \$126

billion increase over and above inflation. These are new spending programs.

I am going to insert this into the RECORD which details this. Whether you are talking about the crime bill, Head Start, housing vouchers—I do not know if my colleagues are aware of another \$10 billion in housing vouchers—NIH, another \$7.6 billion in authority, \$10.5 billion in outlays; title I education, \$5.17 billion in authority; National Service, \$5 billion; dislocated workers, \$4.2 billion in budget authority, \$5.5 billion in outlays; Goals 2000, another \$4.2 billion in budget authority and \$3.6 billion in outlays.

I could go on and on. It totals \$126 billion of new spending over and above the baseline, which already has inflation built into it.

The Senator from Montana said we should not have an inflated baseline. If you do that for 4 or 5 years, you have an escalated spending curve. He said we should use last year's real numbers. He is exactly right. This \$126 billion in new spending is over and above the baseline.

My point is, Mr. President, that the so-called deficit reduction we have heard so many great things about is a result of President Clinton's largest tax increase in history and is a result of reestimations by the Congressional Budget Office.

I ask unanimous consent to have the two tables printed in the RECORD.

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

SOURCE OF DEFICIT CHANGE SINCE PRESIDENT CLINTON TOOK OFFICE

[In billions of dollars]

	Fiscal year 1993		Fiscal year 1994		Fiscal year 1995		Fiscal year 1996		Fiscal year 1997		Fiscal year 1998		Total 1993-98	
	Amount	Percent	Amount	Percent										
CBO deficit baseline (January 1993)	310		291		284		287		319		357		1,848	
CBO deficit baseline (January 1994)	255		223		171		166		182		180		1,177	
Deficit change	(55)		(68)		(113)		(121)		(137)		(177)		(671)	
Sources of deficit change:														
Spending cuts ¹	4	-7	4	-6	(5)	4	(20)	17	(39)	28	(56)	32	(112)	17
Tax increases ²	0	0	(28)	41	(46)	41	(56)	46	(66)	48	(67)	38	(263)	39
Debt service	0	0	(1)	1	(2)	2	(7)	6	(13)	9	(20)	11	(43)	6
Economic changes	0	0	(13)	19	(15)	13	(12)	10	(14)	10	(25)	14	(79)	12
Technical and other ³	(59)	107	(31)	46	(45)	40	(27)	22	(5)	4	(9)	5	(176)	26
Total	(55)	100	(68)	100	(113)	100	(121)	100	(137)	100	(177)	100	(671)	100

¹ OBRA 1993 discretionary and mandatory spending cuts minus higher outlays for emergency unemployment compensation and supplemental appropriations for flood relief.

² OBRA 1993 tax increases.

³ Technical reestimates (deposit insurance, revenues, and medicare/medicaid) and OBRA 1993 debt service savings.

Note.—Details may not add due to rounding.

Sources: CBO January 1993 Report, CBO September 1993 Report, CBO January 1994 Report.

NEW SPENDING IN THE CLINTON BUDGET PLAN, INCREASES ABOVE 1994 LEVELS

[In billions of dollars]

	1995	1996	1997	1998	1999	Total
Crime bill initiatives:						
Budget authority	2,466	4,333	5,049	5,553	6,581	23,982
Outlays	0,736	2,324	3,925	4,982	6,449	18,416
Head Start:						
Budget authority	0,700	1,400	2,100	2,800	3,500	10,500
Outlays	0,463	1,204	1,872	2,567	3,266	9,372
Housing vouchers:						
Budget authority	1,339	1,408	1,478	2,658	3,138	10,021
Outlays	0,456	1,003	1,633	2,301	3,064	8,457
NIH:						
Budget authority	0,517	0,999	1,501	2,024	2,569	7,610
Outlays	0,758	1,429	2,118	2,820	3,343	10,468
Title I education:						
Budget authority	0,667	0,909	1,152	1,397	1,642	5,767

NEW SPENDING IN THE CLINTON BUDGET PLAN, INCREASES ABOVE 1994 LEVELS—Continued

(In billions of dollars)

	1995	1996	1997	1998	1999	Total
Outlays	0.029	0.583	0.899	1.151	1.395	4.057
National service:						
Budget authority	0.275	0.784	1.012	1.285	1.610	4.966
Outlays	0.165	0.504	0.908	1.189	1.468	4.234
Dislocated workers:						
Budget authority	0.347	0.746	1.047	1.047	1.095	4.282
Outlays	0.415	0.797	1.184	1.497	1.594	5.487
WIC:						
Budget authority	0.354	0.704	0.956	1.035	1.184	4.233
Outlays	0.316	0.674	0.925	1.017	1.161	4.093
Goals 2000:						
Budget authority	0.595	0.895	0.895	0.895	0.895	4.175
Outlays	0.141	0.605	0.916	0.981	0.987	3.630
NIST growth:						
Budget authority	0.415	0.569	0.859	0.887	0.902	3.632
Outlays	0.157	0.411	0.687	0.887	0.986	3.128
IRS tax modification:						
Budget authority	0.295	0.803	0.841	0.787	0.610	3.336
Outlays	0.244	0.671	0.829	0.849	0.718	3.311
SSI processing:						
Budget authority	0.327	0.156	0.658	0.743	0.862	2.756
Outlays	0.371	0.516	0.700	1.046	1.145	3.778
Highways:						
Budget authority	0.323	0.323	0.168	0.168	0.168	1.150
Outlays	0.621	1.475	1.767	1.767	1.846	7.476
Homeless programs:						
Budget authority	0.427	0.177	0.177	0.177	0.177	1.135
Outlays	0.286	0.408	0.676	0.933	1.072	3.375
All other increases:						
Budget authority	5.809	7.087	8.034	8.609	9.438	38.977
Outlays	3.019	6.435	8.372	9.871	10.870	38.567
Total:						
Budget authority	14.856	21.293	25.937	30.065	34.371	126.522
Outlays	8.177	19.039	27.411	33.858	39.364	127.849

Mr. WALLOP addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming is recognized.

Mr. WALLOP. I would like to direct a few questions through the Chair to the Senator from Oklahoma.

One, is it not the case that President Clinton said we were going to have honest figures for a change and we were going to use CBO figures?

Mr. NICKLES. The Senator from Wyoming is exactly correct. That is one of the reasons I felt it was important to show that CBO says here is where the deficit reduction figures are coming from, and that there are no spending cuts in the first 3 years of this administration.

Mr. WALLOP. So this is what we are hearing from downtown, despite the credibility given by the President to CBO in its first State of the Union?

Mr. NICKLES. The Senator is exactly correct.

Mr. WALLOP. Is it not also true that, whether we use OMB or CBO's figures, the deficit begins to rise dramatically after 1996?

Mr. NICKLES. The Senator is exactly right. Not only that, most people are not aware of this, but in that time period, the next 5 years, we are adding \$1.3 trillion to the national debt. Even though the deficit declined, according to CBO, for a year or two, it continues to escalate. Every year, we are adding hundreds of billions of dollars to the national debt.

Mr. WALLOP. Is it not also the case that at no time within this Presidency is the debt decreasing; that it continues to increase over the 5-year budget period? We often get confused with the concepts of deficit and debt. When we discuss declining deficits, aren't we

only discussing the decrease in the size of the increase in the debt, but not the size of the debt itself?

Mr. NICKLES. The Senator is exactly right. The national debt stands at \$4.1 trillion, and it will climb to almost \$6 trillion in the next few years. That is without calculating many of the new, expensive entitlements this administration has proposed, such as subsidizing—the Federal Government picking up 80 percent of the health retirement costs for people retiring between ages 55 and 65—and massive new subsidies for businesses, and so on, in their health care proposal. Those will explode in the future years.

THE BUDGET

Mr. WALLOP. Mr. President, in his budget message to Congress and in his State of the Union Address, Clinton has painted a very rosy picture of the U.S. economy. He has said that investment is up; real investment in equipment grew 7 times as fast in 1993 as over the preceding 4 years; mortgage rates are at their lowest levels in decades; nearly 2 million more people are working than were working a year ago; and the deficit is expected to decline.

Clinton was lucky. He was the chief beneficiary of low interest rates, corporate restructuring, and a recovery that began long before he took office.

In fact, GAO just this Friday found that the lower than estimated budget deficit for fiscal year 1993 was due to lower than expected outlays for deposit insurance programs.

If Clinton wants to claim credit for this rosy economic picture, that's certainly his prerogative. Presidents take credit for the good news and are held responsible for the bad.

But what needs to be made clear is that this economic story is far from complete. Job numbers are nowhere as strong as they should be. And consumer confidence is weak.

Just this Sunday, buried in the business section of the Washington Post, was a report of a poll conducted by Money magazine which found that many households remain concerned about their finances and future job prospects. The survey, conducted in October and November, found that few Americans were optimistic about the economy, despite signs of its improvement; 42 percent of the 2,154 people polled thought the economy would worsen in 1994, while only 27 percent thought it would improve. Is this the growing economic confidence the President is so quick to tout?

The job numbers show that job creation is underperforming the growth of the economy. This means that although output [GDP] is growing, employers are not adding new employees to the extent suggested by the increased growth rates. Instead employers have increased workweeks and hired temporary help where necessary.

In 1993, part-time and temporary employment increased by 6 percent while full-time employment only increased by 1 to 1.5 percent.

Average weekly hours for full-time workers are at very high levels—over 41 hours per week with overtime. However, real average hourly earnings have not changed. Average incomes remain stagnant.

For all of the administration's criticism of the Reagan years, job growth during those years was significantly higher than job growth currently.

Let us compare job creation during comparable business cycles—which in

this case is the second calendar year of economic expansion. In 1993, 2 million jobs were created. In 1984, 4 million jobs were created.

In 1984, an average of 300,000 jobs per month were created. In January, 1994 only 62,000 jobs were created.

But what about economic growth? The current robust economy is far from surprising given the timing of Clinton's tax increases, the passage of NAFTA, and the success of recent monetary policy, according to investment consultant Art Laffer.

However, Laffer has found that historically, in periods where there are expectations of rising tax rates, rising interest rates—the Fed just indicated it would be raising short-term rates again—and rising oil prices, taxpayers will advance their income—thus creating a false prosperity. "Once the tax rate increases and other anticipated events finally take effect, however, the economy will stop dead in its tracks, leaving growth well below the historical post-war average," said Laffer.

Even CBO, in its economic and budget outlook 1995-99, recognized that Clinton's tax increases would depress economic activity and slow economic growth. That is why they only predict a rate of growth of between 2.6 and 2.9 percent. And these rates do not even take into consideration the adverse effects that health care reform could have on economic growth.

Let us not forget that the impact of Clinton's tax increases have yet to be felt. Businesses won't pay estimated tax payments until mid-March, and individual taxes don't come due until mid-April. I urge my colleagues to read an article in the Washington Post by James Glassman, dated January 28, which is entitled "If the Rich Do Not Get Richer, Can the Economy Thrive?" In that article Glassman nominates taxes for the sleeper issue of 1994. He is quick to point out that we haven't really heard from the tax side yet.

And what about the world economy? Even CBO is concerned if the Japanese or Germany economies fail to recover—because our export market will be further weakened and could restrict economic growth.

Why should the American people be willing to accept mediocre growth rates—a growth rate that averages on or below the average of the post-World War II economy? What about the 4-plus percent growth rates of the 1980's? The rate of growth of GDP in the second calendar year of economic expansion in 1984 was 6.2 percent—or more than twice the current expected growth rate for 1994.

Why must the American people settle for so much less? Should we not be promoting pro-growth initiatives? Clinton himself said during the State of the Union that:

Many Americans still haven't felt the impact of what we've done. The recovery still

has not touched every community or created enough jobs. Incomes are still stagnant. * * * Let us resolve to continue the journey of renewal, to create more and better jobs.

Well, that is what we should be doing. We need to be finding ways to promote economic growth, not stifle it. To create high paying and stable jobs, not temporary and part-time work.

Instead of pouring money into new spending programs that are supposed to retrain and better educate workers, we should be making sure that there will be jobs available for these people to have.

Higher taxes, more regulations, and health care are all combining to drain the resources of small businesses—the very engine of sustained economic growth. Instead of placing more burdens on employers, we should be looking for ways to lift these burdens to create more jobs.

As rosy as the economy may seem today, we should not forget that it can and will get worse again some day. We should take action now, when the economy seems strong, then when it is too late to react.

I ask unanimous consent that two articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post; Jan. 28, 1994]

IF THE RICH DON'T GET RICHER, CAN THE ECONOMY THRIVE?

(By James K. Glassman)

Practically everyone is now predicting that the U.S. economy will hum along nicely in 1994, with 3 percent or 4 percent growth. That's got me worried. Just when the experts are convinced that things are going well, a sleeper wakes up and wrecks the party.

My candidate for Sleeper of 1994 is taxes. Specifically, the big increase in income taxes on the rich that was approved last year.

While the tax hike was retroactive to Jan. 1, 1993, it started to take cash out of the pockets of rich folks only this month—through higher withholding.

Then, on April 15, the big bill will come due, both for estimated taxes for the first quarter of 1994 and for total taxes for the full year of 1993.

The question is: Will the diversion of these tens of billions of dollars—which used to go to private investment and consumption and which will now go to the federal government—slow down the recovery?

This week, I asked a lot of the usual Republican suspects this question. To my surprise, they weren't particularly interested. Certainly, they weren't squawking about the tax hikes as they were during the debate last summer over President Clinton's budget.

Apparently, conservatives have bigger things on their minds, issues such as family values.

This is a bad sign. When it comes to the economy, it's what you aren't worried about that bites you.

Even Jude Wanniski, who in 1978 wrote a book called "The Way the World Works," arguing that taxes make or break economies, says he's much more concerned about the health care plan and monetary policy.

"A stable dollar is so much more important than a small increase in taxes," he said.

Small increase?

The Congressional Budget Office estimates that families with taxable incomes of more than \$200,000 will pay 17 percent more in taxes this April.

And, using the new tax tables I calculate that typical withholding taxes for a corporate executive making \$360,000 a year will go up 14 percent for 1994.

The top tax rate on married couples filing jointly with taxable income of more than \$140,000 (and individuals making more than \$115,000) goes from 31 percent to 36 percent. The rate on couples with taxable income over \$250,000 goes from 31 percent to 39.6 percent.

... In other words, for every additional \$1,000 they earn those in the very top bracket will pay Uncle Sam \$396 instead of \$310—an increase of 28 percent.

And that doesn't even count the increase in the Medicare tax, which takes another \$2,400 a year out of the pocket of a lawyer making \$300,000.

Or the phase out of deductions, which effectively boost the 36 percent bracket to 41 percent. Or the increase in the alternative minimum tax.

Please understand. I'm not shedding tears over the plight of these rich people. They'll manage. The issue is whether higher taxes on the rich will affect the economy as a whole. And the answer is that no one knows.

But you don't have to be a supply-side ideologue to recognize that people can't spend money they don't have.

For example, an article earlier this month in the Wall Street Journal cited copious cases of rich people who are cutting back on consuming and investing because of the tax hike.

Alan Graham, head of vascular surgery at New Jersey medical school, was quoted as saying his taxes will rise by \$23,000. As a result, "We will put off the \$30,000 addition to the house we had planned to begin this spring, and I will cut back by \$6,000 or \$7,000 the money I put into my retirement plan."

But can taxes on the few affect the many? President Clinton emphasized in his State of the Union speech Tuesday that "Only the top 1—yes, listen—only the top 1.2 percent of Americans, as I said all along, will face higher income tax rates."

Correct. But in an economy like ours, where wealth is distributed in such a lopsided fashion, the top 1 percent of Americans have an enormous effect on investment and consumption.

This year, the CBO projects, a family of four in the top 1 percent will make a minimum of \$333,000.

That's more than eight times what the average American family of four will make.

Currently, the top 1 percent of American earners pay an astounding 25 percent of all individual income taxes; the top 5 percent pay 44 percent.

After they pay for necessities and indulgences, rich families have money left over for significant investment. Average families don't.

And our low rate of capital formation (less than half that of Japan) is probably this country's most difficult economic problem. Higher taxes make saving less attractive—for two reasons. First, the money's not there to save. Second, the return on investment drops—in this case by 28 percent for the very rich.

Ultimately, that chain of events can mean fewer jobs for the not-so-rich.

"They're wounding the geese that lay the golden eggs," says Lawrence Kudlow, chief

economist of Bear Stearns & Co., Inc., and a former OMB official in the Reagan administration.

Kudlow is one of the few economists of any political bent who seems genuinely worried about the higher tax rates.

He predicts that investment will suffer, especially in the second half of the year. One result may be inflation, since firms will lack the capital to expand.

The Clinton administration sees the picture differently: Taxes on the rich will bring in \$100 billion or so over the next five years, thereby trimming the deficit. The prospect of deficit reduction cheers the market, thereby pushing down interest rates.

The beneficial effect of lower interest rates on investment is more than enough to counteract any "fiscal drag" caused by higher taxes.

That's the way it was explained to me the day after the election by Roger Altman, now deputy secretary of the Treasury.

And that's the way it has worked out. So far, at least. But we haven't really heard from the tax side yet.

[From the Washington Post, Feb. 20, 1994]

POLL FINDS WORRIES ABOUT FINANCES, JOBS

NEW YORK.—Few Americans are optimistic about the economy this year, despite its signs of improvement, and most believe the country is in a state of decline, Money magazine said in a survey released last week.

The magazine's ninth annual "Americans & Their Money" poll revealed many households are concerned about their finances, along with future job prospects, even though the economy appears on the mend.

Based on recent signs of recovery, government and private forecasters predict the economy, as measured by the gross domestic product, will grow by 3.1 percent this year and 2.8 percent in 1995.

Yet 42 percent of the 2,154 poll respondents, who were surveyed by Money in October and November, thought the economy would worsen in 1994. Only 27 percent believed it would improve.

That's a marked turnaround from the 1992 survey in which 14 percent predicted the economy would worsen and 56 percent said it would improve.

More respondents also felt the economy still was in a recession rather than a recovery—45 percent vs. 40 percent—while 15 percent said the economy was at the beginning of a depression. The 1992 poll had similar results.

Perhaps because of their economic gloom, three out of four respondents reported trimming their expenses in the past year. They also said they intended to save or invest a larger portion of pretax income in 1994—7.6 percent vs. 5.9 percent in 1993.

Mr. WALLOP. Mr. President, I yield 7 minutes to the Senator from New Hampshire.

THE PRESIDENT'S BUDGET

Mr. GREGG. I thank the Senator. I want to commend the Senator from Oklahoma on his evaluation of the numbers as this budget goes forward, with the increased spending which is in this budget, and for his very fine assessment of those numbers. And I would like to join in expressing the concern that I think is generally held on our side of the aisle that this budget has some very significant shortcomings

in it, not only in the projection of what it is going to spend and the deficits which it creates, but in what it does not talk about and what it does not include.

If you look at this budget, it is really like a large piece of swiss cheese, relative to the number of major spending items which are not accounted for yet, which we know are coming. Thus, when this budget talks in terms of its bottom line, it is a bottom line, basically, without a hard number to it. Even the proposals which we have heard here and the discussions we have heard here about the rather gigantic amount of money which is going to be added to the Federal debt over the next 5 years is a significant understatement, if you look at the items which are clearly not included within this budget, which we know are going to have to be paid for. Let us talk about a few of those. These are the President's ideas.

The items left out are items being put forth by the President, which he already said he is going to pursue, but which have not been specifically included in the budget. You can begin with a fairly technical item, but it is going to be a big-cost item to us as a country, and that is the implementation of GATT. We have signed the agreement. We know it is going to go forward and cost us \$11 billion. There is no accounting for that in this budget.

We can go to the President's proposals on welfare reform. His own estimates from his own people in the HHS are that the welfare reform package he will bring forth will cost us somewhere in the vicinity of \$7 billion; again, it is not reflected in this budget. Go to his Defense Department numbers. His former Secretary of Defense, Mr. Aspin, through the Bottom-Up Review process, has said that the budget in the Defense Department is \$20 billion short. It is not accounted for anywhere in this budget.

You can go to his proposals in Superfund: \$2.5 billion to \$3 billion is going to have to be added in order to address the Superfund accounts. It is not accounted for anywhere in this budget. And then, one of the more significant items—although the last few that I have outlined are fairly significant when you add them all up—is the issue of the cost of his health care proposal.

The CBO, which the President said was going to be the independent scorer for the purposes of developing a budget in the congressional process, and to which he was going to look as the fair arbiter of numbers, has said that his health care package will not save the \$53 or \$56 billion that is presently estimated and accounted for in the budget, but will actually cost an additional \$78 billion. That is a shift of \$131 billion, or \$130 billion, approximately, which is again not accounted for in the President's budget.

If you take all those numbers together, you are up to \$200 billion, which the President's people are saying they are going to spend, which is going to occur as a result of action that the President is proposing, yet which the budget the President sent up here does not account for. It is not a very accurate document, therefore, and one which is suspect not only for that reason but for a number of other reasons.

Probably the most significant reason beyond the \$200 billion which I have just outlined is, again, the issue of health care. The CBO has stated that—and, again, they have been chosen as the fair arbiter here by the President—in order to accurately reflect what the health care package has in it, the budget and its impact on the budget must reflect the mandated premium which is in the President's health care package.

Now that mandated premium is a huge number, and on the CBO's assessment it should be accounted for as a receipt of the Federal Government on the budget. The cost of paying for the premiums through the health care alliances should be accounted for on the President's budget as an expenditure of the Federal Government. And yet they are not there.

That number may be as high as \$500 billion and yet it is not accounted for in the budget. Just a great big non-number as if it does not exist. And yet we have this budget sent up by the President and praised by the national media as a responsible document that has effectively addressed funding mechanisms and the accounting for the Federal Government. It does not.

There are \$200 billion in specific lapses in Federal programs which have been proposed by the President. It has hundreds of billions of dollars of lapses in failing to mention the issue of the mandated premium.

In addition, there are, as was alluded to by the Senator from Oklahoma, six major new entitlements proposed by this administration—six. That makes them the entitlement king of all times. That puts them in a class which even Franklin Roosevelt and Lyndon Johnson could not have obtained, sort of the Babe Ruth of entitlement creation—six major new entitlements proposed by this administration.

There is the long-term care entitlement, there is the drug entitlement, there is the early retirement entitlement, there is the small business entitlement, there is the uninsured entitlement, and there is now something called the job training entitlement.

If you take all six of these entitlements and try to get a handle on how much they cost, you end up with some astronomical numbers in the outyears. Of course, the President's budget only runs for 5 years. That is reasonable. That is the way we have done it around here. But when you start talking about when these new entitlements which

this administration is proposing kick in and start to fully aggravate the deficit—

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. GREGG. Thank you, Mr. President.

I ask for another 30 seconds.

Mr. LOTT. I yield the Senator another 1 minute.

The ACTING PRESIDENT pro tempore. The Senator is recognized for an additional minute.

Mr. GREGG. I thank the Senator from Mississippi.

If you look at what the practical effects of these six major new entitlements are in the Federal budget in the outyears, they are catastrophic, so catastrophic, that the President's own budget, when he sent it up this year, tells us—and this is the President's budget—that children born in 1994 will pay 82 percent of their earnings over their life to the Government—82 percent. And that is the President's estimate on what the cost is of Government as a result of the outyear effect of what we are doing today in the area of spending and creating new entitlements.

So, Mr. President, we have serious problems here, and the President's budget does not address them. And the problem is that we are not controlling spending, but that in fact under the President's budget we are adding a lot of new spending and we are not accounting for it.

I yield back my time.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. LOTT. Mr. President, under the time under the special order reserved for Senator WALLOP, I yield 3 minutes to the Senator from Idaho.

The ACTING PRESIDENT pro tempore. The Senator from Idaho [Mr. CRAIG] is recognized for 3 minutes.

THE BALANCED BUDGET CONSTITUTIONAL AMENDMENT

Mr. CRAIG. Mr. President, let me say that the Senator from New Hampshire has spoken very clearly about the frustrations many of us have or are now beginning to have when we look at the President's budget and try to figure out what it means.

Let me express another frustration that certainly will be part of the debate that will occur here on the floor of this Senate over the next week as we debate a constitutional amendment to balance the budget, and that is where does that all fit with this President and this administration and their budget and how can we possibly make that work?

It is my understanding that there was an interesting internal debate down at the White House. The President's personal adviser said, "Mr. President, you ought to be for a bal-

anced budget," and yet OMB weighed in and said, "You cannot be for a balanced budget."

Finally, Laura Tyson, the chairwoman of the President's Economic Advisers came up and said "We are not for a balanced budget." So when all of these administration types paraded out in the last week to say we are against a balanced budget, what they were doing was saying, "My salary depends on a balanced budget. If my boss had been for it, I would be for it."

What kind of fiscal commitment is that to the long-term economic stability of this country? It is not what I believe, it is who I do my bidding for.

That is why the debate and the vote that will occur on a constitutional amendment for a balanced budget becomes critical in the coming days. Who do we do our bidding for?

Well, I hope that this Senate starts doing its bidding for the taxpayers of this country, because what the battle will be here on the floor in the coming days will be who holds the power? Because we know that money is power, whether it is the personal money in your pocketbook, your checking account, or whether it is the ability of the politician to render to his or her constituency the largess of the Public Treasury, that is power.

I am one who believes that power in this representative republic must rest with the people. That is why Thomas Jefferson believed in it and said we ought to have a balanced budget requirement or, in his words, "disallow the ability to borrow."

And then we heard the Senator from New Hampshire say that the President's own budget people, when crunching those numbers, willingly admit that a child born in 1994 will pay 82 percent of his or her personal income to Government. Where does that put that young person 20 years from today in the prime of their productive years? It makes them the status of a Third World working person.

How can this country, how could its leaders responsibly argue the budget process today and the one that the President has handed us and say that is the direction this country ought to head in? That is the future we offer the young people of America.

Let us debate the balanced budget amendment. Let us look at the context of the President's budget. I hope that the two-thirds, the 67 Senators that are required to send the balanced budget resolution to the citizens of this country, get enough political backbone to vote yes so that we can begin, over the course of a 6-year timeframe, to ensure that the young people of today will have a productive future equal to or greater than the one we have had the opportunity to experience.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

The Senator from Mississippi.

Mr. LOTT. I yield myself 5 minutes under the special order.

The ACTING PRESIDENT pro tempore. The Senator is recognized for 5 minutes.

THE PRESIDENT'S BUDGET

Mr. LOTT. Mr. President, about 3 weeks ago, with a lot of press fanfare, we received the President's budget. As a member of the Senate Budget Committee I was very interested in getting the details of this budget that was going to reduce the deficit and change priorities.

Well, I have been startled by many of the things that I found. In fact, I found that it is pretty much the same thing that we have seen year after year in this administration and previous administrations. What that is is an increasing deficit that adds to the debt every year.

There is no balanced budget in sight any year as far as the eye can see or any economist could possibly dream.

Let me give you some startling statistics. The Federal debt at the end of fiscal year 1993 was \$4.35 trillion. The projected Federal debt at the end of 1997 will be \$5.65 trillion. The projected rate of growth in the national debt for the next 6 years—fiscal year 1994 to 1999—will be \$1.9 trillion. The deficit may not go up as much this year as it did last year, but the deficit continues to go up every year. The debt continues to grow every year. So over these next 5 years, we will see an increase of about \$1.9 trillion on the debt.

Obviously, enough has not been done. The net interest payments will be \$343 billion by the year 2004. So, Mr. President, we have a lot of work to do.

We have heard a lot about what is in the President's budget. We have heard talk about changing priorities. Let me give you just one example of the type of change in priorities we are talking about.

It is getting to be more and more common knowledge that our national parks are deteriorating all over this country. I saw a program on television about the tomb of former President Grant is literally corroding and falling down. It is not being kept up. I know that is true in parks in my district.

Yet in the President's budget, 404 personnel were cut in the National Park Service, reducing the number that looks after our parks across this country, but 359 new lawyers were added to the Secretary of the Interior's office.

Now that is all we need—more lawyers at the Interior Department and fewer people to look after the national parks, those great treasures we have in this country.

But what really concerns me, and what I want to talk about this morning, is what is not in this budget. We have heard promised over the past few

weeks a number of things: health care reform, welfare reform, a GATT agreement—all of these are well and good—funding for the Bottom-Up Review of the Department of Defense, a new entitlement program to assist dislocated workers, and more policemen on the streets, more prisons, tougher sentences, and deficit reduction.

I believe we would all support a number of these items, if not all of them, in some form or another. But the problem is that the President has said one thing and done another. The budget he sent to the Congress that we are reviewing in the Senate Budget Committee does not include complete funding for any of these programs which I just mentioned—either none at all or incomplete funding. Despite the fact the budget is 4 volumes, 2,013 pages, and weighs 6 pounds, it is a porous document. If all of these new programs are enacted with no new offsets, the budget will have significantly greater deficits—probably wiping out what is now being claimed as a great reduction in the deficit for this next year. We see the deficit projections coming down because many of the bigger programs we are going to be dealing with this year are not included.

There has been much talk about hard choices in the budget, about how we are cutting spending. What people do not understand is that the spending cut in Washington is not a spending cut that most people would think about. Each year we start from last year's actual spending plus an additional inflation factor. This, then, becomes the so-called baseline. In other words, we allow for an increase before we ever start figuring what the spending is going to be that year. Any reduction in the inflated baseline is considered a cut. In reality, the budget proposed by the President proposes higher spending in each of the next 5 years.

The budget calls for increased spending on various programs by \$127.8 billion over 5 years, and Federal outlays will increase by 17.1 percent from fiscal year 1994 to 1998. So you see we are getting a lot of double talk here in Washington, talking about the deficit reduction every year. That is one of the major reasons why I am for the constitutional amendment for a balanced budget proposed by Senator CRAIG of Idaho and Senator SIMON of Illinois, that we are debating at this very time, because we have gotten to be very expert at using the numbers to make them say what we want them to say. Yet the thing that is driving the deficit and the debt is that we never control spending. That is the problem; not insufficient taxes, not insufficient revenue. We even have economic growth. What we should be doing is cutting spending, controlling spending—not just in the discretionary programs that the appropriators deal with but in the entitlements. We should do a few

things to encourage more growth and to allow the people to keep some of their money with their families in this country.

I do think we need the mechanism of the constitutional amendment for a balanced budget. It has been argued by some of the opponents, "well, it is just a gimmick." And then they say, "Oh, but it will cut so many programs so drastically." You cannot have it both ways. Is it a gimmick or will it really drastically cut spending?

I think we need to look further at this budget before we vote on it. I yield the remainder of my time we have on this special order to the Senator from Iowa, Senator GRASSLEY.

The ACTING PRESIDENT pro tempore. The Senator from Iowa has 3 minutes and 30 seconds.

THE BUDGET

Mr. GRASSLEY. Mr. President, the administration has recently released its fiscal year 1995 budget which shows a very rosy scenario regarding the deficit.

Unfortunately, just like a rose, the bloom has faded quickly and the petals are falling on the administration's projections regarding deficit reduction.

In the past few days since the release of the budget, several events have taken place that will substantially increase the deficit beyond the administration's projections.

These include:

CBO has estimated that the administration's health proposal will cost \$73 billion over the next 5 years, not save \$50 billion as the administration suggested. So that is a \$123 billion increase in the deficit;

There is a gap of over \$20 billion between the administration's defense budget and the Pentagon's plans;

GATT is projected to cost \$11 billion over 5 years in lost tariff revenue;

The emergency supplemental added nearly \$8 billion to the deficit;

Superfund restructuring is estimated to cost \$3 billion.

Interest rates on Treasury bills have increased markedly from the administration's estimates. The administration estimated 10-year T-bills to be at 5.8 percent for the next 5 years. The 10-year T-bill is already over 6 percent and climbing. On top of this we still have not gotten the bill for the Department of Labor's Workforce Security Act or welfare reform.

It seems that the administration that told us to "don't stop thinking about tomorrow" abandons tomorrow when it comes to a debt that will be \$6 trillion within 10 years. It is clear that we need to make greater efforts now to reduce the deficit.

I would like to take a moment and particularly focus on the gap between the administration's defense budget and what the Pentagon plans to spend.

This problem of overprogramming at the Defense Department is where spending under the 5-year defense plan [FYDP] exceeds the administration's own guidance for defense. This was a problem that I along with Senator SASSER raised often during the Reagan and Bush administration.

Now we see the Clinton administration facing the same issue. Assistant Secretary of Defense, Mr. Warner, testified before the House Armed Services Committee a couple of weeks ago that DOD's future years defense plan will not be consistent with the President's top line guidance for defense through 1999.

The DOD official stated that the defense program currently exceeds the administration's estimates by \$20 billion.

During hearings of the Budget Committee, the administration has tried to portray the problem as one due to estimating inflation. I do not understand why the administration can estimate inflation for every other program in the budget, but not defense.

These defense budget blanks mask the true picture of defense spending, and the future of our Armed Forces.

I am concerned that inflation is not the only answer to this \$20 billion gap. Questions have been raised whether the administration has underestimated the growth in weapon systems costs and overestimated the savings from procurement reform.

To help provide Congress the answer to these questions, I have asked Mr. Panetta to provide Congress by February 28, 1994 the estimates for the major defense appropriation accounts for the next 5 years as well as the top line of the FYDP so we will know the real answers.

The problems of reality and plans mismatch for the defense budget are just part of a deficit problem that has increased by nearly \$200 billion since the administration released its budget just a few days ago.

With children born today facing an 81-percent lifetime tax rate, we must take steps now to address the deficit. Today we decide tomorrow for our children and grandchildren. We must reduce the deficit.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired. The Senator from Washington [Mr. GORTON] is recognized.

WALTER JUDD

Mr. GORTON. Mr. President, Walter Henry Judd was born in a small town in Nebraska late in the year 1898 and died last week in a suburb of Washington, DC, at the age of 95. Born to a loving and religious family, Walter Judd was educated both as a physician and as a missionary in the Congregational Church. That church sent him as a medical missionary to China in 1925,

where he served in a hospital far from the coast for some 5 years, finally driven home to the United States by the 46th attack of malaria which he caught on that mission.

Even so, after only 2 years at home, he returned to China with a new wife and served as the superintendent of a hospital for another 5 years, succoring tens of thousands of Chinese refugees from the Japanese invasion.

Driven out of China for the last time by the Japanese, he returned to the United States in the years immediately preceding World War II and devoted his entire fortune to a speaking tour through 46 States of the United States, speaking 1,400 times about the threat of isolationism and the aggression of the Japanese against the people of the Republic of China.

He was elected to the House of Representatives from Minnesota in 1942 and served in that body for some 20 years as perhaps its most eloquent warrior against both Nazi and Communist tyranny, and for freedom and liberty not only in his beloved China but in Europe as well. Helping to found the World Health Organization and organizations dealing with the welfare of children, he always, as a Member of Congress, I understand, was devoted particularly to the poor and the elderly and those without an organized voice in Congress.

Even after his defeat for an 11th term in Congress, he continued to speak out passionately for liberty all around the world and continued to speak at religious retreats, including one remembered vividly by the distinguished senior Senator from Iowa, who has just spoken. He was awarded the Presidential Medal of Freedom in 1981 by President Reagan who called him "an articulate spokesman for all those who cherish liberty."

He continued to speak, I understand, until just 5 years ago when he finally retired at the age of 90.

Mr. President, I never spoke one on one with Walter Henry Judd, but I am here not only to memorialize those elements of his life which I have briefly outlined, but to say that I was one of the hundreds of thousands of people who heard Walter Judd speak during that 2-year tour encompassing 46 States and some 1,400 audiences.

During my freshman year in high school in Evanston, IL, Walter Judd spoke to a huge student body of some 3,200 and all of the faculty in the gymnasium of that high school. While I cannot repeat to you any single line presented to us on that morning by Walter Judd, I remember to this day his speech at the outset of World War II as the most inspirational single presentation I have ever heard in my life. I believe that it, more than any other single event, inspired this Senator to a life of public service and, most particularly, to the service of liberty and the strength and pride in his own country.

I did have the ability shortly after I became a Senator to exchange letters with Walter Judd in retirement a decade or so ago and to report to him his impact on my life. I have no doubt, Mr. President, that he had a similar impact on the lives of literally thousands of people whom he never met in person. Truly an inspiration to thousands, truly a patriot, truly a servant to the cause of freedom and liberty in every corner of the world, Walter Henry Judd was a great American.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

(The remarks of Mr. DODD pertaining to the introduction of S. 1860 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

TRIBUTE TO MARY WOODARD LASKER

Mr. HARKIN. Mr. President, I rise today to pay tribute to a national treasure who passed away on Monday night, Mrs. Mary Woodard Lasker. All of us who knew and loved Mary Lasker for many years were greatly saddened by the news yesterday of her death on Monday night.

History tells us that on the day that John F. Kennedy died, a tailor in New York City put a sign on the door that read "Closed due to a death in the family."

Mr. President, that is how every American who cares about saving lives through medical research feels today. We have had a death in the family. And that is what makes it so difficult.

Although most people do not know Mary Lasker, her tireless and talented promotion of medical research has saved and improved the lives of many children, husbands, wives, and parents of so many millions who never met Mary and who now, of course, will never have that great opportunity.

Right up to her death in Greenwich, CT, at the age of 93, Mary Lasker was a leading national force in the medical research community. Along with her husband, the late Dr. Albert Lasker, she created the Mary Lasker Foundation in 1942, a potent and active promoter of private-sector research. Every year, the Albert Lasker Medical Research Awards have recognized the world's most outstanding and groundbreaking medical researchers. No less than 51 of these scientists have subsequently gone on to receive the Nobel Prize.

In the 1940's, Mrs. Lasker initiated the research program of the American Cancer Society.

Thanks to Mary Lasker, we have the National Institutes of Health, the world's preeminent health research institute. She is truly the mother of the National Institutes of Health.

In 1969, President Lyndon Johnson presented her with the Medal of Freedom, the Nation's highest medal of honor for a private citizen. In 1987, the Senate and the House of Representatives authorized President Bush to strike a special gold medal in her honor in recognition of her humanitarian contributions in the area of medical research and education, urban beautification, and the fine arts.

Dr. Jonas Salk, the man who saved millions of lives with the discovery of the polio vaccine, once said, "When I think of Mary Lasker, I think of a matchmaker between science and society."

Business Week magazine called her "the Fairy Godmother of medical research."

In 1984, a center at the NIH was named in her honor, the Mary Woodard Lasker Center for Health Research and Education.

Mr. President, Mary Lasker's half century of crusading, which started with the Presidency of Franklin Roosevelt, the President who brought us Social Security and who signed into law the bill that created the National Institutes of Health, culminated with her last public appearance under the Presidency of Bill Clinton, who is going to help bring health security to all Americans. Her last public appearance was in October in New York City at the 1993 Albert Lasker Awards luncheon. The keynote address at that luncheon was given by First Lady Hillary Clinton. I suppose you could say that Mary Lasker was the last great lobbyist for medical research.

As we all know, the word "lobbyist" is sometimes considered a dirty word. It wasn't a dirty word to Mary Lasker. She once called herself a "self-employed health lobbyist."

Here is a glimpse into why she chose that profession—and a glimpse into why she made a difference.

Upon dedicating the Mary Woodard Lasker Center for Medical Research and Health Education at the NIH in 1984, Mrs. Lasker said:

The reason I am so dedicated to medical research and have lobbied so many Congressmen and Senators is that when I was very young, I was sick a great deal and had severe infections of the ears, causing the most agonizing pain.

In those days polio was still rampant and there were no antibiotics and no polio vaccines. These discoveries obviated the terrible pain and saved tens of thousands of lives. When I was about 10 years old I resolved that I would try to do something when I grew up for medical research, and this center named for me symbolizes this early resolve.

Mr. President, perhaps we can now appreciate the full extent of that resolve. Ninety-three years worth of resolve, to be exact. And although those years may be easy enough for Mary Lasker's friends to count, we will never be able to count the number of strangers' lives that were saved by her rock-solid resolve, and her unwavering courage, and her unflinching commitment to the lives and health of others.

Finally, Mr. President, no one has to guess how Mary Lasker would like us to honor her legacy. To quote just once more from her dedication of the NIH center that bears her name:

It is the duty of everyone who receives funding from the NIH to work for and fulfill the goal of medical treatment, cure and prevention and to give this country and the world the benefit of every penny spent. Now, we must all go and continue our work.

We can honor her wishes, Mr. President, by continuing to build on the foundation for health research that she laid down. To provide a solid cornerstone for that foundation, Senator MARK HATFIELD and I are proposing a bipartisan plan for ensuring that Mary Lasker's legacy can continue.

We will be proposing a fund for health research, which I believe must be a part of whatever health care reform bill that passes this body.

We can talk all we want about how we will change the health payment structure, how these plans will be set up, and what the role of the private sector will be. But there is one element that must be included, and that is a fund for health research so we can build on what we have done in the past and move forward toward finding more cures and treatments for the ills that beset mankind.

Mr. President, I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Chair will indicate to the Senator from Wisconsin that morning business is about to conclude and that he should ask unanimous consent to extend it.

EXTENSION OF MORNING BUSINESS

Mr. FEINGOLD. Mr. President, I ask unanimous consent to speak for 10 minutes in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. FEINGOLD. I thank the Chair. I thank the senior Senator from Illinois who obviously has a long day ahead of him on the floor.

TRIBUTE TO THE LATE DR. HOWARD TEMIN

Mr. FEINGOLD. Mr. President, I rise today to pay tribute to the life and work of an outstanding human being—Dr. Howard Temin of the University of Wisconsin, who passed away at his

home on the evening of February 9, after a long struggle with lung cancer. Dr. Temin was one of the world's foremost cancer and virology experts, winning a Nobel Prize in 1975 for his work in those areas.

Dr. Temin was the quintessential scientist. He was also a man with an enormous breadth and depth of knowledge who wore well the mantle of the Renaissance tradition. As a world traveler, he studied the history and customs of the many lands and people he visited. He was also an avid gardener and amateur botanist. He constantly surprised learned colleagues in all fields with his sophisticated knowledge of their disciplines. He was a marvelous conversationalist, but also an avid listener. And on most Saturday mornings, he could be found in his synagogue, where he delighted in learning and discussing the Torah—or Old Testament.

Howard Martin Temin was born in Philadelphia in 1934. His father was a lawyer and his mother was active in educational affairs. He became interested in biology and research at an early age by attending a summer program for high school students at the Jackson Lab in Bar Harbor, ME, and spending a summer at Philadelphia's Institute for Cancer Research. Amazingly, he published his first scientific paper at age 18.

He attended Swarthmore College, just outside Philadelphia and in a remarkable feat of prognostication, the yearbook from his senior year described him as, "one of the future giants in experimental biology."

Dr. Temin went on to earn his Ph.D. at the California Institute of Technology where he began a longtime collaboration with Prof. Renato Dulbecco. In 1960, he joined the faculty of the University of Wisconsin as a professor of biology. He began his career there as many junior professors do, in a small office in the basement under the steam pipes.

From these humble beginnings he began a lifelong exploration into the relationships between viruses and cancer. His research into viruses started with chickens. He discovered, that in fact there were only tenuous links between viruses and cancer and it was during this process that he stood one of the essential dogmas of biological science on its head.

It has always been thought that DNA, the coded molecule that carries genetic information, could produce RNA, a simpler genetic molecule, but that RNA could not produce DNA. Through his research, Dr. Temin discovered that in fact RNA could make DNA. This discovery and the discovery of reverse transcriptase, the enzyme that makes it possible for RNA to make DNA, got him on the cover of Newsweek in 1971, earned him the Nobel Prize in 1975 and sent the world of genetics spinning in an entirely new direction.

The enzyme Dr. Temin discovered is one of the most important elements of modern genetic research. It was critical to the discovery of the HIV virus and is at the core of much of the expanding biotechnology industry. Reverse transcriptase is used today in some of the most important research being done on cancer and AIDS.

It is one of the most important tools geneticists have to alter DNA and discover more about the mysteries of life and death. The enzyme has been used to create human insulin and drugs that can stop heart attacks. Reverse transcriptase has led to the saving of countless lives. Its use is a fitting and eternal legacy for Dr. Temin.

In addition to winning the Nobel Prize in 1975, with Professor Dulbecco and David Baltimore of MIT, Dr. Temin was a winner of the Albert Lasker Award, a member of the National Academy of Sciences, served on the editorial boards of several scientific journals, was a key advisor to many groups concerned with AIDS research and the development of an AIDS vaccine, and was awarded the National Medal of Science in 1992 by President George Bush.

But even with all of this fame and recognition he never lost sight of who, what or where he was. He commuted to his office by bicycle and attended community events with his friends and family. Even with all the accolades, he did his research in an unpretentious lab on the fifth floor of the McArdle Laboratory for Cancer Research on the UW campus.

He kept his Nobel Prize diploma in a desk drawer, telling a reporter in 1990, that he hoped it "would not disrupt my work." He was a tireless instructor who demanded excellence and perfection from his students and his colleagues.

One of his earliest theories that was later proved and proved again was that there was a link between cigarette smoking and certain kinds of cancer. He was an ardent antismoker and in 1975 after being presented with his Nobel Prize by Sweden's King Carl Gustav XVI, after he bowed to the king he turned to members of the audience and admonished them for smoking during the ceremony.

In 1980, he was excused from jury duty in an important trial after discovering that jurors would be allowed to smoke in the jury room during deliberations. He objected to being confined in such a small space with smokers for so long.

In 1992, Dr. Temin contracted adenocarcinoma, a form of lung cancer not related to cigarette smoking. He fought the disease valiantly for the next 2 years, while continuing his research, his teaching and his efforts to curb smoking. He died of the disease at his home in Madison on February 9. He was 59.

Dr. Temin is survived by his wife Rayla Greenberg Temin, a geneticist at the University of Wisconsin, and two daughters, Mariam Temin of San Francisco and Sarah Temin of Berkeley.

Another of the many things for which the people of Wisconsin owe Dr. Temin thanks, was that he chose to stay at the University of Wisconsin even though an entire world of opportunities lay open before him. In an age when internationally known academics and researchers are often lured away like free agent baseball players, Dr. Temin remained committed to the excellence and traditions of the University of Wisconsin. His long tenure at the university encouraged other scientists to come to Wisconsin and to stay. Our university is recognized as one of the top public institutions of higher learning in the world and the commitment of people like Dr. Temin is a big part of the reason why.

The death of Dr. Temin is a tremendous loss not only to his family and the University of Wisconsin, but to all of us. Now more than ever we could have benefited from his intellect and wise counsel as we grapple with the twin plagues of cancer and AIDS. His groundbreaking work has provided some of the most important tools for fighting these diseases and the thousands of people he instructed are now using those tools to continue his work. And yet, that work would proceed faster and all of us would feel better if we knew that Howard Temin was still riding his bicycle, thinking of new solutions to old problems and on his way back to the lab. He will be missed.

I yield the floor.

RUSSIAN SPY SCANDAL AND RUSSIAN BOSNIA SUMMIT PROPOSAL

Mr. DOLE. Mr. President, it now is clear that the Russian spy scandal is as damaging as any in United States intelligence history—it may be months, if ever, before we know how much damage was done to United States security and how many lives were lost due to the Ames' treachery. It is also clear that the United States has moved too far, too fast in assuming that changes in Russia have permanently altered the international landscape. The administration has allowed Russia to veto NATO expansion. The administration has turned a blind eye to Russian military and intelligence activity in the former Republics of the Soviet Union. Last week, the administration welcomed a Russian military role in the Balkans. Now, we learn that Russia has continued and maintained a Soviet intelligence asset in the very core of the Central Intelligence Agency—a situation known to some administration officials well before the Moscow summit.

I just guess or surmise that had we known this when we talked about foreign aid to Russia, it would not have

passed. There is no doubt about it. There probably would not have been a vote for it on either side of the aisle.

Russia has tried to minimize the importance of this affair—and that is a grave mistake. Russia cannot have it both ways. If they want to pursue cold war business as usual, the American Congress and American taxpayers will not keep sending billions for aid. Russia can and should take immediate steps to correct their policies. If the security services are under the government's control, these steps could be taken immediately. In my view, such steps are a bare minimum for a recipient of massive tax dollars from the United States.

First, Russia must cease and condemn efforts to penetrate American intelligence. A clear and public assurance from President Yeltsin announcing such a policy must be made.

Second, Russia must cooperate fully with the United States in assessing the damage from this episode, including revealing what was learned from the Ames' and any other moles. Virtually all U.S. intelligence sources and methods since 1985 could have been compromised due to the sensitive position held by Mr. Ames. The least Russia can do is work with our Government to evaluate the extent of what was compromised.

Third, President Yeltsin should remove all Russian personnel from the United States involved in espionage activities, including those responsible for handling Mr. and Mrs. Ames. President Yeltsin should also publicly announce who was responsible for the Russian Republic's decision to keep the Ames file active, and dismiss all those responsible. If we are truly in a new era of cooperation with the Russian Republic, President Yeltsin should cooperate in a new way.

Many of us in Congress extended the hand of friendship to President Yeltsin's Russia—approving billions in aid and repealing outdated statutes. We did so with the expectation that cooperation would be a two-way street. It is now time for President Yeltsin to act.

The administration must give this priority attention. President Clinton should immediately dispatch the newly confirmed Deputy Secretary of State, Strobe Talbott, to Moscow to press United States concerns with President Yeltsin. Deputy Secretary Talbott, because of his long association with Russia and Russians, would make an ideal envoy. Deputy Talbott should make clear that the United States is not simply lodging a protest, but that this affair threatens the foundation of our relationship with Russia. Until a satisfactory Russian response has been achieved, President Clinton should use his executive authority to temporarily freeze United States assistance to the Russian Government. And he should

announce that if any further Russian espionage activities against the United States are uncovered, an aid freeze will become permanent. In fact, I think Congress would see to that, too. Congressional and public support for aid to Russia will not endure in this environment.

Russia cannot divert attention from this travesty. Today, President Yeltsin called for a 1-day summit with the United States, Germany, France, and Great Britain on the former Yugoslavia. President Yeltsin indicated that some document could be signed that could, and I quote, "put a final end to the bloodshed."

I hope that President Clinton rejects this idea. Russia's objective seems clear: Blunt the actions of NATO and protect the gains of Serbian aggression. Russian officials have not only criticized the NATO ultimatum—which was long overdue—but, are increasingly critical of NATO. President Yeltsin has cited Russian domestic opinion in opposition to NATO's recent decision to relieve the siege of Sarajevo.

In response, the administration should communicate clearly to President Yeltsin that United States policy and NATO policy on Bosnia will not be driven by the Russian public's sympathy for the Serbs; nor will we respond to Communist-style attacks on NATO. It is ironic that Russia recently indicated its wish to join the NATO partnership for peace, and now is criticizing the very institution with which it wishes to have a closer relationship.

Mr. President, it seems to me that the last thing we need is to cut a deal with Russia and a few of our allies and impose it on Bosnia. The last thing we ought to do is impose any settlement on Bosnia. Bosnia is not a colony under the control of so-called great powers. It is a member of the United States and the victim of aggression. We should be empowering the Bosnian Government, not dismembering it and disarming its forces. We should allow the Bosnians to exercise their right to self-defense under the U.N. Charter. Moreover, I would hope that, if a settlement is reached, it will provide for a viable Bosnian state capable of defending its own borders and interests.

Some have said that reform in Russia—especially in the security policy area—is moving too slowly. The latest developments make me wonder if it was ever moving at all.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, anyone even remotely familiar with the U.S. Constitution knows that no President can spend a dime of Federal tax money that has not first been authorized and appropriated by Congress—both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is, the constitutional duty of Congress to control Federal spending. Congress has failed miserably in that task for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at \$4,540,131,894,166.17 as of the close of business yesterday, Monday, February 22. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is \$17,414.42.

TRIBUTE TO MARY LASKER—A GREAT AND BELOVED LEADER IN MEDICAL RESEARCH

Mr. KENNEDY. Mr. President, the death of Mary Lasker last Monday is a great loss to the Nation. She dedicated her life and career to fighting disease and promoting medical research and better health care for the American people, and what an extraordinary job she did.

Through her remarkable commitment, she became one of the most important, influential, and beloved private citizens in medical research in the Nation's history. Millions of persons in this country and around the world have benefited from her crusade to conquer disease and enhance the quality of health care for all people in all nations.

When I first came to the Senate, I remember very clearly the advice that President Kennedy gave me. "Have lunch with medical school professors, have dinner with Nobel Prize winners, but if you really want to know about what needs to be done in medical research in America, have a talk with Mary Lasker."

Her accomplishments in advancing medical research are legendary. For half a century, the Albert and Mary Lasker Foundation has honored and funded many of the world's greatest medical researcher scientists. The Albert Lasker Medical Research Awards are known throughout the world, and rank very close to the Nobel Prize in international prestige.

In return for her tireless dedication, Mary Lasker received numerous well-deserved awards and honors herself, including the Presidential Medal of Freedom, the Nation's highest honor for a private citizen.

In 1984, she was honored by the establishment of the Mary Woodward Lasker Center for Health Education and Research at the National Institutes of Health. Indeed, the NIH would not be the world-renowned research institute it is today without the brilliant leadership of Mary Lasker.

She never lost sight of her goals or the true importance of her work. As she said at the time of the dedication of the center, in justifying the cost of

medical research, "If you think research is expensive, try disease." And then she said, at the end of her address, "Thank you all for coming to this dedication—now, we must all go and continue our work."

The advances and discoveries generated by Mary Lasker's genius and dedication will continue to improve the lives of generations to come. She was an inspiration to all of us who knew her and who had the privilege of working with her. She was a symbol of hope to people everywhere, and we are saddened by her loss.

Mr. President, I ask unanimous consent that the obituary from this morning's Boston Globe and a series of other articles on Mary Lasker may be printed in the RECORD.

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

[From the Boston Globe, Feb. 23, 1994]

MARY W. LASKER, 93; COFOUNDED LASKER MEDICAL RESEARCH AWARD

(By Tom Long)

Mary (Woodard) Lasker, a philanthropist once described by polio researcher Jonas Salk as "a match maker between science and society," died of heart failure Monday in her home in Greenwich, Conn. She was 93.

Mrs. Lasker, along with her husband, the late Albert D. Lasker, founded the Albert and Mary Lasker Foundation and established the Albert Lasker Medical Research Awards.

The Lasker Awards are given to honor medical, biological or clinical work that leads to significant lessening of a major cause of disability or death. Since the Lasker Awards were established in 1944, they have become one of the most prestigious in the medical profession and more than 40 Lasker winners have gone on to win the Nobel Prize.

The daughter of a well-to-do banker, Mrs. Lasker was born in Watertown, Wis. She attended the University of Wisconsin and graduated from Radcliffe College where she majored in art history.

Upon graduation, she moved to New York City, where she sold paintings for gallery owner Paul Reinhardt, whom she married in 1926. The couple divorced in 1934.

In 1940, she married millionaire Chicago advertising man Albert D. Lasker.

In a 1965 interview in Time Magazine, Mrs. Lasker recalled that, early in their courtship, when Mr. Lasker asked her what she most wanted to do in life, she responded, "I want to push the idea of health insurance. Most people can't afford adequate medical care. And I want to help promote research in cancer, tuberculosis and other major diseases."

Mrs. Lasker persuaded her husband to devote his promotional skill and some of his fortune to public health.

In the late 1940s, the couple initiated the research program at the American Cancer Society and later turned their attention to increasing financial support of the National Institutes of Health.

Mr. Lasker died of cancer in 1952 and willed half his estate, estimated in excess of \$11 million, to the foundation that bears his name.

After his death, Mrs. Lasker continued her fight against what she called, "the major cripples and killers: heart disease, cancer and stroke."

She was a driving force behind the creation of the National Cancer Institute and several other health organizations.

In a 1974 interview with the New York Times, the soft-spoken philanthropist said her campaign for public health was fueled by frustration. "I'm very good on what we don't know in medicine," she said. "It's not the will of God, it's the dumbness of man, and the lack of enterprise and money that's the problem."

In 1984, the National Institutes of Health named the Mary Woodward Lasker Center for Health Research and Education in her honor.

Mrs. Lasker also had a passion for flowers. As early as 1943 she began brightening up New York City parks and streets with flowers. In 1956, she instituted the seasonal planting of tulips and daffodils along Park Avenue.

She was also active in Lady Bird Johnson's efforts to beautify America. In 1965, Mrs. Lasker donated 10,300 azalea bushes and 150 dogwood trees to help brighten Washington, D.C. She also donated 40,000 daffodill plants and several hundred cherry trees to beautify the United Nations in New York City.

In the interview with Time Magazine, she said, "I am mainly interested in medical research. The flowers are just a little thing to keep me from being depressed until a cure is found for diseases like cancer and arteriosclerosis."

Mrs. Lasker was the recipient of more than 60 awards and medals. In 1969, President Lyndon B. Johnson presented her with the Medal of Freedom, the nation's highest honor for a private citizen. In 1987, Congress authorized the striking of a special gold medal in her honor "in recognition of her humanitarian contributions in the areas of medical research and education, urban beautification and the fine arts." In 1992, she was awarded the Albert Schweitzer Gold Medal for Humanitarianism in Philanthropy from Johns Hopkins University.

Mrs. Lasker remained vigorous throughout her life. Her last public appearance was in October at the 1993 Albert Lasker Awards luncheon in New York City keynoted by First Lady Hillary Rodham Clinton.

She leaves two stepsons Francis Brody and Edward Lasker, both of Los Angeles.

Funeral arrangements are private. A memorial service will be held in the spring.

[From the Albert and Mary Lasker Foundation]

MARY WOODARD LASKER, HEALTH CRUSADER AND PHILANTHROPIST, IS DEAD AT AGE 93

New York, NY, February 22, 1994.—Mary Woodward Lasker, the indomitable philanthropist who for more than fifty years was a leading national force in promoting biomedical research and better health for Americans died yesterday, February 21, at her home in Greenwich, Connecticut. She was 93.

Mrs. Lasker died of heart failure, her nephew, James Woodard Fordyce, said.

Mrs. Lasker created with her husband, the late Albert D. Lasker, the Albert and Mary Lasker Foundation and established the Albert Lasker Medical Research Awards as one of science's most prestigious awards. These awards, given for significant achievement in basic and clinical medical research, have long been considered second only in prestige to the Nobel Prizes.

Mary Lasker believed that "money could buy ideas" and that leadership was needed to encourage those who have the stuff of genius to focus their energies on medical research. She sought to encourage and honor discoverers who might otherwise have gone all but

unrecognized, and to bring dignity to their work.

Mrs. Lasker remained vigorous and active throughout her life. Her last public appearance was at the 1993 Albert Lasker Awards luncheon, keynoted by First Lady Hillary Clinton, last October in New York City.

The Lasker Foundation and its awards program was founded in 1944 by the Laskers to draw attention to the major advances in both medical and clinical medical research and to stimulate Federal support for the medical sciences.

Mrs. Lasker was one of the country's most remarkable women and outstanding citizens. She was a key architect in this nation's cancer initiatives. With a talent for persuasion, she was enormously effective in changing the course of modern science through her catalytic role in obtaining public financial support for medical research.

Together with her husband in the late 1940s, she initiated the research program of the American Cancer Society and later turned her attention to increasing financial support for the National Institutes of Health, whose budget today exceeds \$10 billion.

Dr. Jonas Salk said, "When I think of Mary Lasker, I think of a matchmaker between science and society." Business Week called her the "fairy Godmother of medical research". She waged an effective behind the scenes attack on what she called the "major cripples and killers"—heart disease, cancer, and stroke in the United States. She was widely regarded as a driving force behind the creation of the National Cancer Institute and of several other of the National Institutes of Health. Her work urging legislation to expand federal cancer research culminated in a 1971 bill that made the conquest of cancer a national goal.

In 1984, Mrs. Lasker was honored by the naming of a Center at the National Institutes of Health, the Mary Woodard Lasker Center for Health Research and Education. Her life was a demonstration of how one unselected, unappointed, but highly intelligent and deeply committed private citizen could work with government officials for the benefit of all Americans.

Medicine was not the only area in which Mary Lasker worked to transform life around her. She had a passion for environmental beautification. As early as 1943 she began brightening New York City's bleak parks and streets with flowers. In 1956 she initiated the seasonal plantings down the center of Park Avenue in New York City and funded the planting of 20 blocks of tulips and daffodils. With her good friend, Lady Bird Johnson, she worked to stimulate interest in the beautification of cities and parks around the country. She generously gave azalea bushes, daffodil bulbs, dogwood trees, and cherry trees both in New York City and in Washington, D.C. to brighten those cityscapes. But she said, "I am mainly interested in medical research."

In 1969, President Lyndon B. Johnson presented her with the Medal of Freedom, the nation's highest honor for a private citizen. In 1987, the U.S. Senate and the House of Representatives authorized President Bush to strike a special Gold Medal in her honor "in recognition of her humanitarian contributions in the areas of medical research and education, urban beautification, and the fine arts." She used this occasion to urge President Bush to throw his support behind augmenting the national research effort.

She was the recipient of numerous honors and recognition including the Radcliffe

Achievement Award, that college's highest honor. In 1987 she received a Doctor of Humanities Degree from Harvard University and in 1989 the Harvard School of Public Health established the Mary Woodard Lasker Professorship of Health Sciences to perpetuate her life crusade for the discovery of knowledge to promote human health.

She was the recipient of more than 60 awards and medals, most recently the Albert Schweitzer Gold Medal for Humanitarianism in Philanthropy from The Johns Hopkins University in 1992. She also served in numerous board and trustee positions for health, cultural and educational organizations.

Mrs. Lasker, who was born in Watertown, Wisconsin, was the daughter of Frank Elwin and Sara Johnson Woodard. She attended the University of Wisconsin and Radcliffe College where she studied art history and graduated with honors. She also studied at Wadham College, Oxford.

Her first marriage in 1926 to art gallery owner Paul Reinhardt ended in divorce. In 1940, she married Albert Davis Lasker, the creative and legendary genius of modern advertising. When he retired from his business, Lord & Thomas, the predecessor firm to Foote, Cone, & Belding, Mrs. Lasker persuaded him to divert his promotional genius and some of his fortune to public health and she carried on this passionate work until her death.

In their life together Mrs. Lasker and her husband amassed an important collection of art which included Renoirs and the works of Matisse, Picasso, Dufy, Chagall and others. Many of these were sold in later years with the proceeds contributed to Mrs. Lasker's philanthropic projects.

Mrs. Lasker had no children. She is survived by her nephew, James W. Fordyce of Greenwich, and by her step children Francis Brody and Edward Lasker, both of Los Angeles, five step grandchildren, two step great-grandchildren and three great-nephews.

Funeral rites and burial will be private. A memorial service will be held in the spring. In lieu of flowers, contributions can be sent to the Albert Lasker Medical Research Awards.

[From Architectural Digest, Oct. 1985]

PROFILES: MARY LASKER

(By Valentine Lawford)

Though human beings who fight for causes may eventually achieve heroic stature in the eyes of posterity, they tend by and large to make their contemporaries feel uncomfortable. Mary Lasker of New York is a shining exception to the rule.

Part of the reason lies in the nature of the causes she champions. Today, medical research and urban beautification are recognizable as two facets of the same unmistakably good cause: the enhancement of human life. But another reason is Mrs. Lasker herself—her combination of forcefulness and warmth of heart, efficiency and charm, public spirit and personal devotion to friends, and her ability to persuade while giving credit where it is due. She is a philanthropist in the most complete sense of the word. Unlike many would-be reformers who start with an impersonal blueprint and end by trying to impose it dogmatically on others, she reasons from the personal to the universal. In short, she is someone with whom it is impossible not to identify and empathize.

Of her passionate interest in medical research, Mary Lasker says simply: "I cannot bear to see people suffering from uninvestigated disease. When I was a very young child in Wisconsin, I suffered from all

the childhood illnesses. One day I overheard a friend of the family say to my mother, 'Sara, I don't think you will ever raise her,' and that made me mad! My grandfather was crippled by arthritis, and both of my parents, who suffered from high blood pressure, eventually died of heart disease. I decided that such things just should not be, and that I would do something myself about it and get others to do something, too."

After her marriage in 1940 to advertising pioneer Albert D. Lasker, she began to put her ideas into practice—winning the sympathy and support of influential members of Congress, enlisting the aid of eminent doctors and surgeons and generous private citizens, and stimulating public interest in the fight against disease. In 1942, she and her husband established the Albert and Mary Lasker Foundation—backed solely by their own funds—for the promotion of medical research, public health and education, and human welfare. For nearly a half-century, the Lasker Foundation has achieved national and international renown. It has given annual awards since 1944 for outstanding work in medical research and public health administration, and for superior reporting on these subjects. Of the recipients of Lasker Awards in the course of four decades, no less than forty have subsequently received Nobel Prizes.

In May 1984, Congress passed legislation honoring Mrs. Lasker by naming a new research center at the National Institutes of Health in Bethesda, Maryland after her. Speaking at the dedication ceremony, she said: "Medical research saves lives and eliminates suffering; it also saves over \$13 million in our economy for every dollar invested. If you think research is expensive, try disease."

Like her battle against disease, Mrs. Lasker's fight against urban ugliness was inspired by childhood experience. Her mother was instrumental in the establishment of two public parks in Watertown, Wisconsin, where the family lived. It was in memory of her mother that Mary Lasker made her first contribution, in 1942, to the beautification of New York City—a gift of millions of hardy chrysanthemum seeds for massive plantings in five park areas. After Albert Lasker's death in 1952, his widow and her stepchildren gave 300 Japanese cherry trees and 40,000 white daffodils in his memory to the gardens of the United Nations. Four years later, Mrs. Lasker donated thousands of daffodils and tulips to be planted along twenty blocks of Park Avenue—partly to demonstrate that they could thrive there, in spite of air pollution. And she has personally contributed 10,000 azalea bushes, 900 cherry trees, 2,500 dogwoods and over a million daffodils to the beautification of Washington, D.C.

Since 1981, Mary Lasker's horticultural benefactions to New York City have centered on the Park Avenue Malls Planting Project, a community effort to enhance nearly fifty blocks of the avenue with tulip bulbs, annuals and shrubs, Christmas trees, fields of wildflowers, and annually seeded and fertilized lawns. The project's yearly order of 82,000 tulip bulbs from Holland is one of the largest private orders from Dutch bulb growers, second only to the queen of England's. Each spring the tulips burst into bright yellow bloom, and are followed in summer by carpets of begonias—a gardening miracle, given the smoke and heat from the train that runs directly beneath the avenue and the meager two feet of soil in which they are planted.

It is scarcely surprising that Mary Lasker should have received so many awards and

honors, including ten academic degrees, the Presidential Medal of Freedom, and the cross of Officier de la Légion d'Honneur from the president of the French Republic. She is also a board member of the John F. Kennedy Center for the Performing Arts in Washington, D.C., of the Norton Simon Museum in Los Angeles and of the Leeds Castle Foundation in Great Britain.

Despite a hectic schedule—she continues as president of the Lasker Foundation and serves as a trustee of several other public-spirited organizations as well—Mary Lasker remains genial and easily approachable. She enjoys parties and has given many notable ones herself. Important French Impressionist works of art were a feature of her former house on Beekman Place, and today she displays a collection of contemporary American paintings in her United Nations Plaza apartment and office. Weekends are spent at her country house in Greenwich, Connecticut, where she can indulge her passion for roses. She delights in the company of her family, especially of her three great-nephews, the grandsons of her sister and close collaborator, Alice Fordyce. She has taped a series of messages to them, for delivery when they reach a suitable age. An excerpt: "Go to good colleges and universities. Spend a year or two abroad, at Oxford or in Paris, for example. Become really proficient in at least one foreign language. And to cope with the politics of the twenty-first century, it may be useful to have some familiarity with psychiatry and psychoanalysis."

Mrs. Lasker's emphasis on education extends naturally to research, her most effective tool and weapon. Discussing the areas of research she's especially interested in now, she says: "We need to find a vaccine against cancer, and we have to discover more cancer viruses in order to produce a good vaccine. We must promote more research into diseases of the heart and all neurological diseases in order to prolong human life. We can do almost anything today, work untold wonders as far as mechanical things are concerned, but we do little or nothing to improve human beings. We are just not using our brains!"

Mary Lasker drives a hard bargain, and the Lasker legend of accomplishment, in all its facets, is widespread. Not long ago, a New York cab driver, taking a European visitor downtown to catch a train, proudly gestured toward the flowers, shrubs and trees along Park Avenue. "You know who's responsible for all this?" he asked his fare. "A lady called Mrs. Mary Lasker. We could do with a lot more of her kind."

[From the Journal of the American Medical Association, Oct. 2, 1991]

THE LASKER AWARDS—HONORING THE SPIRIT OF MEDICAL SCIENCE
(By Dennis L. Breo)

Beauty is truth,
Truth beauty,
That is all ye know on earth,
And all ye need to know.

—John Keats

Keats died in 1821 at the age of 25, a victim of "consumption" in the years before medicine fully understood "contagion" and knew how to cure tuberculosis. This has next to nothing to do with the subject of this article, the Albert Lasker Medical Research Awards, which were presented in New York on September 27 and which are the focus of two papers in this issue of *JAMA*.

Nothing except to note that Mary Lasker, who created the awards and named them in honor of her late husband, has a rare passion

for beauty and a rare rage against disease. A mover of mountains to motivate medical research in America, Lasker forced upon others the saving truth that the beauty of science can often cure the ugliness of disease. A woman of both poetry and power, she sold the dream.

When the history of 20th-century science is written, it may well show that two of the very most important players are a pair of remarkable sisters from tiny Watertown, Wis.—Mary Woodard Lasker, now 90, and her indispensable ally and sibling, Alice Woodard Fordyce, 84. Neither has ever looked into a microscope nor would they recognize what they saw, but their persuasiveness, persistence, and perspicacity have helped cause billions of dollars to be allocated for thousands of researchers to benefit millions of patients.

Sam Broder, MD, the director of the National Cancer Institute, says, "The story of Mary Lasker is well known, she has been recognized by essentially everybody, and she has meant essentially everything not only to the National Cancer Institute but to the entire National Institutes of Health. She is a genius who forced the realization that the federal government must commit itself to medical research to benefit all Americans."

Broder's predecessor, Vincent T. DeVita, presented Lasker with the NCI's "Year 2000 Award" in 1987 and noted, "Mary Lasker is unique. She is this country's First Lady of science and medicine. In truth, without her efforts, there would be no National Cancer Act, no capacity to approach the cancer problem in any organized way, no capacity to set our goals for the year 2000 . . . no mandate to think of a world without cancer. Like those few people with vision, Mary's eyes have always been able to look farther than they can see."

A SELLER OF DREAMS

Mary Woodard was a successful businesswoman in New York in 1940 when she met and married Albert Lasker, the father of modern advertising. Himself a genius and the owner of a great fortune, Lasker, like his wife, believed that education and knowledge could change the world. Within 2 years of their marriage, he divested his agency, Lord & Thomas, and joined his wife in a crusade to breathe life—and dollars—into the moribund American Society for the Control of Cancer, as the MD-dominated agency was known in those days, and the National Institutes of Health. Their remarkable success is a tribute to the can-do American spirit.

From the beginning, the awards program, which is administered by the Lasker Foundation, was meant to motivate basic and clinical research against this nation's major cripples and killers—heart disease, cancer, mental illnesses, respiratory diseases, arthritis, and neurological diseases. Ironically, Lasker himself died of colon cancer in 1952.

The first Albert Lasker Medical Research Award was presented in 1944 to Col. William C. Menninger for his "outstanding contribution to the advancement of mental health in the field of war psychiatry." Subsequent winners have been honored for breakthroughs in everything from making penicillin available to understanding retroviruses.

Since these awards were established, 49 Lasker Award winners have later won Nobel Prizes. Lewis Thomas, MD, observed in remarks upon the 40th anniversary of the program, "the average lag [between a researcher winning a Lasker and then a Nobel], if it can respectfully be called that, has been 5 years. The Lasker juries have been prescient."

The lion's share of the credit for the awards and what they have meant quite

properly goes to Mary Lasker, but Alice Fordyce, the lady who has directed the program and who has handed out the inscribed "Winged Victory of Samothrace" statuettes (symbolizing victory against premature death and disability), has also been a driving force, though she insists upon staying in the background.

Indeed, the two sisters deserve their own Nobel Prize and, perhaps, even a Lasker Award. In 1942, the United States was spending virtually nothing on cancer research—certainly far less than was being spent by Albert Lasker's clients to launch advertising campaigns for toothpaste! Today, the NCI has an annual budget exceeding \$1 billion.

Fordyce agreed to an interview with this reporter to discuss the accomplishments of her sister, but clearly, she too is deserving. Dr. Thomas, himself a Lasker winner as "the poet laureate of 20th-century medical science," once observed of Fordyce: "Both myself and many other scientists, more stubborn, busier, and with all their own prior engagements, have found it impossible to escape being organized by this lady . . . she is an absolutely irresistible force."

Fordyce lives and works in an airy, strikingly appointed and designed apartment in Manhattan's United Nations Plaza. The apartment, which was designed by her late architect husband Allmon Fordyce, commands a panoramic view of the East River and is only a few floors below the dramatic town apartment kept by Mary Lasker, who on this day, does not feel up to an interview.

The Woodard sisters have come a long way from Watertown, but Fordyce summarizes: "In those days, a young woman went East to college and then got a job in Manhattan. Things just naturally happened." Pointing out the window, Fordyce observes, "Mary planted those chrysanthemums and flowering cherry trees you see below in honor of our mother, who was a great lover of flowers and beauty."

The Lasker success story is simple, though profound. The mother imbued her two daughters with a passion for beauty. Mary Lasker, who often says, "I am opposed to heart attacks and cancer and strokes the way I am opposed to sin," has always believed that "the ugliness of disease is not the will of God." (Lasker herself had a major stroke in 1981 but has made a remarkable recovery.) She resolved to persuade others to find the causes of disease, not just treat the symptoms.

Sara Johnson Woodard, the mother of Mary Lasker and Alice Fordyce, grew up amid the pastoral beauty of Northern Ireland as the 11th of 17 children. She came to the United States in 1880 and was appalled by the grime and grit of Chicago.

Alice Fordyce says, "Mother rode into Chicago one day on the Rock Island Railroad and burst into tears, exclaiming, 'It's just so ugly.'" Later, after she had married prominent banker Frank Woodard and moved to Watertown, Wis., to raise her two daughters, Sara Woodard saw to it that two parks and a public library were established and that many flowers were planted. "She taught us a love of beauty," Fordyce recalls, "and she also taught us to cause other people to bloom."

This would become the great gift of Mary Lasker—to recognize and encourage possibilities in others, especially medical policymakers and researchers. Famed as the "Great Persuader," she became a national resource, like iron and timber. Gifted with a smile that could warm a room and a computer-like ability to track multiple projects,

she once moved a scientist to remark that her presence "caused us all to perk up, as if the sun had just come out."

She often said, "It's a personal world and ideas come from minds in collision. Continents have been discovered, laws passed, buildings built, books written because the right two people met at a party or on a ship." The meeting of Mary and Albert Lasker was one such collision, and its shock waves affected Congressmen, Presidents, and the American people. Medical research was the idea she chose to promote. Her determination was deeply rooted in personal experiences.

Frail and often ill as a child, Mary Lasker suffered from recurrent ear infections and was furious that doctors could not help her. At age 4, she and her mother visited their cleaning woman, who had just had both breasts removed because of cancer. The memory is unforgettable—"that poor woman lying in bed, suffering so terribly, and nothing could be done."

Both her parents suffered from hypertension, and the only advice given to them was "to avoid excitement and stress." Later, as an exceedingly popular coed at the University of Wisconsin in Madison, the pretty and talented Mary Woodard and many of her classmates were stricken by the flu epidemic of 1918, an epidemic for which medicine had little to offer. Halfway through her sophomore year, Mary was taken out of school by her mother, who stayed with her in a Midwestern spa until she had regained her health. Once recovered, she switched to Radcliffe, where she graduated cum laude with a degree in art appreciation and history.

Many years later, in 1943, the Laskers' cook was stricken with cancer and consigned to a "home for incurables," where she eventually died. The doctor would not tell Mary what the problem was, since in those days demons like "cancer" and "mental illness" were spoken of in whispers. She was told that nothing could be done. Mary Lasker thought to herself, "Well, that's a fine kettle of fish . . . all we can do is treat the symptoms and send her away. We need to find the cause and to cure it."

TAKING CANCER OUT OF THE CLOSET

The rest, of course, is richly known history. Dr. Howard Rusk, the former director of the New York University Medical Center's rehabilitation clinic, once said, "Mary Lasker has done more to promote medical research than any other living person."

Mary and Albert Lasker are the ones who, in the 1940s, convinced David Sarnoff, then the powerful head of the Radio Corporation of America, that it was OK to mention the word "cancer" on the airwaves. Later, she persuaded the Reader's Digest to run a series of articles on cancers and to include at the end a chance for readers to contribute money for research. This helped launch the fund-raising efforts of the American Cancer Society, and she insisted that 25% of all funds be earmarked for research. Disgruntled doctors at first threatened to resign at this sign of lay influence and at her insistence that the society's board include nonphysicians, but the resistance soon capitulated in the wake of her successful fund-raising. In 1949, she created the Albert Lasker Medical Journalism Awards and helped put medical stories on the front page of the nation's newspapers.

President John F. Kennedy reportedly once told his brother Edward, then newly elected to the US Senate: "Have lunch with medical school professors, have dinner with Nobel Prize winners, but if you really want to know about what needs to be done in medical

research in America, have a talk with Mary Lasker."

Throughout it all, Mary Lasker has walked with Presidents, lived like royalty in elegant country and town homes that showcase art masterpieces and spectacular gardens, and acted as "Mary Applesed," even persuading the politicians of New York to lay a carpet of daffodils and tulips down the mall in the middle of Park Avenue.

At 90, she remains excited about the possibility of a vaccine against cancer, a safeguard against the pernicious killer whose 200-plus different forms attack 35 major sites in the body. As usual, she is leaving nothing to chance. She told *Cancer News*, a publication of the American Cancer Society, "We're so smart about weapons. We spend billions and billions for weapons to kill people. Why not spend to keep people alive? That's what the American Cancer Society is all about."

Alice Fordyce says, "When I think of Mary, I think of her great charm and intelligence and perseverance and persistence and her great taste. She can thank our Irish mother for much of this. It's true that she was extraordinarily persuasive—a seller of dreams, really—but she also had very good ideas. And they were not selfish ideas. They were ideas to help others."

A grateful nation has heaped honors upon Mary Lasker. In 1984, Congress named a new center, the Mary Woodard Lasker Center for Health Research and Education at NIH, in her honor. Her countless awards include the Medal of Freedom in 1969 from President Lyndon Johnson, a personal friend, and a special Congressional Gold Medal in 1989. She used the latter occasion to prod President George Bush to spend more for health research.

"We're Democrats of course," Alice Fordyce says, "and in Democratic administrations. Mary often visited the White House. The Republicans, I sometimes think, are allergic to spending for medical research, and we're fast losing our international leadership in science. It's shocking, and it makes me very cross. The federal budget process is beyond me, but I know that we can do more."

Fordyce has served as the executive vice president of the Albert and Mary Lasker Foundation, the director of the Lasker Medical Journalism Awards (discontinued in 1970), and the director of the Lasker Medical Research Awards. Dr. Thomas calls her a "phenomenon . . . a skilled and artistic arranger of flowers and people." Indeed, she developed many of these skills during her early career as a public affairs executive for the Rockefeller Center. Among her many bright ideas, she counts suggestions to build the Rainbow Room at the top of the building and the skating pond at the bottom.

AWARDS STILL VALUABLE

Still, she frets that this article "must not put me front and center, because I'm not a front-and-center person. Make sure you mention Mike DeBaakey, who's been chairman of our jury for 20 years or so and who does a marvelous job. The Lasker Awards are valuable because they're awarded by the researchers' peers. What has always dazzled me is that when the chips are down the jurors vote for scientific merit and not for their favorites."

Herself blessed with robust good health, Alice Fordyce still enjoys travel, especially to China, and has recently taken up a new interest—organizing outings to listen to barge chamber music. Hers, too, is a richly lived life.

She notes that the Lasker Awards were not presented in 1990, a development that caused

great consternation in the scientific community. "Well," Fordyce says, "I'm a very unconsulted consultant and I don't know what was going through Mary's mind, but she simply decided that, maybe, we had done enough, that there was no longer a need for the awards."

Wrong. "The outcry from the scientific community was very gratifying," Fordyce says. "Spontaneously, without prompting, many leading scientists called to say, 'Mary, you can't do this . . . it's like closing down the Metropolitan Museum of Art' and other comments of this nature. Well, Mary was persuaded, and the awards were resumed."

She concludes, "We're not going to be around forever, of course. I would certainly hope that somebody will keep the awards going in Mary's memory."

ADDRESS OF MARY LASKER AT THE DEDICATION OF THE MARY WOODARD LASKER CENTER FOR MEDICAL RESEARCH AND HEALTH EDUCATION, NATIONAL INSTITUTES OF HEALTH, SEPTEMBER 19, 1984

I am deeply honored that this land for research and training is named in my honor, but the real honor goes to the scientists who are dedicating their lives for the benefit of mankind. We will see to it that there are many buildings on this site in the future.

The reason I am so dedicated to medical research and have lobbied so many Congressman and Senators in this room is that when I was very young, I was sick a great deal and had severe infections of the ears, causing the most agonizing pain. In those days polio was still rampant and there were no antibiotics and no polio vaccines. These discoveries obviated the terrible pain and saved tens of thousands of lives.

When I was about ten years old I resolved that I would try to do something when I grew up for medical research, and this center named for me symbolizes this early resolve.

I hope this property and facility and others like it will inspire young people and old to dedicate their lives to the furthering of medical knowledge that will alleviate suffering of people with cancer and other dread diseases.

Yet our mission and purpose in life unlike any other that I know of has remained nonpartisan, due to a large measure by the actions of those here today—and by many who preceded them in the White House and Congress.

The press pays little heed to what goes on here, it is slow, grudging but vital work.

The fruits of all our labors throughout the years will:

Alleviate pain where there is suffering;
Provide the freedom to live in health so that we can fulfill our promise and quest in the pursuit of happiness; and

To provide hope where none existed before. This is our mission—we have already begun.

It is a terrible thing to envision the lives lost, the crippling and the pain occurring while all of us are here.

Our duty is more urgent today than ever before.

Economically, our leaders must soon realize that funding for medical research saves lives, and eliminates suffering. It also saves over \$13 in our economy for every \$1 invested!

We must all come to the immediate conclusion that if you think research is expensive—try disease.

In his own wisdom, Senator Magnuson said "health is the first wealth of a nation". Without it we have nothing.

I would add that: with it we have hope and at least the ability to look forward and work toward a better life.

It is the duty of everyone who receives funding from the NIH to work for and fulfill the goal of medical treatment, cure and prevention and to give this country and the world the benefit of every penny spent.

It is the obligation of everyone to support this effort and our public leaders so that we can fulfill our mission.

Do you realize that at least 1,000 people a day die of cancer? With persistent research and substantial financial support, we should be able to further lower the death rate dramatically for all diseases!

Thank you for your own contributions to this coming victory and for coming to this dedication—now, we must all go and continue our work.

TRIBUTE TO JOHN HAL "RED" DOVE

Mr. HEFLIN. Mr. President, a longtime leader in the Alabama trucking business, John Hal "Red" Dove, passed away after a long illness on February 7 in Dothan. A fine gentleman with an abiding love in faith and family, Red made a great contribution to the State's trucking industry.

The founder of AAA Cooper Transportation, Red was best known as a person who never forgot his roots. He had a warm sense of humor and was always at home with all types of people. He was someone who related well to other people and who others truly enjoyed being around.

Red Dove was born on October 7, 1909, in Shubuta, MI, where he lived during his early childhood. He married Sybil Bently in 1931. He began his illustrious career in the trucking business soon after moving to Alabama by hauling pulpwood and timber for local sawmills. In 1935, he became a regulated carrier, operating under the name "Dove Truck Line." He later formed his second company hauling specified commodities between Pensacola, FL, and Dothan, later merging this operation in a partnership that served Atlanta, Dothan, Andalusia, and Mobile. Selling this firm in 1950, he purchased another operation the next year, changing its name to AAA Motor Lines and again in 1970 to the present AAA Cooper Transportation, greatly expanding its operation.

He served as board chairman for AAA Cooper as well as on various committees of the Alabama Trucking Association, where he was division vice president, vice president, president, and board chairman. Over the years, he was active in various civic organizations including the local Chamber of Commerce as well as those in the communities in which he operated. He was a member of the Salvation Army's board of directors and a member of First Baptist Church.

Red Dove's lasting legacy is two-fold: his family and his strong business. He was always committed to both, and

was a loyal friend to those who were fortunate enough to have known him. I extend my sincerest condolences to his wife, Sybil, and their entire family in the wake of their tremendous loss.

THE DEATH OF MARY WOODARD LASKER

Ms. MIKULSKI. Mr. President, I rise today to express my sadness at the passing of a great American woman—Mary Woodard Lasker. I want to extend my condolences to her family and loved ones.

Mary Lasker was a kind and generous woman who devoted herself to public health issues. She sought to garner funds for the research and development of cures for various diseases. She spent 30 years energetically lobbying Congress promoting medical research. Through her persuasion, she convinced the Radio Corporation of America that the word cancer could be said on the air. Reader's Digest published a series of articles about cancer which concluded with a plea for donations. Mrs. Lasker's persistence and dedication had convinced them of the urgency and importance of educating the American people about the deadly disease.

Because of the loss of her parents at an early age to fatal illnesses, Mrs. Lasker was determined to see medical research become a priority in this country. Although private funds were the real sources of medical research at the time, Mrs. Lasker was able to convince the Federal Government that its resources were the only ones large enough to adequately conduct the kind of large scale research that could be effective.

And her influence was great. It was through the tireless efforts of Mrs. Lasker, with the support of her husband Albert, that the National Institutes of Health transformed from a simple set of medical laboratories to the advanced innovative medical research community that stands today. Mrs. Lasker's work led to an increase in funding for NIH from \$2.4 million in 1945 to \$5.5 billion in 1986.

As the visionary that she was, Mary Lasker was even questioned by renown scientists when she proposed an independent national cancer authority. And again, we owe our thanks to Mary Lasker that President Nixon signed the National Cancer Act in 1971. In addition, Mrs. Lasker and her husband were avid fundraisers for cancer research and their efforts led to the creation of today's American Cancer Society.

Mary Lasker was an inspiration to us all. Although her name will be carried on by the prestigious Lasker Medical Research Awards, Mary Lasker's true legacy remains in the commitment that we now have in this country to funding medical research, to expanding NIH and our medical technology, and to the education and awareness that

Americans now have about public health.

RUTH VAN CLEVE RETIRES FROM DEPARTMENT OF THE INTERIOR

Mr. JOHNSTON. Mr. President, today I ask my colleagues to join me in congratulating Mrs. Ruth Van Cleve on her retirement as special assistant in the Office of the Solicitor at the Department of the Interior.

Mr. President, Mrs. Van Cleve is truly a remarkable and talented person. She will be missed not only by her friends and colleagues at the Department of the Interior but also by innumerable staff, Senators, and Congressmen throughout Capitol Hill and staff with the executive branch.

Mrs. Van Cleve's departure from Interior after almost 43 years of distinguished Federal service marks an unusual degree of commitment and dedication to the issues of the U.S. territories.

She began her career with the Department of the Interior as an attorney in the Office of Territories in 1950. In 1964, Secretary Udall appointed her Director of the Office of Territories, making her the highest ranking woman in the Department. She was awarded the Distinguished Service Award, the Department's highest honor, in 1968.

Mrs. Van Cleve went on to serve in the Office of General Counsel for the Federal Power Commission where she became the FPC's first woman assistant general counsel as well as receiving two awards. In 1977, Mrs. Van Cleve returned to the Department of the Interior as Director of Territorial Affairs. During this time period, it was a pleasure to have Mrs. Van Cleve testify before the Subcommittee on Territories, which was my first subcommittee chairmanship. She always was an exemplary witness, handling sometimes difficult situations with ease and grace. When the Assistant Secretary position was created in 1980, she became Deputy Assistant Secretary. Soon after, she moved to the Office of the Solicitor and began preparing a three-volume treatise on the applicability of the Federal laws to the territories and other insular areas. The treatise was published in early January of this year. Other highlights of Mrs. Van Cleve's long and distinguished career include assisting in achieving statehood for Alaska and Hawaii, and securing elected Governors in the Virgin Islands and Guam.

Mrs. Van Cleve came to work on territorial issues soon after the trusteeship was established in 1948, and now leaves as the trusteeship can be fully terminated. It was a Herculean task, but Mrs. Van Cleve was up to it!

I ask my colleagues to join me in commending Ruth Van Cleve on her retirement and in thanking her for 43 years of dedicated service to the Nation and its territories.

RETIREMENT OF JAMES M.
"MIKE" LAMBE

Mr. BUMPERS. Mr. President, on March 2, James M. "Mike" Lambe, Chief of the National Park Service's Office of Legislation, will retire after nearly 40 years of Federal service. Since 1961, Mike has been with the Park Service where he has served with distinction and excellence.

During many of those years in the Park Service, Mike has been associated with legislation or legislative affairs, which is why our paths have crossed on numerous occasions. As chairman or ranking minority of the National Parks Subcommittee in the Senate since 1979, I have benefited from Mike's professionalism and vast institutional knowledge. Whether it was preparing legislation as a drafting service for me or other members of the subcommittee, or responding almost instantly to questions about even the most obscure Park Service related law or regulation, I and my staff could always count on Mike Lambe. He has made positive and lasting contributions to almost every major park-related measure enacted into law over the past several decades. The Redwoods National Park and Redwoods Park Expansion Acts; the National Parks and Recreation Act of 1978; the Omnibus Park and Recreation Act of 1979; the Alaska National Interest Conservation Lands Act [ANILCA]; and countless additions to the National Wilderness, Wild and Scenic Rivers and Trails Systems are just a few of the laws that bear the imprint of Mike Lambe's work.

Mr. President, I wish Mike all the best in his retirement. And on behalf of all of us who have benefited from his many talents over the years, I want to say thank you for a job well done.

TRIBUTE TO MARY WOODARD
LASKER

Mr. HATFIELD. Mr. President, I come to the floor today to pay tribute to a woman who, through her advocacy, changed the face of medical research in this country—Mary Woodard Lasker.

Mary died Monday night—the close of a rich and full life that touched thousands. Once deemed the First Lady of Science and Medicine, she was known throughout the medical community for her devotion to the cause of medical research. Clearly, without her unwavering efforts, the consequences for the health of this country would have been devastating.

Mary resolved at a young age to work for the cause of medical research in adulthood. When she began her crusade in the 1940's, the United States spent only meager sums on cancer research. Today, due in large part to Mary's efforts, the budget of the National Cancer Institute is well over \$2 billion. "If you think research is expen-

sive," she argued, "try disease." Through the persistent work of Mary, her husband Albert, and sister Alice Fordyce, medical research has been recognized as a crucial component of improving human health.

I have been extremely fortunate to have the benefit of Mary's friendship through our work together during the years. Her warmth and compassion were evident from the moment one encountered her. With a background in art history and a keen business sense, Mary could have directed her energies any number of ways. "I am really interested in saving lives," she once said, simply. And so many have benefited from her choice.

The selfless spirit of Mary Lasker continues today through the Albert Lasker Medical Research Awards, created with her husband and given for achievement in basic and clinical medical research. "Mary's eyes have always been able to look farther than they can see," commented one former Director of the National Cancer Institute. Her vision helped to guide a country which has often been slow to follow. We can only extend to her our heartfelt gratitude and thanks.

As many of my colleagues know, I have a longstanding interest in medical research because it provides the hope to perpetuate a high quality of human life. Next week I will join my colleague, Senator HARKIN, in introducing legislation to establish a national fund for health research. I believe health research should be a key component of any health care reform plan and I am hopeful that with the groundwork already laid by Mary Lasker and others, this result can be achieved. If it does, I will be first in line to pay tribute to Mary Lasker by urging that the fund be named the Mary Lasker Fund for Health Research.

JAMES M. "MIKE" LAMBE RE-
TIRES FROM DEPARTMENT OF
THE INTERIOR

Mr. WALLOP. Mr. President, today I ask my colleagues to join me in congratulating Mr. James M. Lambe on his retirement as Deputy Assistant Director of Legislative and Congressional Affairs for the National Park Service.

Mr. President, Mike has been the backbone of the NPS legislative program. There is not a National Park Service area that has not benefited by his work and attention to detail. He will be missed not only by his friends but also by innumerable staff, Senators, and Congressmen throughout Capitol Hill, and staff with the executive branch.

Mike's departure from Interior after almost 36 years of distinguished Federal service marks a high degree of commitment and dedication to the issues of the National Park Service.

Mike began his career with the Department of Agriculture as a forestry

aide on the Kaniksu National Forest in Idaho and then moved to the U.S. Geological Survey until he assumed a position with the National Park Service in 1961. Since that time he has been actively involved on the legislative agenda of the Service which has produced numerous new and expanded park areas. His assistance to the Congress has been invaluable. His departure and the knowledge and history that he will take with him, will leave a void that will be most difficult to fill.

I ask my colleagues to join me in commending James M. "Mike" Lambe on his retirement and in thanking him for 36 years of dedicated service to the Nation and its national parks.

BALANCED BUDGET AMENDMENT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of Senate Joint Resolution 41, a joint resolution proposing an amendment to the Constitution of the United States to require a balanced budget, which the clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 41) proposing an amendment to the Constitution of the United States to require a balanced budget.

The Senate resumed consideration of the joint resolution.

Mr. SIMON. Mr. President, I will have some remarks shortly. I am waiting for some material from my staff.

I will, at this point, 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. SIMON. 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. SIMON. Mr. President, before my colleague from Idaho yields to Senator STROM THURMOND, I want to pay tribute to Senator THURMOND, who has been a pioneer in fighting for this. I believe Senator THURMOND told me he has been fighting for this for 35 years, but it has been a long time. I am proud to be associated with him in this battle.

When I came to the Senate, Mr. President, I confess that I thought, well, maybe I am going to be fighting with STROM THURMOND on all kinds of issues. We are on two committees together. We differ on some things, but it has been a good relationship, and I have great respect for my colleague from South Carolina.

Mr. CRAIG. Mr. President, let me join my colleague from Illinois in recognizing Senator STROM THURMOND and the tremendous leadership he has offered in building the base for this issue, as it has developed over the years, to stand on the floor on many occasions

over the last decade and bring this issue to a vote—once a successful vote in the mid-1980's. I offer my congratulations to him for his leadership. I am at this time pleased to yield to him such time as he may consume.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. I express my deep appreciation to the able Senator from Illinois and the able Senator from Idaho for their kind remarks. I am very interested in this problem and have been working on it for over 35 years.

Mr. President, I rise today to voice my strong support of a constitutional amendment to require the Federal Government to achieve and maintain a balanced budget.

In the last Congress, as in many Congresses before, I introduced a proposed balanced budget amendment and also joined as a cosponsor of a proposal which was agreed upon with proponents in the House of Representatives. That proposal was narrowly defeated in the House. The defeat was a direct result of the Speaker's successful lobby of several Representatives who were actually cosponsors of the bill but turned and voted against it when pressed by the Speaker. We have reintroduced this proposal as Senate Joint Resolution 41 which is the bill we are now considering. This current legislation is similar to a balanced budget amendment passed by the Senate in 1982 while I was chairman of the Judiciary Committee. Unfortunately, the Speaker of the House and the majority leader led the movement to kill it. Also, in March 1986, the balanced budget amendment received 66 of the 67 votes needed for Senate approval.

Simply stated, this legislation calls for a constitutional amendment requiring that outlays not exceed receipts during any fiscal year. The amendment does allow Congress to adopt a specific level of deficit spending if approved by three-fifths of the whole number of both Houses. There is also language to allow the Congress to waive the amendment during time of war or imminent military threat. Finally, the amendment requires that any bill to increase taxes be approved by a majority of the whole number of both Houses.

Mr. President, this legislation would strengthen our economy imposing the requirement to reduce and ultimately eliminate the Federal deficit. The American people have expressed their strong opinion on the need for a solution to the deficit problem. Making a balanced budget amendment part of the Constitution is the only—and I repeat, the only—effective means of permanently addressing our Nation's runaway fiscal policy.

While Congress could achieve a balanced budget by statute, past efforts to statutorily achieve this goal have failed. It is simply too easy for Congress to change its mind and rescind

any statutory scheme which addresses Federal spending. The constitutional amendment is unyielding in its imposition of discipline on Congress to make the tough decisions necessary to balance the Federal budget.

I remember years ago Senator Harry Byrd, Jr., offered an amendment in the Senate to accomplish this very thing by statute. It was passed, but it did not amount to anything. The Congress went right ahead and appropriated as it had before that. The only way to stop this spending is by a constitutional amendment.

The Constitution has been amended only 27 times in our Nation's history. Amending the Constitution is a most serious matter and of such earnest concern that it has been reserved to protect the fundamental rights of our citizens or to ensure the survival of our democratic form of government.

Over the past half-century, Congress has demonstrated a total lack of fiscal discipline—I repeat, a total lack of fiscal discipline—evidenced by an irrational and irresponsible pattern of spending. This reckless approach has seriously jeopardized the Federal Government and threatens the very future of this Nation. As a result, I believe we must look to constitutional protection from a firmly entrenched fiscal policy which threatens the liberties and opportunities of our present and future citizens.

The national debt is now \$4.2 trillion. Paying off this debt would cost every man, woman, and child in America over \$16,000 each. The national debt continues to grow. For fiscal year 1993 alone, the Federal deficit was \$255 billion.

Mr. President, in 1957, my third year in the Senate, the entire national debt was less than \$275 billion and there was not a deficit, but rather a \$3 billion surplus. The last time our Nation reported a surplus was 1969.

Today, the payment of interest on the national debt is over 14 percent of the entire Federal budget.

I want to repeat that statement. The payment of interest on the national debt is over 14 percent of the entire Federal budget. The tax dollars that go to pay interest on the debt are purely to service a voracious congressional appetite for spending. Payment of interest on the debt does not build roads, it does not fund medical research, it does not provide educational opportunities, it does not provide job opportunities, and it does not speak well for the Federal Government.

Mr. President, deficit spending and the alarming growth of the Federal debt have brought us to this moment. Congress has balanced the Federal budget only once in the last 31 years.

I want to repeat that sentence. Congress has balanced the Federal budget only once—once—in the last 31 years. During my service in the Senate of

nearly four decades, I have been amazed and deeply concerned over the continued growth of Government spending. Federal spending continues to eclipse Federal receipts and this will only worsen the deficit problem. A balanced budget amendment as part of the Constitution will mandate the Congress to adhere to a responsible fiscal policy.

The American businessmen and businesswomen have become incredulous as they witness year in and year out the spending habits of the Congress. Any business person clearly understands that you cannot survive by continuing to spend more money than you take in. The Federal Government, like any other institution, should not spend beyond its means. It is time the Congress understands this simple yet compelling principle.

For many years, I have believed, as have many Members of Congress, that the way to reverse this misguided direction of the Federal Government's fiscal policy is by amending the Constitution to mandate—I repeat, to mandate—balanced Federal budgets. The balanced budget amendment is a much needed addition to the Constitution and it would establish balanced budgets as a fiscal norm, rather than a fiscal anomaly.

Mr. President, today's deficits will place staggering tax burdens on future generations of American workers. Who are the future generations of American workers? They are our children and our children's children. We are mortgaging the future of generations yet unborn. This is a terrible injustice we are imposing on America's future and it has been appropriately referred to as fiscal child abuse.

In 1798 Thomas Jefferson, one of the great leaders of our country, expressed his opinion of deficit spending, and I quote:

The question whether one generation has the right to bind another by the deficit it imposes is a question of such consequences as to place it among the fundamental principles of government. We should consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay them ourselves.

Those are the words of Thomas Jefferson, the third President of the United States, and one of our greatest Presidents of the past.

It is time we demonstrate the fiscal discipline which Mr. Jefferson called a fundamental principle of government. It is time we adopt a balanced budget amendment. For 31 years, the Congress has failed and refused to keep spending within income. It is apparent that if we are going to operate on a balanced budget then we must compel the Congress, mandate the Congress, make the Congress refrain from deficit spending year in and year out.

If the Congress adopts this proposal, I predict that three-fourths of the State legislatures will swiftly approve

and the balanced budget mandate will then be a part of the Constitution as the 28th amendment. I urge my colleagues to adopt this measure and send it to the American people.

The American people deserve it, and we should not deny them that opportunity.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Illinois.

Mr. SIMON. Mr. President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator is recognized.

Mr. SIMON. Mr. President, let me respond to the remarks made last evening by the distinguished President pro tempore, one of the finest Members to have ever served in this body, Senator ROBERT BYRD. I have great respect for Senator BYRD and I ordinarily agree with Senator BYRD. But this time we are in sharp disagreement.

First of all, when I said that a constitutional amendment expresses philosophy and prevents Government abuse, he said that a constitutional amendment—if I am quoting him correctly—does not express philosophy. I differ. And what we are saying with this amendment is we have to have pay-as-you-go Government.

But I think there is a philosophy behind almost all amendments. The first amendment giving us freedom of speech—that expresses, really, a philosophy that if we have ideas out here freely flowing about, that in the process we are going to pick the best ideas. I think that is a philosophy.

The sixth amendment, calling for speedy trial for anyone charged with an offense, that expresses a philosophy that we have to have justice for people.

The 13th and 14th amendment, getting rid of slavery, clearly represents a change in philosophy for this country.

The 15th amendment, saying everyone can vote—everyone did not include women at that point—but that was a philosophical decision.

The 16th amendment on the income tax—I do not think it could carry today in the U.S. Senate, but it became an amendment and it expressed a philosophy in terms of how we get revenue from people, that it ought to be on the basis of people's income to a great extent.

The 19th amendment that gave women the right to vote, that clearly expressed a philosophy.

And one of the little known amendments, one of the most important amendments in the Bill of Rights that is frequently ignored, the ninth amendment.

James Madison put together a bill of rights. In fact he had 11 amendments he wanted for a bill of rights, rather than 10. And he wrote to Alexander Hamilton, and Alexander Hamilton wrote back and said if you spell out these rights there will be people who

say these are the only rights people have. So the ninth amendment was added which says other rights not spelled out here are reserved to the people. Very fundamental—that expresses a philosophy about liberty in this country.

Clearly, there is a philosophy in back of this proposal that we move to pay-as-you-go Government, and I think there is a philosophy in back of other amendments.

Then, the second criticism is that financial matters should not be included in the Constitution. There are a great many matters that are financial matters that are included in the Constitution. We have a list here, I will not go through them all, but about 15 or so, here, are included. They include: Coining money—that is in the Constitution; to borrow money on credit; to regulate commerce with foreign nations; to fix standards on weights and measures—that certainly is a detail that is nowhere near as significant as what we are talking about here; to establish uniform laws for bankruptcy—that is part, clearly, of the financial side. And the example that I think is the most clear-cut example: The Constitution talks about patents. That is something that is clearly a financial matter with nowhere near the kind of overall impact of this.

Then I would add, and this gets back to the philosophical side of it, what was the one phrase that came out of the revolution, the American revolution, more than any other phrase? It was, "taxation without representation." You talk about taxation without representation—what we are doing to future generations with this burden that we are giving them, that really is taxation without representation.

The distinguished President pro tempore said majority rule is being taken away. Majority rule is not being taken away. What we are saying is we are going to put some barriers in there so the majority cannot abuse the public privilege and impose debts on future generations. So long as we have a balanced budget there is nothing here that prevents a majority in this Senate from doing anything we want on fiscal matters. But we have to recognize the majority in this Senate and in the House has abused the public privilege.

We have other areas where we indicate the majority cannot automatically prevail. There are several of them: One, two, three, four, five, six, seven—eight instances in the Constitution where it requires more than a regular majority to see that something takes place. And I do not object to that.

On the constitutional amendment, clearly a majority of the people in this country favor this amendment more than anything that we have ever done, in terms of a constitutional amendment. In this Senate we clearly have a

majority. Whether we have two-thirds is less clear. But we clearly have a majority. But we say to protect the Constitution, one-third plus 1, in either body, can stop this. So we permit a minority to prevent abuses by the majority.

Senator BYRD also said this is an empty promise. You cannot have it both ways, incidentally. You cannot say this is an empty promise, it is not going to do any good, and then at the same time say there is no wiggle room here; that it is too confining.

Actually, I think neither extreme is accurate. The truth is we have fashioned something that does make sense. And when he says if we pass this then we are all going to go back home and say we have really done something, we are not going to do anything, there will be a let down in effort—I think I speak for my colleague, Senator HATCH, and Senator CRAIG, and my cosponsors on this side also: If this passes we know we are going to have to go to work. Senator MATHEWS, who is the Presiding Officer, is a cosponsor of this. I regret he is not going to be in Senate for a longer time. But I know Senator MATHEWS well enough to know that he is not going to just sit back and say, "Well, we have done this, let us forget about it." He will be willing to sit down and help fashion a package.

Then Thomas Jefferson came up. Why did he not promote this constitutional amendment as President? He did not promote it as President because there was a different atmosphere then: 7 of the 8 years he served as President he had a surplus. And yesterday, I thought it was really significant that my colleague, Senator CAROL MOSELEY-BRAUN, came in here on Washington's Birthday, with Washington's farewell address, and she read a portion of it. But let me reread it.

This is the mood of the time when the most revered person of that time, George Washington, said, in his Farewell Address to the Nation:

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear.

And he goes on for a few more sentences. That was the atmosphere. That was George Washington, the Father of our country, and what he had to say.

The Louisiana Purchase was mentioned. Very interesting. We say you have to have a 60-percent vote to have a deficit. The Louisiana Purchase was approved by this body by a vote of 24 to

7, way more than a 60-percent majority. The great complaint by the Secretary of Treasury Albert Gallatin at the time was Napoleon and the French worked out the Louisiana Purchase so that interest would be paid every year for 15 years but the principal could not be paid off until the 15th year. One of the great complaints of the Secretary of the Treasury and of our Government after the deal was consummated with Napoleon was we wanted to pay this off earlier. That is a very different spirit than we have today.

Senator BYRD says this amendment would impinge on the power of the President because we require the President to submit a balanced budget. I think that just makes no sense. I think if we require the President to submit a balanced budget, and if that President says this is the balanced budget I am required by the Constitution to submit to you but because of the emergency we face, because of economics, or something else, I recommend that we deviate from this in this way, there we are not taking any powers away from the President, but we are protecting the people and that is what a Constitution should do.

There is also the complaint that we require a constitutional majority for tax increases. Almost all tax increases have that. The big thing that we prevent, and I think a legitimate thing, we prevent a midnight voice vote tax increase by this; again, a protection for the people.

Then Senator BYRD complains that the language "Congress shall implement relying on estimates" opens the door wide, and if that were there in isolation, then we would have some problems, though I have to say we would still be better off than we are today. But when you say Congress shall implement and rely on estimates, what we also have is that three-fifths majority that you have to have to extend the Federal debt. So we cannot play games. I think that is very significant.

What I will recommend in terms of implementation is that we, first of all, generally aim for a 1- or 2-percent surplus so we can deal with recessions and, second, that we have a 2- or 3-percent leeway because you cannot tell to the exact dollar what is going to happen.

Then let us just say we are 2 percent under, though if we aim for a 1- or 2-percent surplus—that should be rare—but if we are 2 percent under, then that 2 percent goes into the next fiscal year. I think this is workable. I think the Supreme Court in years to come can read our debate and see what we had to say.

But when you compare that 2 percent—or whatever it is—with the last year that is now projected by CBO, the last year of their projection now is a deficit of \$365 billion and going up from there. These are relatively minor problems compared to that.

The question is: Why do we need something to force us to do the right thing? We have shown for 25 years we need something to force us to do the right thing. As I mentioned yesterday, we are celebrating the 25th anniversary of spending more money than we take in. I have not noticed any big celebrations scheduled for that. I do not see anyone bragging about that. Why? Because we know it is hurting our country and our future.

In terms of recession, Fred Bergsten, former Assistant Secretary of the Treasury and, in my opinion, one of the finest economists in this Nation, said a balanced budget amendment will help us deal with recessions because we can build in a 1- or 2-percent surplus and then use that while we are so constrained by our present situation that we are not able to respond to recessions.

As my colleague from Utah will recall, we tried to get \$11 billion for a jobs program in a \$6 trillion economy and we could not get it; \$11 billion would not do much but it would have been some help, but we were already so overloaded with debt that we could not get it. If we need a 60-percent vote for something that is needed, we can get that. We got that to extend unemployment compensation on an emergency basis in this body. We can get that.

One final point that he made, and that is the big States—California and over to Illinois—can control things over in the House because they will have 40 percent of the vote. I did some fast work last night. I could not find a single instance of any matter of controversy where the Illinois delegation in the House voted together, and I think you will find that for New York and California and the other delegations. There is no such unanimity on anything of controversy. That really is not a problem.

But the fundamental question that Senator BYRD did not answer is, What is the alternative? Where do we go if we do not adopt this? I suggest the lesson of history is something we cannot forget. I brought from my apartment a book that probably sold 200 copies. I do not know. "Mountains of Debt" by Michael Veseth. It is about ancient Florence and how ancient Florence started piling up debt and then debased their coins in order to take care of the debt. You do not need to go to ancient Florence. Go to Adam Smith in "The Wealth of Nations," and he talks about this is the tradition of nations that start getting into debt; they start printing money and ruining their economy. That is the road we are headed down. No question about it.

As you look at those projections and, again, the OMB projections—people say, "Well, GAO may not be accurate." Let us just take the projections of this administration, OMB.

Mr. President, on this graph is lifetime net tax rates under alternative

policies, and I do not think my colleague from Utah was here when I mentioned this last night. In 1930—I was born in 1928—I will spend 30 percent of my lifetime income on taxes. My colleague from Idaho maybe 1940—1945. He is in the middle of this. He will spend around 32 or 33 percent of his lifetime income on taxes. But what do we do when we get down to future generations? Here is what OMB says—and this is put in here to show the great accomplishments that we have made, and we have made some accomplishments—to the credit of President Clinton.

Before reconciliation, future generations will spend 93 percent of their income on taxation. After reconciliation, it will be 82 percent. But assuming health care passes and it does everything the administration hopes that it will—and I am a cosponsor of it and I hope it does—assuming every optimistic economic forecast, and they forecast 10 years of solid growth and I hope it happens, but it is not typical of any decade, if those things happen, future generations will spend 66 to 75 percent of their net lifetime earnings on taxation.

Now, my friends, that is not going to happen. We will start printing money before it happens. We are headed toward what the economists call monetizing the debt. The most recent example that we have seen was right next door when Mexico got up to 12½ percent, the deficit was 12½ percent of their national income and they had inflation of 114 percent. That means cutting in half all family savings. That means cutting in half the Social Security trust fund.

What is the alternative? I think the evidence is just overwhelming that we are drifting toward monetizing the debt. We can take a gamble that we will be the first nation in history to reach debt of this character relative to income, we will be the first nation in history to do that without just printing funny money, but that is a huge gamble on the future of our country.

Mr. President, I hope this body will do the right thing. I hope the people out there in this country will contact their Senators and urge that we do the responsible thing and protect future generations and protect the future economy of this country.

Mr. President, I yield the floor.

Mr. HATCH addressed the Chair.

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

The Senator from Utah.

Mr. HATCH. I really appreciate the very cogent remarks of my colleague from Illinois and the leadership he has provided on this particular issue. I believe it has really made a difference, and I hope people throughout this country will take heed to what he has said and get with their Senators and their Congress people and let them know it is time for this game called

budgetary practice in Washington to get serious. The only way it is going to get serious, the only way we are going to solve these problems is with the type of fiscal discipline the balanced budget amendment would put into our system.

So I hope everybody out there watching this on C-Span and hearing about it otherwise will contact their Senators and their Congress people and tell them we have just got to get that 67-vote margin in the Senate so that we can pass this amendment.

Mr. President, I was on the "Today Show" yesterday with Leon Panetta, the Director of the Office of Management and Budget, a friend of both the distinguished Senator from Illinois and myself. We were being interviewed by Bryant Gumbel, and Leon Panetta said that this balanced budget amendment is just a gimmick. My favorite quote responding to that comes from the Congresswoman from Maine, OLYMPIA SNOWE, who said that if it were just a gimmick, if the balanced budget amendment were just a gimmick, the Congress would have passed it long ago.

I do not think anything could exceed that particular statement. If this were just a gimmick, you can bet your bottom dollar Congress would have passed it long ago and then ignored it.

It is not a gimmick. This is an amendment to the Constitution which will bring fiscal discipline to this country that is sadly lacking because the Congress is institutionally unable under current circumstances to quit spending and to quit spending beyond our means.

I will paraphrase the remark of Mr. Jim Davidson of the National Taxpayers Union. He said that the administration's so-called 5 year deficit reduction plan is like putting a 400-pound man on a diet, and calling it a success when he weighs in at 500 pounds because he thought he would be 600 pounds.

Basically, that sums it up. We are unwilling to do anything about the deficit because all of these Cabinet officials come up here in a hysterical fashion predicting the end of the world and suggesting that if we have to live with fiscal discipline, we will not have all the moneys to spend for the programs that are essential for this country. But we all know that if we keep going the way we are, as the distinguished Senator from Illinois has eloquently made the point, we are going to monetize the debt through printing money, bringing inflation, and the people who will be hurt the worst will be those who are poor, those who are on Social Security, those who are on fixed incomes.

We know we have to do something about this, and I think it is time we do it. That is why I join with the distinguished Senator from Illinois in leading this fight along with the distin-

guished Senators from South Carolina and Idaho and from Arizona, Senator DECONCINI, I join with these colleagues in helping to push this through if we can.

I rise today with a strong feeling that this is one of the most important debates to ever take place in the Senate. The subject matter goes back to the heart of our Founding Fathers' hope for a constitutional system, a system that would protect individual freedom and maintain the integrity of the Federal Government.

In the latter half of this century, however, the intention of our Founders has been betrayed by the inability of Congress to control its own spending habits.

What is the problem? Mr. President, our Nation is faced with the worsening problem of rising national debt and deficits and the increased Government use of capital that would otherwise be available to the private sector to create jobs and invest in our future. Increased amounts of capital are being wasted on merely financing the debt through spiraling interest costs. This problem presents risks to our entire long-term economic growth and endangers the well-being of our elderly, our working people, and especially our children and grandchildren. The debt burden is our mortgage on the future.

Mr. President, the time has come for a solution strong enough that it cannot be evaded for a short term gain. We need a constitutional amendment to balance our budget.

Mr. President, Senate Joint Resolution 41, the Simon-Hatch consensus balanced budget amendment, is that solution. It is reasonable, it is enforceable, and it is necessary to get our fiscal house in order.

James Madison, in explaining the theory undergirding the Government he helped create, had this to say about governments and human nature:

Government is the greatest of all reflections on human nature. If men were angels, no Government would be necessary. If angels were to govern men, neither external or internal controls on Government would be necessary. In framing a Government that is to be administered by men over men, the great difficulty lies in this: You must first enable the Government to control the governed, and in the next place oblige it to control itself. A dependence on the people is no doubt the primary control on the Government; but experience has taught mankind the necessity of auxiliary precautions.

That is in Federalist Paper No. 51.

Mr. President, we are here to debate such an auxiliary precaution, Senate Joint Resolution 41, proposing an amendment to the Constitution of the United States to require a balanced budget, because our recent history has shown us that the primary control on Congress has stopped working.

The balanced budget amendment helps to restore two important elements in the constitutional structure:

Limited Government and an accountable, deliberative legislative assembly, both of which are vital to a free and vital constitutional democracy. A deliberative assembly, the essence of whose authority is, in Alexander Hamilton's words, "to enact laws or, in other words, to prescribe rules for the regulation of society," for the common good, was considered by the Framers of the Constitution the most important branch of government because it reflected, or at least should reflect, the will of the people.

Yet, as the maker of laws, it was also considered the most powerful and the one that needed to be guarded against the most.

Recognizing that "[in] republican government the legislative authority, necessarily, predominates" and to prevent "elective despotism," James Madison, the Father of the Constitution, recommended that the Philadelphia Convention adopt devices in the Constitution that would safeguard liberty. These include: bicameralism, separation of powers and checks and balances, a qualified executive veto, limiting congressional authority through enumerating its powers, and, of course, the election of legislators to assure accountability to the people.

However, in the late 20th century, these constitutional processes, what Madison termed "auxiliary precautions," have failed to limit the voracious appetite of Congress to legislate into every area of private concern, to invade the traditional bailiwick of the States, and, consequently, to spend and spend to fund these measures until the Federal Government has become functionally insolvent and the economy placed in jeopardy.

Congress has been mutated from a legislative assembly deliberating the common interest into the playground of the special interest.

The balanced budget amendment, Mr. President, will go a long way toward ameliorating this problem. It will create an additional constitutional process—an auxiliary precaution—that will bring back legislative accountability to the constitutional system. The balanced budget amendment process accomplishes this by making Federal deficit spending significantly more difficult.

Mr. President, I would like to read two quotations: First, "the public debt is the greatest of dangers to be feared by a republican government."

Second, "once the budget is balanced and the debts paid off, our population will be relieved from a considerable portion of its present burdens and will find * * * additional means for the display of individual enterprise."

These quotations are not recent statements by current proponents of the proposed amendment. The first statement was made by Thomas Jefferson and the second by Andrew Jackson.

These two quotations illustrate an important truth: No concept is more a part of traditional American fiscal policy than that of the balanced budget. In fact, Jefferson himself wished the Constitution had included a prohibition on government borrowing—an early version of a balanced budget amendment, if you will—because he thought that one generation should not be able to obligate the next generation.

Throughout most of the Nation's history, the requirement of budget balancing under normal economic circumstances was considered part of what has been called our unwritten Constitution.

Influenced by individuals such as Adam Smith, David Hume, and David Ricardo, the drafters of the Constitution and their immediate successors at the helm of the new Government strongly feared the effects of public debt. The taxing and borrowing provisions of the new Constitution reflected a need of the new Republic to establish credit and governmental notes and negotiable instruments that would spur commerce.

Yet, the Founders and early American Presidents were in virtual unanimous agreement on the dangers of excessive public debt. Consequently, for approximately 150 years of our history—from 1789 to 1932—balanced budgets or surplus budgets were the norm.

While budget procedures had little of their present organization, the concept of a balanced budget was accepted widely as the hallmark of fiscal responsibility. Those deficits that did occur—during wartime or during the most severe recessions—normally were offset by subsequent surpluses.

Between 1932 and 1960, the rigid rule of annual balanced budgets gave way to a fiscal policy in which balanced budgets remained an overall objective, but in which deficit spending was also viewed as a tool occasionally useful to affect appropriate economic results. Nonemergency deficit spending was legitimized in 1936 with the publication of John Maynard Keynes' "General Theory." Great weight was placed upon the ability of the Federal Government to manage the economy through fiscal policy, that is, through spending and taxation.

However, a real turning point in the history of U.S. fiscal policies occurred during the 1960's. Even the Keynesian objective of balancing surplus years with deficit years succumbed to the idea of regular, annual uncompensated deficits. In other words, our deficits, which were historically cyclical, reflecting boom and bust, war and peace, became structural and permanent.

During the 1960's, we were paying for Vietnam war at the same time as the war on poverty. The Great Society had noble goals and great intentions. But, the Great Society, on top of the war,

was financed through debt and helped to develop our proclivity for deficit financing our national aspirations.

During the past three decades, the Federal Government has run deficits in all but a single year. The deficits have come during good times, and they have come during bad times. They have come from Presidents who have pledged themselves to balanced budgets, and they have come from Presidents whose fiscal priorities were elsewhere. They have come from Presidents of both parties.

Even more alarmingly, the magnitude of these deficits has increased enormously. During the 1960's, deficits averaged \$6 billion per year. In the 1970's, deficits averaged \$36 billion per year. In the 1980's, deficits averaged \$156 billion per year. And, in the 1990's so far, deficits have averaged \$259 billion per year.

The total national debt now stands at over \$4.5 trillion. While it took us over 200 years to acquire our first trillion dollars of debt, we have recently been adding another trillion dollars to our debt about every 5 years, and will continue to do so under current projections at a slightly faster rate as we approach the end of the decade.

I would like to refer to a few charts. This first chart regards the Federal debt. It shows the gross debt between 1990 and 1999. The second one shows the debt as a percentage of the GDP, gross domestic product. This chart shows the projected growth of the Federal debt in 1990 through 1999 along with the growth of the Federal debt as a percentage of GDP over the same period. These figures are taken directly from the President's own budget, his fiscal year 1995 budget. And they are alarming to me. I think they would be alarming to anybody who looks at this chart.

In 1990, the gross Federal debt stood at over \$3.2 trillion. By the end of this year, 1994, another \$1.5 trillion will have been added, bringing the projected total to nearly \$4.7 trillion in national debt.

By 1996, the amount of gross debt of the Federal Government will be over \$5.2 trillion. That is even assuming the President's optimistic projections. These are his budgetary figures. And by 1999, more than \$6.3 trillion.

These numbers are staggering; absolutely staggering. Just as staggering as the estimates of gross debt are the estimates of debt as a percentage of GDP. In 1990, \$3.2 trillion in debt represented 58.5 percent of the country's GDP for that year. This year, in 1994, just look at it, the projected debt of \$4.7 trillion will equal over 70 percent of our GDP. By 1999, the projected Federal debt of \$6.3 trillion will represent 72 percent of a projected \$8.7 trillion economy. And 72 percent of GDP means that in 1999 the Federal debt will equal 72 cents of every dollar earned by each person and 72 cents of every dollar sold by every business that year.

This mountain of debt must not be allowed to continue to grow. You can see why the distinguished Senator from Illinois is calling for people to contact their Senators and their Members of the House and tell them we have to have this balanced budget amendment.

We cannot live with this. Mr. President, these estimates are based on the President's own optimistic estimates of economic growth and deficit reduction over the next few years. He might be wrong. If things are not as optimistic as he has them, these percentages of GDP and gross debt could go even higher. Should these projections be wrong, the numbers for the gross debt, as a percentage of GDP, would surely go much higher. So I am very concerned about it.

Let me go to chart number two, because I think it is important to go into this. Chart number two shows the growth in the size of interest costs on the Federal debt from 1993 right on up through 1999. It is based on estimates made by the Congressional Budget Office. As the chart shows, in 1993, interest payments that we have to make against the debt—which is money down the drain—equal \$293 billion. Next year, in 1995, interest payments will be \$311 billion. That is assuming the optimistic assumptions of this administration. And I hope they are right.

In 1997, look how it is going up. In 1997, the Federal Government will pay \$346 billion in interest on its debt, and in 1999, a staggering \$382 billion. It does not take much to realize that we simply cannot live with this situation. That is assuming that the interest is not going up substantially more than it is now. It is assuming budget projections that may or may not come to pass. I hope with all my heart that we could even be more optimistic, but history indicates that we cannot.

This chart is alarming, and it means we are going to be throwing almost \$400 billion down the drain by 1999 just in interest payments. As a percentage of the budget, it becomes bigger and bigger. Right now, it is at about 20 percent, but it will go much higher as we go through this decade.

Let me go to chart three now. I have been parochial on this chart, just talking in terms of each Utahn, but it could easily be each citizen's share of the Federal debt in the United States. This is the per capita share in our country of the Federal debt. It has increased sevenfold from 1975, when it was \$2,500, and we thought that was horrendous then. I remember that. It is one of the reasons I decided I would run for the Senate, hoping to bring about some change, and it is one reason I have fought so hard for a balanced budget amendment every day since we have been here. We have not been successful. It rose from \$2,500 that each person owed as their share of the national debt—per capita share—sevenfold to \$18,000.

One other thing that is important is, last year, in 1993, this figure was \$16,700. In 1 year, each individual's debt in our society has gone up \$1,300. How many of us can afford another \$1,300 in debt in this society? It is going up very fast, and sooner or later debts have to be paid. If we do not control these increases, we are going to pay the piper, because we are going to have a rough time getting by.

Let us go to chart number four. The core of this debate can be summed up by this particular chart, which shows the tax burden we are passing on to our great grandchildren and great grandchildren. Elaine and I have 14 grandchildren, and we are some time away from having great children, but probably not more than 7 or 8 years, to be honest with you. The fact is that we are very concerned about our grandchildren.

Again, the estimates on this chart are taken directly from the President's 1995 budget. So we are not trying to hurt the President here. We are taking his budget; we are taking his figures. I think they are optimistic under the circumstances. I hope he is right, and I certainly know that Leon Panetta intended to be right. I have a high regard for him. But taking his own figures, the figures of this administration, they show an alarming trend, these figures on what a generation's lifetime net tax burden is. A lifetime net tax burden is taxes paid minus the value of Government benefits received during a lifetime.

As the chart shows, the net tax rate has steadily increased during this century. A man or woman born in 1900 could expect a net tax burden of 23.6 percent. Right there, 23.6 percent. That was each individual citizen's tax burden at that particular time.

All they are going to pay in their lifetime is 23.6 percent if they were born in 1900. By 1940, the rate had grown to 31.9 percent. For children born in 1992, the lifetime rate they will have to pay is almost 37 percent—36.9 percent. As you can see, that has been gradual. You go from 23.6 to 36.9. In 1992, 36.3. That is the average net tax burden a person born in that year will have over his or her lifetime.

The massive Federal debt we keep accumulating is going to have to be paid back, and it is going to be paid back by those not yet born. Future generations can expect—using the President's figures—a lifetime net tax burden of 82 percent. That is virtually everything they have. The distinguished Senator from Illinois has made this point again and again. And we are bipartisan on this matter. We are concerned about that sudden jump. We are concerned about the legacy we are leaving to our future generations. We are destroying our children's future inheritance and burdening them with the expense of paying off our debts. That is because

we are unwilling in Congress to do anything about it.

I have to laugh at these people who say, "Congress ought to have the guts to do what it ought to do." They have been saying that ever since I have been here, 18 years. These people who do not want a balanced budget amendment have been saying every year, "We ought to have the guts to stand up and do what is right." Yes, we ought to, but that is not the history of this institution. So we need some fiscal discipline that will enable us to have the guts to do what is right.

This is a bipartisan effort that we are taking on here, trying to get that discipline.

Let me go to the fifth chart here. This chart shows the results in 10 years from our present deficit spending policies, based on CBO estimates. In 1994, the deficit is \$233 billion. In the year 2004, right over here, the deficit is projected to be \$365 billion. At the end of this year, 1994, the gross Federal debt will be \$4.69 trillion. By the year 2004, it will have ballooned to almost double that amount, and it will be about \$8.95 trillion. The amount of that debt held by the public in 1994 is \$3.46 trillion. By 2004, the public will hold \$5.99 trillion in Federal debt.

This year, the gross interest paid on the Federal will be \$298 billion. By the year 2004, the gross interest is going to be \$503 billion.

Finally, this year, the net interest payment of the Federal Government is \$201 billion—that is net interest—and by 2004 the net interest payment will be \$334 billion.

So if you look at this chart, the deficit is going to go, even under this so-called deficit reduction approach of the current administration, from \$223 billion in 1994 to \$365 billion by the year 2004 unless there is some miracle that occurs.

The gross Federal debt, \$4.69 trillion to \$8.95 trillion in the 10-year period; the debt held by the public, \$3.46 trillion to \$5.99 trillion; gross interest, \$298 billion to \$503 billion; net interest payment, \$201 billion in 1994, going to \$334 billion by 2004. And many of us believe it will be much higher than that if we do not do something to get matters under control.

I do not know how much more we can show these things. They are the facts and people have ignored them. This country is awash in red ink. We have to do something about it.

And those of us who have gotten together for this amendment in a bipartisan way are trying to do our best to do something about it and we cannot see any other way to restore the discipline in the Constitution, which was always implied and implicit, but which has been ignored for the last 3 decades.

Let us go to chart 6. The President said we are getting our budget deficit under control. But this chart, based

upon Congressional Budget Office data, shows this is not the case. The 1994 deficit right here is \$223 billion. The deficit is then projected to decline for 2 years to a low in 1996 of \$166 billion; that is, if everything goes according to plan. How many of you have seen everything go according to plan in this country? But even though it is a relative decrease, it is still \$166 billion.

But then the red ink after 1996 starts to rise again—\$182 billion in 1997; \$204 billion in 1999, right here; \$256 billion by the year 2001; \$324 billion in the year 2003; and \$365 billion in the year 2004.

Now that is the Congressional Budget Office deficit outlook over the next decade. These figures do not include projections for the President's health care proposal. But the CBO has already said that, should it be enacted, that plan would further widen the deficit.

My fellow citizens, we cannot keep going this way. Just common sense says we cannot keep going this way.

Keep in mind, these are not conservative estimates. These are estimates done by the current administration, CBO, and others who are supposed to be responsible in this society today.

In all honesty, Mr. President, these charts tell a pretty drastic tale. They are accurate to the extent that we can make them accurate. They are based upon the accuracy of the administration's budget, the accuracy of the Congressional Budget Office, to the best of their ability. And I happen to believe there is a lot of ability in both institutions.

If you take their best projections, this is the best we are going to do, our outlook is horrible. It is just plain horrible.

And then we have people coming on this floor saying we have to have the will and the spine to be able to change these things voluntarily. Well, we do not have the will and the spine to even live up to Gramm-Rudman-Hollings, which is a simple statute which can be amended by any other simple statute, or by a mere 51 percent vote of a quorum. We could not live up to that. And the reason we could not is because there is tremendous pressure on everybody in the Congress to spend because there is not the fiscal mechanism to cause them to say, "Hey, wait a minute. I want to do that, but here is why we can't." Or, "If we want to do it, we are going to have to either cut somewhere or raise the revenues to do it," a point which the distinguished Senator from Illinois often makes, which is very, very true.

Deficits and the national debt have grown, in large measure, because Government spending has grown. As total Government spending has increased, so has Government's relative share of the economy. In 1929, Federal expenditures of \$3 billion represented just 3 percent of GNP. By 1950, the Federal share had risen to 16 percent of GDP or about \$43

billion. For fiscal year 1993, Federal Government spending of over \$1.4 trillion commanded nearly 23 percent of GDP.

To illustrate this growth in another way, the first \$100 billion budget in the history of the Nation occurred as recently as fiscal year 1962, more than 179 years after the founding of the Republic. The first \$200 billion budget, however, followed only 9 years later in fiscal year 1971. It took 179 years to get to the first \$100 billion budget. The first \$200 billion budget was reached just 9 years later in fiscal year 1971. The first \$300 billion budget occurred 4 years later in fiscal year 1975; the first \$400 billion budget 2 years later in fiscal year 1977; the first \$500 billion budget in fiscal year 1979; the first \$600 billion budget in fiscal year 1981; the first \$700 billion budget in fiscal year 1982; the first \$800 billion budget in fiscal year 1983; the first \$900 billion budget in fiscal year 1985; and the first \$1 trillion budget in fiscal year 1987. The budget for fiscal year 1993 was over \$1.4 trillion.

Under current projections, Government spending will continue to rise, using capital that would be put to better use by the private sector to create jobs. To starve the primary engines of economic growth of needed capital is to risk our long-term economic security.

Mr. President, one of the most pernicious effects of the enormous deficit beast is the interest cost required to feed it. Interest on the Federal debt in 1993 amounted to nearly \$293 billion. That is more than total Federal revenues in 1975. Interest alone is more than all revenues that came to the Government in 1975. Last year's interest costs took 26 percent of all Federal revenues and 57 percent of all individual income tax revenues. If we just take individual income tax revenues, this \$293 billion takes 57 percent of all those individual tax revenues.

OMB projects that interest on the debt will rise substantially over the next 5 years—substantially. It will pass the \$300 billion mark in 1995 and reach \$373 billion in 1999. CBO's estimates are even higher, with \$311 billion in interest in 1995 and \$382 billion in 1999.

Opponents of the balanced budget amendment suggest that we cannot afford to cut the deficit more than the Clinton plan does because decreased social spending will have severe adverse effects. But, think of how much we could do in crime control, defense, disaster relief, health, science, and education if we had that \$300 billion in interest available next year. Think of how much we could do if we had it every year thereafter.

I do not understand the logic of continuing to waste over 20 percent of our entire budget on interest on the rationale that we cannot afford to cut spending. What we cannot afford to do is to

continue to throw away one-fifth of our budget on interest payments.

It is important for everyone to understand this point: 20 percent of our entire budget cannot be used to purchase a single textbook, inoculate a single child against disease, conduct a single scientific experiment, pave a single interstate highway, prosecute a single violator of Federal laws, or keep a single soldier in MRE's.

Twenty percent of our entire Federal budget is thrown right down the drain and is spent for absolutely nothing of value to the taxpayers. It is interest on our burgeoning debt.

Mr. President, let me just put one or two things more in and then I am going to stop and yield to my colleague. To help my colleagues put this in even better perspective, gross interest on the debt in 1993 amounted to more than the entire defense budget, which was \$292.4 billion. It was 97 percent of Social Security payments. We spent \$302 billion last year on Social Security. It was 55 percent of all discretionary outlays, which were \$542.5 billion; and 44 percent of all mandatory programs, which cost us \$666.9 billion.

The nearly \$293 billion of gross interest costs in 1993 could have covered our entire health spending, including Medicare and Medicaid—they were \$207.6 billion, all veterans benefits and services—\$19.3 billion, unemployment compensation—\$35.5 billion, our entire international discretionary budget, \$21.6 billion—and could have also covered the cost of the earned income tax credit of \$8.8 billion. All of that we could have paid for out of this \$293 billion.

Without the gross interest on the debt we would not even have had a deficit last year. In fact, we would have run a budget surplus of \$38 billion.

Interest on the debt is wasted money. Over the next 5 years of deficit reduction under President Clinton's plan, OMB's own calculation is that interest on the public debt will total roughly \$1.7 trillion. Over the next 5 years, we will pay over \$1.7 trillion in interest alone. This amount could fully fund the entire 1994 budget for us, with money left over for social programs, or defense, or whatever else we could decide to use it for.

Interest compounds and it gets larger by itself, even without new deficits. And if interest rates go back up, the problem is going to be increased exponentially. These figures could go up dramatically. And if anybody thinks we are going to have interest rates stay at the current low levels, they have to be crazy. In fact just yesterday Alan Greenspan said we are probably going to have short-term interest rates go up. Self-propelled interest costs are going to eat a larger share of our National Treasury, destroying our choices to fund new programs and eroding our ability to keep the commitments we have already made.

Mr. President, I have taken a lot of time on this, but these are really important things. It is important for us to realize this is not a game here. This is not a bunch of people coming up with a gimmick. As I say, if this was a gimmick, as OLYMPIA SNOWE said, it would have been passed already because they would have gotten it behind us just as they did with some other gimmicks that were supposed to be good solutions.

We are talking about amending the Constitution, putting a rule of budget discipline into our basic law, which all of us are sworn to uphold, and which I believe we will uphold since it will be in the Constitution. But to get there we have to have 67 votes in the U.S. Senate. We just simply have to have them to pass this amendment.

Frankly, I believe we can get them but it is not going to happen unless everybody out there gets on the phone, starts writing, calling, and doing all that they should to bring pressure on the White House, to bring pressure on my fellow Senators, to bring pressure on Members of the House, and of course to let people know in this country that, by gosh, it is time to put a stop to this kind of profligacy. If we do not do it we are going to reap the whirlwind. But more important, our kids are going to get stuck with debts that are going to make their lives miserable all the rest of their days.

It is time for us to be responsible. This is the best way to be responsible. It is the only way that those of us who support this amendment can see that will get us to be responsible, and will put fiscal discipline into all of our lives in a way that we will have to do what is right.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Illinois.

Mr. SIMON. Mr. President, I yield myself 2 minutes here.

I thank my colleague from Utah for his remarks. Those graphs just spell out why we have to act.

I ask unanimous consent to have printed in the RECORD an editorial from the Chicago Tribune that appeared today. It was just handed to me. The Chicago Tribune in former years opposed the balanced budget amendment. But they are now for it and say, in the final paragraph:

Changing the basic charter of the Nation is not something to be done lightly or frequently. But if safeguarding the fiscal integrity of the Nation is not a sufficient reason, what, pray tell, would be?

I also ask unanimous consent to have printed in the RECORD an editorial supporting the balanced budget amendment that appeared in the Atlanta Constitution.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, Feb. 23, 1994]
AN AMENDMENT THE NATION NEEDS

The federal budget deficit next year is projected at roughly \$170 billion. It is a measure of how distorted our expectations have become that we think of that as progress.

Only \$170 billion is to be added next year to America's \$4 trillion-plus mountain of national debt. Only \$170 billion more is to be handed down as a legacy to our children and grandchildren.

Of course, when measured against the \$250 billion to \$300 billion deficits of just a couple years ago, \$170 billion really is progress. And Congress and the president deserve a measure of credit for lowering the red ink to that level.

But they have not thereby demolished the case for the proposed balanced budget amendment, which the Senate began debating Tuesday and—if the proponents can sway a few more votes—may finally pass later in the week.

As cussed and discussed as any legislation in recent American history, the balanced budget amendment is a desperate but necessary device for restoring discipline to the management of the nation's treasury by Congress and the president.

Just how undisciplined that process has become is indicated by the size of the national debt and the rapidity of its growth over the past dozen or so years. In 1981, the debt was less than one-fourth its current size. In other words, in 13 years, the nation accumulated three times as much debt as it did during its first 200 years. That way lies fiscal ruin.

During the same time, Congress contrived every manner of statutory gadget to rein in its prodigality, but nothing could stand long against the impulse to spend. Even last year's Clinton deficit-reduction plan barely squeaked through—with no votes to spare.

Critics of the balanced budget amendment made a host of arguments, many specious but some quite serious. Among the latter are the possibility that the courts ultimately will come to control the federal budget, as litigants spar over the meaning of phrases like "outlays" and "receipts" and "revenue." But that speculative danger must be weighed against the demonstrated reality of a budget process that is out of control and requires discipline.

Critics also assert, correctly, that a balanced budget is not always desirable as a matter of economic policy. *Nolo contendere*. That's why the amendment allows for its suspension by Congress during wartime, or any time three-fifths of the members of each house can be persuaded to vote for a specific deficit.

Changing the basic charter of the Nation is not something to be done lightly or frequently. But if safeguarding the fiscal integrity of the nation is not a sufficient reason, what, pray tell, would be?

[From the Atlanta Journal and Constitution,
Feb. 17, 1994]

AMENDMENT WOULD BRING DISCIPLINE,
ACCOUNTABILITY

In the decade-long battle over a constitutional amendment to balance the federal budget, comes now the Washington Monument Syndrome. The Clinton administration, busy adding \$1 trillion to the national debt over the next four years, is pulling out all stops to defeat the amendment in the U.S. Senate. In time-honored Washington fashion, the administration is warning of calamity—widows and orphans in the streets, veterans made destitute and perhaps even the Washington Monument closed.

But the administration is wrong. The federal government and Congress need the discipline of law to rein in the red ink of 25 years of deficits. This time around, supporters are led by Paul Simon (D-Ill.), whose liberal credentials are impeccable. A two-thirds vote is needed for passage in the Senate. If the House agrees, the amendment would go to the States.

What's most important in Simon's proposal is its requirement that any deficit spending be approved by three-fifths of the Senate and House. It is likely that the recorded accountability of voting for red ink would force representatives to have a good reason and to look as hard for spending cuts as they do for taxes.

It is understandable that the administration would oppose such discipline. Even in what the President calls a tough budget, federal spending is increasing by more than \$300 billion, far above the rate of inflation. Discipline forces innovation. Congress has proof at hand. When the Gramm-Rudman-Hollings Act was in place, the deficit for the last year of the Reagan presidency dipped below \$170 billion. Even the ill-starred and tax-ridden deficit reduction plan of the Bush administration has had an effect, helping Bill Clinton point to lowering deficit.

A balanced budget amendment would place meaning in budget debates. It would not be a straitjacket in times of national emergency, but a set of guard rails for a Congress speeding on the interstate of spending. With the conversion of liberals such as Simon to the cause, it has a chance in the Senate. Let the chance become reality.

Mr. SIMON. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time in the quorum be allocated evenly between the proponents and the opponents.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll. The time for the quorum will be evenly divided.

The bill clerk proceeded to call the roll.

Mr. HATCH. 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. HATCH. Mr. President, I yield to the distinguished Senator from Idaho, one of the prime cosponsors of this amendment who has worked so hard, such time as he may need.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, as we debate this most important issue—

Mr. BYRD. Mr. President, will the Senator yield just for a suggestion?

Mr. CRAIG. I will be happy to.

Mr. BYRD. It is my suggestion that the side that puts in a quorum should charge that quorum to their side. I was not on the floor when the request was made that the time be equally charged. I prefer that we do it the other way, and I will object to requests that it be equally charged.

If I see that the floor is not being used by any Senator I will be here and I will use some of my time or I will charge it against my side. I do not think either side should take advan-

tage of the other side's absence from the floor and get consent that the time be equally charged. That is all I have to say.

I thank the Senator.

Mr. CRAIG. I will be happy to yield to my colleague from Illinois.

Mr. SIMON. I certainly do not want to be taking advantage of the distinguished President pro tempore. In fact, I have not learned yet how to take advantage of the distinguished Senator from West Virginia. He seems to know these rules a little better than all the rest of us.

I just think it is important that we somehow balance the time so that we end up—real candidly, we do not want to use up our 5 hours and the Senator from West Virginia get the last 5 hours here.

Mr. BYRD. Will the Senator from Idaho yield for me to respond?

Mr. CRAIG. I am happy to yield.

Mr. BYRD. I agree to what the Senator has said with respect to the necessity of kind of keeping some balance of the time here. But if the Senator, when he feels disposed to do this again, namely, charging the quorum call to both sides—if he would kindly give me a ring at my office, I will try to get up here.

Mr. SIMON. I will be pleased to do that. I thank my colleague from Idaho for yielding.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, last evening, as we began this important debate in relation to a balanced budget amendment to our Constitution, there was some suggestion that economic policy ought not be a part of our Constitution; that it was bad to place in the context of the Constitution economic principles or economic courses and directions that, in the argument of the opposition, did not fit or were not proper in the constitutional setting.

For a few moments this morning, let me discuss that issue because I think it is very important that we understand that economic policy has always been a part of our Constitution and that, depending on your point of view and how you read the Constitution, our Founding Fathers were very, very specific in suggesting that economics was an important part of the consideration and, most importantly, rights and freedoms necessarily clarified in the Constitution.

Governance inescapably involves addressing the question of economics. Moreover, our Constitution is replete with economic policy. For example, it refers to private property rights. Of course, in the days of our Founding Fathers, private property was the essence of economics. It was the foundation of wealth. It remains so today. It was spoken to in the Constitution. It prescribes constitutional and executive roles in Federal fiscal activities, such

as raising revenues, spending and borrowing, provides for uniform duties, imports, excises, discusses the regulation of international commerce, discusses coinage and the value of money, and deals with counterfeiting and patents and other economic issues.

Let me tell you, Mr. President, that is economics. It may not quite be economics in the sense that the Wharton School would discuss it today in some grand economic scheme or economic modeling that would come about through econometrics, but it was the economics of that day, it is without question the economics of today, and what we do as it relates to the Federal budget is economic policy. I would argue that the amendment as it has been crafted is clearly as important and can be a clear part of our Constitution.

The test is not whether or not an amendment is economic policy, but whether it encompasses a broad and fundamental principle that it is relevant, not transitory, and its importance is far-reaching in scope over time. Those are really the fundamental tests, Mr. President, as to whether an amendment, proposed either by this body or the other or by a constitutional convention, fits the constitutional prescription, the language necessary.

So while some would argue that this is not fitting, I would clearly argue that in today's context, as 200-plus years ago, it is clearly fitting. Our Founding Fathers spoke to economic policy and economic principle. It was embodied within the Constitution in all contexts that I have just spoken to, and our amendment today is relevant and fits, in my opinion.

Then should the Constitution dictate such details as a budgetary period, a fiscal year? It was argued last night that the devil was in the details and that the details would not work. Some such reasonable parameters, I believe, are necessary to provide for an enforceable amendment. Our Founding Fathers knew the particulars; they were clear in their language. We must be clear in our language if we are going to be constitutionally responsible in sending forth an amendment for the States' consideration.

Again, the authors are receptive—I am receptive—if somebody can come up with a better way of perfecting change that would clarify more current periods of fiscal responsibility, but we know, the world knows, what a fiscal year is. While we might by the law of the majority here decide to change what a fiscal year meant, we could not change what it would then provoke, and that would be a set time for budgeting purposes by which we would judge our performance and allocate resources for such performances. That is what a fiscal year meant, or we could call it a fiscal period.

While I would suggest Senate reports 99-162 and 99-163 suggest using a fiscal year—that does come from the Judiciary Committee—it is responsible statutory language; it is, without question, in my opinion and in the opinion of constitutional scholars who helped craft this document, responsible language to be used within the Constitution.

There is another question: A debt limitation. Why should Senate Joint Resolution 41 differ with previous balanced budget amendment revisions in that it requires a three-fifths vote to raise the limit of the Federal debt held by the public? There is the important and operative word. Last night, the chairman of the Appropriations Committee suggested that the three-fifths vote was not the responsible vote, and I would argue that if it is referring to debt held by the public and we are incurring debt on the head of the citizen, I would argue that the right of the citizen to be debt free of its Government and that economic freedom is a fundamental freedom and that public debt denies that economic freedom, then a three-fifths vote is very accurate.

It requires a supermajority vote to amend the Constitution. Therefore, by amending the Constitution to deny the right of free speech, to deny the right of all of the Bill of Rights or any of the principles embodied in the Constitution, our Founding Fathers were very clear that it would take a supermajority; that it would be extremely difficult for this Congress to propose to the citizens of our country any deviation away from the principles embodied within the Constitution.

What we are debating today is a new principle, a principle of economic freedom and, therefore, a procedure by which this Congress could not encumber public debt or force the public to hold greater debt unless it was of an extraordinary nature.

So I would argue that the language we have used is very clear. When the Social Security and other trust funds run surpluses, we have talked about how that debt will be handled. It does not register as public debt; it registers as gross Federal debt when it is borrowed from the trust funds and moved to the Treasury. That is how this would operate. We believe it is very clear in the amendment and, therefore, it strongly justifies the use of the language. We argue that it is constitutional.

Even Professor Laurence Tribe of Harvard, a leading opponent of the amendment, told the Senate Budget Committee in 1992 that the Jeffersonian notion that today's populace should not be able to burden future generations with excessive debt does seem to be the kind of fundamental value that is worthy of enshrinement in the Constitution.

Last night you heard that argued differently by Senator BYRD. There are

others who are as strongly opposed to this amendment as he but would argue that the principle involved in the amendment that we discuss is clearly worthy of constitutional consideration.

We are debating an attitude. We are debating a philosophy. We are debating a fundamental change in the principles that our Government is guided by, and I believe that they are strongly worthy of the Constitution and constitutional language. I think it is appropriate that we debate it in those contexts, and I think it is most inappropriate, Mr. President, for anyone to come to the floor and argue that it cannot be or that it should not be a part of our constitutional considerations.

Over the decade and a half that it has taken to craft this amendment and to refine it to ensure it meets the test of our constitutional scholars in this country, we believe that test is met. We think it very, very important that this language meet those tests and that we have accomplished that, both in language and in principle. We talk about a freedom. We talk about the freedom from debt. We talk about the inability of our Government to continue to incur public debt and, therefore, we talk about the responsibility of the vote of the supermajority and the extraordinary environment that would require or call for that kind of debt creation. That is part and parcel of the total debate that we are involved in. Through the course of this debate over the coming days, I will continue to point out on a section-by-section analysis of this amendment that it fits both the charge that it must be constitutionally worthy and that it is responsible constitutional language to propose to the citizens of this Nation for their consideration.

I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. CRAIG. Mr. President, I will be happy to yield such time as he may consume to Senator HEFLIN.

The PRESIDING OFFICER. The senior Senator from Alabama is recognized.

Mr. HEFLIN. Mr. President, I appreciate Senator CRAIG yielding me this time. I appreciate the "senior Senator." Usually I am introduced as a senior citizen. But I am sure most Senators who enjoy that status have had the same thing happen to them.

I am coming to the floor, as I have on numerous occasions, as an original co-sponsor of Senator SIMON's resolution calling for a balanced budget amendment to the Constitution.

The first bill that I introduced when I came to the Senate 15 years ago was a resolution calling for a constitutional amendment to balance the budget. With each Congress since that time, the first bill I introduced was a constitutional amendment resolution.

When we first started out on this path toward adopting such a resolution

to bring about a constitutional amendment, there were a great number of people who were opposed to it, and there were different ideas about how to proceed. But I think Senator SIMON's support of the amendment has given it impetus which can mean success. He represents an element in the Senate that looks very carefully at what is in the best interest of the country. That is not to say that others do not, but he is of a philosophy that sometimes means conservatives do not usually agree with him. Therefore, I think his support has given it additional support and has picked up votes. That is one of the reasons we have urged him to assume the leadership role pertaining to this constitutional amendment requiring a balanced budget.

I am pleased with reports that have come forth in recent days that the anticipated deficit for 1995 will not be \$300 billion, but only \$170 billion. Part of the success for this anticipated reduction in the deficit is the omnibus deficit reduction plan that was passed by the Congress and signed by the President, under his leadership. Also, it is probably due in some degree to a turnaround in the economy and the increase in commercial business transactions.

But, the anticipated reduction is based on interest rates that are pretty well stable today. When we stop and think of the fact that \$295 billion in interest is to be paid from our budget—\$295 billion is what the report of the committee shows as the interest that is being paid on the national debt—we have to stop and look at what would happen if all of a sudden interest rates were substantially increased. The \$170 billion anticipated deficit would soar.

Interestingly enough, I looked in yesterday's Wall Street Journal, and I read that 3-year Treasury bills which the Government buys are listed at 3.33 percent. A year ago, they were 2.92 percent; 6-month Treasury bills were 3.43 yesterday. A year ago, they were 3.01. Treasury bills under a 10-year period were 6.04 yesterday. A year ago they were 5.89. These are showing an increase. But it is not out of the realm of reality, possibility, or probability that interest rates within a period of time of 1 year, 2 years, or 3 years may double.

If they do double, what does that mean for the deficit? We could be paying, instead of \$295 billion a year interest on national debt, \$600 billion.

Interest rates at 6 percent were normal for many, many years. It may well be we will return to that stage of normal interest rates in the not-too-distant future. I point this out to show that that is a real danger here if we assume only the rosier scenarios.

(Mr. AKAKA assumed the Chair.)

Mr. HEFLIN. Even if the economy continues to grow and the gross national product increases tremendously,

an increase in interest rates would devour the anticipated savings that would result from the deficit reduction plan that was passed by Congress. An increase would eat up the anticipated reduction that we are anticipating regarding the deficit in the 1995 fiscal year. All of these are not only possible, but probable.

We are already hearing reports that interest rates are going to go up. Yesterday, Alan Greenspan testified to that effect. Hopefully, we are not going to get into an inflationary spiral. But when you stop and think that some 15 years ago, interest rates were at 20 percent, what would interest rates at a stage of 20 percent—or even 10 percent—do to the deficit that we would have to operate under?

Therefore, it comes down to the fact that the monster out there is interest, and we have to adopt this constitutional amendment requiring a balanced budget or else we are going to be faced with horrendous deficits in the future if interest rates go up, regardless of deficit reduction plans, and they probably will go up.

So I urge my colleagues to think about the future, to think about interest rates, to think about the amount of interest that will have to be paid on the national debt, and the percentage of the entire budget that will have to be allocated toward interest payments.

Last summer, when we passed the largest deficit reduction legislation in history, we were standing at a unique place in time and history with regard to addressing our most pressing structural economic problems. The American public, through countless opinion surveys, consistently ranks deficit reduction as one of its paramount concerns. What we did last summer was the right thing to do. And we are beginning already to see the benefits from this legislation. But as we all know too well, this is not nearly enough. The temptation to spend is still a mighty one to resist for Congress.

I believe in the inherent good sense of the American people. I believe that good sense has opened millions of eyes and even hearts to the fact that America has been victimized by more than a dozen years of borrow-and-spend Federal fiscal policies that have run up a horrendous \$4 trillion national debt. The public is saying enough is enough. This irresponsibility must stop. There is a sense of urgency for protecting the future of our children and grandchildren. The question is whether we will act further with an even more bold step to not only reduce the deficit but to eventually wipe it out completely.

If we do not seize this opportunity, the best chance we have had to pass the balanced budget amendment, we might not get another opportunity anytime soon. Make no mistake. The clock is running on this amendment.

Unfortunately, our viable alternatives are few. We must finally begin to service and reduce our debt or our Nation will face the miserable consequences of bankruptcy.

We are deeply and sincerely committed to doing something about deficit reduction. The American people by all accounts are prepared to do their part. This is one of the few times in my decade and a half in the Senate that I have seen such an array of forces converged in an attempt to address this pervasive problem.

Indeed, it is rare that we ever have a committed public and a majority of Congress aligned on any economic issue, much less one that strikes at the very soul of our free Republic. But we need more than just a simple majority. We must get 67 votes to send this resolution to the House of Representatives. The bottom line is this: For the second time since the debt began mounting, we have the momentum to take bold and decisive action to begin reducing it. It is an opportunity to build on what we started last summer. I am fearful that if we do not act this time and finally send this amendment to the States for ratification we will lose that momentum, perhaps never to regain it.

So we can continue to wring our hands and play the blame game, or we can act. There is plenty of blame to go around in both branches of Government, in both parties, about how we came to this point. But the time has come for the blame game to end and for us as a body to accept responsibility.

Winston Churchill once said "If we open a quarrel between the past and the present, we shall find that we have lost the future." We can argue forever about what might have been done in the past to avoid the debt we face. We do not have the luxury of replaying the past, but we do have the present. And the quarreling of the present will only impact our future security. Let us heed Churchill's warning and cast a vote for the future.

I implore all of my colleagues to stop the blame game and the wringing of hands, and to vote for a new beginning with this resolution calling for a balanced budget amendment to the Constitution.

Let us give it to the States, where it should be fully debated, analyzed, and voted on. This is as it should be, because amending the Constitution is gravely serious business. That is why the process is so difficult. But the States should have the opportunity to decide this issue. I urge you to support this historic effort at deficit reduction by stepping up to the plate and accepting responsibility.

It is what we have been elected to do. The economic future of our Nation depends on fulfilling that responsibility.

Most of the criticism that I have read recently centers on the concerns that such an amendment places fiscal policy

in a straitjacket and upsets the balance within Congress, and between Congress and the executive and the judicial branches of Government. These two issues are legitimate points of discussion. But the real point to be remembered is that the Nation's budget deficits are simply out of control, and a drastic dose of constitutional medicine is required and must be taken in order to restore this Nation's health.

While we welcome the news a few weeks ago that our deficit is far below that which was originally predicted, this does not in any way negate the need for a balanced budget amendment. It just means that our deficits are growing at a slower rate, a testament to the effectiveness of the economic and deficit reduction plan passed and signed into law last August.

The resolution Senator PAUL SIMON has offered, and which I strongly support, would mandate that total Federal spending must not exceed total receipts. Our constitutional amendment would require a three-fifths vote of the entire membership of both the House and the Senate to override this requirement. Further, the President would be required to submit to Congress a balanced budget on each fiscal year, and a majority of the entire membership of both the House and the Senate will be required to raise taxes.

Finally, Congress would have the authority to waive the requirement that the budget be balanced in the event of a declared war or of eminent and serious threat to national security. The truth is that this great Nation can no longer tolerate running runaway deficits and the exorbitant annual interest payments which can reach as much as \$315 billion in fiscal year 1993 on the \$4 trillion national debt.

Our Nation must recognize that the adoption of such an amendment will require that tough decisions will have to be made by the President and the Congress in order to get its fiscal house under control. Spending will have to be cut, taxes may have to be raised, and certainly we will have to set national priorities more clearly and deliberately as we learn to live within our means.

I believe in the good faith and the good will of the American public. It is time to enact this proposal and send it to the State legislatures for debate, consideration, and ratification.

I want to mention one other thing. That is the matter pertaining to the language concerning waiver in the time of a war.

Section 5 stated:

The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect.

In 1982, when we voted and got 69 votes for this, that was the language. I offered an amendment that failed to carry by only one or two votes, maybe four—I am not exactly sure—which now has been adopted and put into this constitutional amendment.

I remember that my colleague at that time from Alabama, Senator Jeremiah Denton, was instrumental in writing that language. It has now come forward that the provision is in this proposal, which is as follows:

The provisions for this article may be waived for any fiscal year in which the United States is engaged in military conflict, which causes an imminent and serious military threat to national security and is so declared by a joint resolution adopted by a majority of the whole number of each House which becomes law.

This goes, really, to the problem dealing with national security in that we have fought very few declared wars. Most of the military conflicts that the United States has been involved in have been undeclared wars. Desert Storm was an undeclared war. The Vietnam war was an undeclared war, as was the Korean conflict. At the time in 1982, I attached to the debate and made a part of the RECORD a list of every conflict we had been involved in where force had been involved in which the U.S. Congress had not declared war. I do not remember the exact number, but it is in the neighborhood of 200 or more.

What this would do would be that you could waive it, but it means that the waiver would be tougher to obtain than when you waived it when there was a declaration of war. What it means is that, first, there has to be a joint resolution passed by the House and Senate and signed by the President which, in effect, states that the United States is involved in military conflict which causes an imminent and serious military threat to national security. That would become law. You could then have a vote to waive the requirement of a balanced budget with the requirement of a three-fifths vote in order to go into some sort of deficit spending.

But this is designed to endeavor to make it tough to waive, nevertheless to waive. To me, it is important that we have that provision, because we never know whether we will be faced with a situation like a Vietnam war or a Korean war or another type of military action similar to that. So I think that provision is now an improvement.

Another improvement that has occurred to me is a requirement that you have to have a rollcall vote and a two-thirds vote in order to increase the debt of the United States. When you increase the debt of the United States, the Government continues to operate. But if the debt limit is not increased, Government comes to a halt. That is, to me, the teeth in regard to this constitutional amendment requiring a three-fifths vote. We have always had difficulty getting a majority every time the limit is raised on the national debt. To me, this is the real guts of the constitutional amendment, requiring that the debt limit has to be raised by a three-fifths vote, and it has to be

done on a rollcall vote, which is important.

Many times in the past, when people did not want to really face up to the issue of raising the national debt, it has been done by a voice vote. But the idea of having the national debt raised was to put teeth into the operation, to give you another instrument with which to try to control deficit spending. So that was the reason relative to that.

Mr. President, I urge that the constitutional amendment to balance the budget be adopted.

I yield the floor at this time.

The PRESIDING OFFICER. Who yields time?

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. BYRD. Mr. President, I yield to the distinguished Senator from New York such time as he may consume.

Mr. MOYNIHAN. I thank our revered President pro tempore.

Mr. President, I come to the floor directly from a hearing of the Committee on Finance at which the Director of the Office of Management and Budget, our former colleague from the House, the very able Leon Panetta, presented the President's budget in terms that were, for this Senator, striking and strikingly reassuring.

May I say, sir, that from the early 1980's, I found myself often on the floor of the Senate, sometimes in print, saying that in the White House and in the Office of Management and Budget a huge gamble was being made, that a crisis could be created by bringing about a deficit that would force the Congress to cut back certain domestic programs.

The question of how I knew need not be discussed here. But may I say that the person principally involved, Mr. David Stockman, subsequently wrote a memoir of his time in Washington called "The Triumph of Politics," in which he described in detail what happened and how it had gone wrong. When he began to realize that the cuts were not being made, that something awful was happening, he pleaded with the then President and his Cabinet colleagues to do something. Nothing was done.

Of this period, the able journalist and historian, Haynes Johnson, in his wonderful book, "Sleepwalking Through History: America Through the Reagan Years," which was published in 1991, said this. I will simply quote the footnote, and I offer this as credentials.

He says of this Senator:

He first charged that the Reagan administration "consciously and deliberately brought about higher deficits to force congressional domestic cuts." Moynihan was denounced and then proven correct, except that the cuts to achieve balanced budgets were never made and the deficits ballooned ever higher.

I offer that as a journalist witness to the fact of what I was saying was happening—and it happened.

I began to grow hugely concerned. I began to share the views and the alarms of the President pro tempore, our revered Senator BYRD, chairman now of the Appropriations Committee.

I am not new to the issue of the budget. A decade ago, I was standing on this floor saying, "Do you not see what they have deliberately done, and it is not working?" That crisis was out of control. I found myself, if I may say, having very little influence. No one believed what I said. Well, Haynes Johnson said, "MOYNIHAN was denounced and then proven correct."

People say, "What do you mean create a crisis?" I was going around saying Lenin was not a problem solver; he believed in creating crises. But this crisis got out of hand. I thought it would lead to an ever-ascending deficit in actual amounts and as a proportion of gross domestic product; that this in turn would lead us to a trigger point where the growth in interest on the debt—now 14 percent, incidentally, of our budget—would be higher than the growth of the GDP, and you would be in an unstable situation. Interest would start eating up and you would be led inexorably to "solving your problem by inflation."

A Government such as ours, which has the reserve currency, can do that because everybody else's instruments are denominated essentially in dollars. The technical term, Mr. President, is to monetize the debt, just inflate it away. And we could do that. Oh, we could do that. Only we wake up and the Japanese yen would be the reserve currency and the American currency would be no more indeed.

But, I come here from the Committee on Finance, of which I am chairman, which heard Leon Panetta this morning, to give you the good news that we have it under control.

Senator DOLE was there, and very properly asked if the charts which I will show you in just 1 minute do not reflect the effect of the 1990 agreement which was reached at Andrews Air Force Base, and at which the President pro tempore was the leading Senate negotiator. Mr. Panetta, Senator BYRD and I would all say—the answer is "yes." A beginning, a process which began, and then last year in the budget reconciliation was finally, in effect, fixed. It fell to me as chairman of the Finance Committee to find the 50 votes, plus the Vice President to bring that about, but we did.

Now, here are the numbers. Remember, the point is, if the deficit as a proportion of gross domestic product—that is all our wealth produced in a given year—if it keeps growing, the time would come when the debt, interest on the debt, would start growing faster than the growth of GDP and

then you are unstable. Then you are a Third World country—a Third World country, Mr. President.

Here we are. Watch this. In 1989 as a percentage of GDP, the deficit was a little below 3 percent. By 1990, it went to 4 percent, a 28 percent increase in 1 year. Bang, up like that.

Then in 1991, almost 5 percent. Now we are compounding here. We are growing. I hate to use the technique of talking about percentages of percentages, but this measure of the deficit was growing at about 25 percent a year.

Then came the impact of the 1990 agreement, painful and distasteful as it was. And suddenly, from 1991 to 1992, the growth was slight.

Then came 1993 and it began to come down. That is the year we adopted \$500 billion in increased revenues or program cuts and put on a hard freeze—no adjustment for inflation, a hard freeze.

And here is the projection—down, down, down, down. By 1996, we will be back at 2.3, well below where we were in 1989. And OMB projects we are heading, by 1999, to 2.1 percent. I think we have it under control. And 2.1 percent is a deficit which you would not ordinarily notice in macroeconomic terms.

Let me show you the spending side, Federal spending itself as a proportion of GDP. In 1989, 22 percent. Then, bang, up to 23 percent.

But, look. The 1990 agreement held it where it was; stayed right there in 1992. Then down, down, down, down, down. By 1996, we are back to 21 percent, which we have not been since the early 1980's. We have the curve going the way it was. This is where it would have been.

If I could ask the Senator's patience for just another minute. Here is where we were going. Oh, my God, in 1993, we were headed from a deficit of \$250 billion up to \$400 billion, no trouble at all. And then that interest compounding problem begins. Now, we are going down, we are going down, we are going down, under \$200 billion, under \$200 billion this year.

Now it took a lot of pain. And before the President's budget is in place there will be more pain. But it is necessary.

We indulged ourselves in the early 1980's of a fantasy of young men who perhaps had too little experience in the real world and too much power, who thought they could play with fire, create a crisis. The fire spread. Well, we put it out. Grown-up time came.

And, having done that, I have to ask you, are we dealing with a problem of the American Constitution? Did the Constitution put those young men in the Reagan White House in 1981 playing games with supply side economics and then finding, "Oh, that would not work. But great, we will have a crisis?"

First they thought a few reductions in tax rates would pay for themselves. Then they realized it would not. They said, "Oh, a crisis is a good thing."

And then, of course, I can remember Mr. George Will once in about 1984 speaking to a group of businessmen and saying at breakfast: "I have a door prize of a toaster for anyone that will name one program that President Reagan said he would cut during the course of his 1990 Presidential election."

And everybody in the room started looking around to their neighbor, saying, "Why can't I remember one?" Finding their neighbor saying, "Why can't I remember one?"

Mr. Will said, "Don't feel bad about your memory. There was none."

They never intended it, but they created a crisis.

But I would like the President pro tempore to hear me one last moment. He has brought great philosophical and historical rigor and insight to this Chamber. But I would like to add one thing to him, a line from a French theologian named Georges Bernanos. He was Parisian, Jesuit trained, a militant Catholic, who at first was very much to the right, a royalist, but ended up, with the rise of fascism, appalled by Franco, appalled by Munich. Again a supporter of de Gaulle and the Free French.

He said, "The worst, the most corrupting lies are problems poorly stated."

We are taking a problem that arose from the indiscretion and inexperience and perhaps inflated self-importance of a group of young people in a new administration in 1981 and interpreting that problem as a problem of the American Constitution. The American Constitution did not do this. We did not get through two centuries without anything like this problem because of our Constitution. And it will not make any difference to our Constitution save this, and I would like to end on this note because I know that in a hearing before the Committee on Appropriations, James Schlesinger, the Honorable James Schlesinger, former Secretary of Defense, former head of the CIA and so forth, spoke of deficit financing in the past.

It happens—just autobiographical—but it happens. Next July 1 will mark the 50th year from the year in which I joined the U.S. Navy. World War II was raging and the prospects were not very good. Yet we won the war at sea in two incredible battles. Pearl Harbor was a blow to us but not nearly—it was a blow to our pride, perhaps. I am sorry about the men involved. But what they mostly sank—the *Arizona* was a battleship built in 1911 and was not going to do very much good to anybody. The carriers were out to sea, and they were there for Midway.

Do you know when those carriers were built, sir? Not during wartime when we could have exempted them. You cannot build something important in wartime and have it ready. The *Yorktown* was built—the keel was laid

in 1937, or it may have been launched in 1937, either way—when Franklin D. Roosevelt, in the middle of the Depression, had deficits. The *Enterprise*, 1938; the *Hornet*, 1941. Absent those ships built in the depression, with a deficit, we would have lost; Hawaii would have been occupied; California might have been. And then came the Coral Sea. The issue was Australia. We prevailed in the Coral Sea with, again, the *Yorktown* and the fighting lady, the *Lexington*.

Boy, I am glad we had Carl Vinson and his like on this floor to say, "It may increase the deficit, but I want the *Yorktown* built, and I want the *Hornet*, and I want the *Enterprise*." That is what we are putting in jeopardy, the judgment of wise Senators about the state of the world.

With the greatest respect to my friend from Illinois, the Constitution is a precious document. That is where our rights are enshrined and our duties. The Constitution is not meant to establish budget procedures. We are perfectly capable of doing that. We have shown in these last few years since 1990 that, all right, a crisis got out of control, we finally realized what was going on, and we did something about it.

Here it is: Down, down, down. I will speak more on another occasion about the degree to which this amendment puts in jeopardy the Social Security benefits of all Americans. But for the moment I would like to say it is—I am happy to say, fresh from a hearing in the Finance Committee with the Director of OMB: The crisis has passed. It is required of us that we keep to the commitments we made, but we have made them and they are showing results.

Mr. President, I yield the floor. I see the distinguished Senator from Illinois is here.

Mr. SIMON. Yes. If my colleague would stay for just a few minutes?

Mr. MOYNIHAN. I am happy to do so.

Mr. SIMON. I wish I could be as sanguine and optimistic as my colleague is. This, those down years—

Mr. MOYNIHAN. Right, that is what we are talking about.

Mr. SIMON. That is a great tribute to Senator PATRICK MOYNIHAN in addition to being a great tribute to Bill Clinton. They made some tough decisions. I remember the Senator coming into the Democratic caucus and saying, "We did this because we had to." I even wrote down the words when he said that.

We need some similar compelling action.

If I can point out, the real key here is the percentage of deficit relative to GDP.

Mr. MOYNIHAN. Yes.

Mr. SIMON. But it is going back up, according to OMB. You have 1996. But if you take a look, it goes back up to 3.3 percent in the year 2004, and up from there, according to GAO.

The GAO account says, and I will be happy to give this to the Senator—

Mr. MOYNIHAN. This is OMB. You have CBO. This is OMB.

Mr. SIMON. All right. But then if you take GAO's report of June of 1992—and I recognize things have changed, changed somewhat. We have taken the first step and it was an important step. I was pleased to support it. But GAO predicted in June of 1992 that by the year 2020 we would have in excess of 20 percent deficit relative to GDP.

Mr. MOYNIHAN. In 1992. Before the 1993 legislation.

Mr. SIMON. That is correct. That is adjusted down somewhat. But GAO tells me the same basic trends are there. And no nation has come anywhere close to that without, as the Senator points out, monetizing the debt.

Mr. MOYNIHAN. The Senator is correct, it goes to 3.3. This is my colleague's document.

Mr. SIMON. Right; 3.3.

If the Senator can take a look, this is an OMB—part of this four volume thing we just got. Look at the top there. "Lifetime net tax rates under alternative policies," the graph at the top.

Mr. MOYNIHAN. Yes.

Mr. SIMON. Look down to 1930—I was born in 1928. You will see I will spend about an average of 30 percent. The Senator from New York, born roughly the same time, maybe a little before me, roughly the same.

Mr. MOYNIHAN. Yes. Yes.

Mr. SIMON. But down to the bottom. It says future generations—way down at the bottom there, next-to-the-last line. You go over with reconciliation and with health care reform and with all the optimistic assumptions, 10 years solid growth, no dip: Future generations, lifetime net tax rates of 66 to 75 percent.

The Senator from New York knows that just is not going to happen.

Mr. MOYNIHAN. That is not going to happen.

Mr. SIMON. What happens before that, according to history—and maybe we can be the first country since ancient Florence and all the others not to do this—what happens is then you start monetizing the debt. You start printing the money.

I think, as you look at these long-term trends, that is where we are headed. I wish I could be as optimistic as the Senator from New York, but I think the hard realities suggest something different.

Mr. MOYNIHAN. Will the Senator yield for a question?

Mr. SIMON. Certainly.

Mr. MOYNIHAN. Simply to say I thank the Senator for the factual way in which he responded to our facts, the Office of Management and Budget, I congratulate the Senator, as I always do, on a civil discussion here. We have large issues to be decided.

I think in the future growing deficits can be prevented, with the likes of Senator SIMON on this Senate floor, the likes of Senator BYRD and Senator MURKOWSKI, for that matter, by our own choice as Senators, and we need not have an amendment to the Constitution. But that is the debate we are having.

I thank you for allowing me the time. The President pro tempore has been most generous of his time. I will return to the floor when you have time for me.

Mr. SIMON. Let me just add, in terms of amending the Constitution and on financial things, Thomas Jefferson, of course, favored an absolute prohibition against Federal borrowing, and Alexander Hamilton later—Thomas Jefferson and Alexander Hamilton did not agree on much but they agreed that it would have been wise to have done this.

Mr. MOYNIHAN. May I say, Alexander Hamilton was not present in Philadelphia when the Constitution was decided.

Mr. SIMON. Neither was Thomas Jefferson.

Mr. MOYNIHAN. I have to agree, and I regretfully agree, part of the agreement by which Alexander Hamilton arranged for the Federal Government to assume the Revolutionary War debt of the States, which he did—a magnificent enterprise—the only portrait that hangs in the back room of the Finance Committee today is Alexander Hamilton of New York. In order to do that, he made the supreme sacrifice of moving the Nation's Capitol from its natural site on the banks of the magnificent, lordly Hudson Valley to a swamp on the Potomac.

Mr. SIMON. And you have never forgiven him for that.

Mr. MOYNIHAN. I have never ceased to honor the patriotism with which he put forward fiscal solvency first. Thank you, Mr. President.

Mr. SIMON. I thank the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, if I may take a couple minutes before my friend from New York leaves the floor, I congratulate him, I salute him, I greatly admire him. I think he has contributed enormously to the debate, and I look forward to the hour and the day when he will return to the floor and discuss the matter of Social Security, about which he has had so much to do over the years and throughout several administrations.

May I ask the distinguished Senator from New York, with respect to monetizing the debt, at the end of World War II, was not the debt more than 100 percent—

Mr. MOYNIHAN. More than 100 percent of GDP.

Mr. BYRD. Did we monetize the debt then?

Mr. MOYNIHAN. No, we paid that.

Mr. BYRD. What is the proportion today of the debt to GDP?

Mr. MOYNIHAN. About 52 percent at this point and under the President's budget will begin to go down.

Mr. BYRD. Yes. So I think we need to consider history again, that has been referred to here and point out, as the distinguished Senator from New York [Mr. MOYNIHAN], has just done, in 1945, when I was a welder in the shipyard at—

Mr. SIMON. Baltimore.

Mr. BYRD. Tampa, FL. No, I went south at that point. I was a welder in the shipyards, in the McCloskey Shipyard in Tampa, FL. I was there the day the war ended, but we did not monetize the debt then. And at that time, as the Senator from New York has pointed out, the debt was 100 percent or more—

Mr. MOYNIHAN. Or more.

Mr. BYRD. Of the GDP.

Mr. MOYNIHAN. Yes, sir.

Mr. BYRD. Second, may I say to my friend from Illinois, he is looking at the budget outlook on page 29 of the book entitled "The Economic and Budget Outlook, Fiscal Years 1995 to 1999."

Mr. SIMON. That is correct.

Mr. BYRD. He pointed to the deficit in the year 2004 as being anticipated as \$365 billion; right?

Mr. SIMON. That is correct.

Mr. BYRD. But the distinguished Senator did not cite the information on the preceding page, page 28. This is on my time, Mr. President.

A year ago, CBO projected the deficit would top \$650 billion in 2003; by last September, CBO had chopped its projection to \$359 billion. The enormous improvement during that 6-month period was almost wholly attributable—

Listen to this—

was almost wholly attributable to the enactment of an ambitious deficit reduction package. The newest projection for 2003, a deficit of \$324 billion—

Coming down as the Senator from New York aptly, correctly said—

is only a minor revision in comparison. Of the \$35 billion revision, two-thirds stems from higher revenues as CBO has upped its estimate of potential growth, and one-third from lower interest costs as CBO has trimmed its estimate of Federal debt.

Of course, these extrapolations are not as detailed as CBO's usual 5-year estimates. Rather than produce a meticulous 10-year projection for every program in the budget, CBO attempts simply to judge the likely trends in broad clusters of spending and revenues. And great uncertainties surround such long-range extrapolations. The economy's performance is a big question mark; these projections are predicated on continued growth in real GDP of 2.3 percent annually in the year 2000 through 2004, on inflation of 3.1 percent, and on short-term and long-term interest rates * * * of 4.7 percent and 6.2 percent, respectively. The economy is bound to deviate from these assumptions in ways that cannot be anticipated.

So the estimates cannot be accurate. They never have been.

Mr. MOYNIHAN. Do I not recall a word: Floccinaucinihilipilification?

Mr. BYRD. Yes, floccinaucinihilipilification, meaning valueless; without value; trivial.

I thank the distinguished Senator, and I thank the distinguished Senator from New York.

Mr. SIMON. Mr. President, I will just take 1 minute, I say to the Senator from Alaska, if I could simply point out to my friend and colleague from New York before he leaves, I have a letter from Charles Bowsher, the Comptroller General of the United States, dated February 18, in which, among other things, he says the deficit problem, of course, has not gone away, the forces for escalation of the deficit are here, and it remains a very serious problem.

Fred Bergsten, you will remember, former Assistant Secretary of the Treasury and one of the finest economists I know, testified last week in behalf of the balanced budget amendment and said:

The so-called correction we are seeing is by no means an up. It will leave us with an abysmally low national savings rate. Productivity simply cannot pick up by the requisite amount. We will continue to have very slow economic growth, high unemployment, lagging standards of living in the future.

Obviously, there are differences of opinion.

Mr. MOYNIHAN. There are differences of opinion.

Mr. SIMON. I respect my colleague but, again, no matter if he votes wrong on this issue from my perspective, he has contributed immensely to this Nation by providing the leadership that got us to the reconciliation last August. That grandchild that he had about a year ago or so is going to have a better future because of what he did last August, and I am proud to be his colleague.

Mr. MOYNIHAN. The Senator is very gracious.

Mr. SIMON. I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The ACTING PRESIDENT pro tempore. From whom does the Senator from Alaska seek time?

Mr. MURKOWSKI. The Senator from Alaska seeks time on the side of the Senator from Illinois.

The ACTING PRESIDENT pro tempore. Does the Senator from Illinois yield time?

Mr. SIMON. How much time?

Mr. MURKOWSKI. If the Senator from Alaska could have 15 minutes.

Mr. SIMON. I yield 15 minutes to the Senator from Alaska.

The ACTING PRESIDENT pro tempore. The Senator has 15 minutes.

Mr. MURKOWSKI. Mr. President, I rise today as a cosponsor of the pending resolution and as a Senator who believes that amending the Constitution to require a balanced budget is simply

the last remaining option that we have to contain and ultimately begin to reverse the spiral of red ink that has been hemorrhaging from Washington for more than 30 years now.

Mr. President, I think if we allow this opportunity to pass, if we are unable to garner the two-thirds majority necessary to adopt this resolution, we will have lost a singular opportunity to move this country in the direction of long-term fiscal responsibility.

Without this amendment, one thing is certain. The Federal deficit and the national debt will continue to erode our capacity to respond to the economic and social challenges of the 21st century.

Mr. President, as a former banker, it just astounds me to see this continued budget process where, after financing various Federal programs, year in and year out, we find ways to spend more and just add to the deficit and debt. Yet we mandate in our society that you balance your checkbook. If you do not have the money, you have to borrow it. That is what we have done, Mr. President. We have borrowed it, and we have done it over such an extended period of time that we have accumulated over \$4 trillion in debt. And we are obviously going to have to pass that debt on to our children and grandchildren.

Now, Mr. President, there is nothing inherently wrong when the Federal Government must turn to the credit markets to borrow funds to cover a financial shortfall resulting from an unexpected or emergency circumstance. A review of our Nation's historical borrowing practices clearly indicates that for most of our history, Federal deficits have not been the rule but, indeed, have been the exception. A little historical background, perhaps.

In the first 120 years of our Nation's history, Federal outlays exceeded revenues by a mere \$1 billion, and even after the turn of the century, outlays and revenues were generally in balance. It was only when we entered the First World War that the Federal Government was forced to turn to the credit markets in a major way. And that was in 1918 and 1919, when the Federal Government ran huge deficits to cover the cost of our participation in the war.

But after the war ended, Government revenues and outlays then returned to balance. In fact, we ran a surplus in every year during the decade of the 1920's. Federal deficits became a tool of countercyclical fiscal management as part of the Roosevelt administration's efforts to counteract the devastation wrought by the Great Depression, we all recall. And when the United States entered the Second World War, Federal borrowing exploded. It exploded to the point where the national debt actually exceeded our gross domestic product. But again as soon as the war ended, the Government began to return to fiscal

balance with revenues exceeding outlays up until the beginning of the Korean war. And again, in the 1950's, the Government enjoyed a surplus in several years and endured deficits in recessionary years.

But starting in 1961 and continuing, Mr. President, for 33 out of the last 34 years, the Federal Government has been running an unbroken stream of deficits—every single year for the last 33 out of 34 years.

What are the future deficit trends? I think that is what we have to reflect on as we begin this debate. There is simply no end in sight. In fact, CBO projects that the deficit will more than double between 1997 and the year 2004 from more than \$180 billion to \$365 billion—a billion dollars for each day of the year. Moreover, contrary to what the administration has indicated, CBO projects that if the President's health care reform plan is adopted, it could add another \$135 billion to the deficit over this period.

Mr. President, this unending stream of deficits has caused us to accumulate, as I indicated earlier, over \$4 trillion worth of debt, approximately \$4.5 trillion, as a matter of fact. That is likely to exceed \$6.3 trillion before the end of the century, which is less than 6 years away. Left unchecked, the debt will double in 10 years to \$9 trillion, with annual debt service costs consuming approximately \$335 billion. That is what it will annually cost to service that debt. That is interest on the debt, Mr. President. That represents more than half of all the discretionary spending projected for the year 2004; more than half will be interest.

Mr. President, we can no longer labor under the assumption that business as usual in Washington assumes that every year we can run deficits of \$150 billion, \$250 billion, or \$350 billion. The accumulation of this debt has today brought us to the point where for the first time in our history we are forced to borrow, forced to borrow from the credit markets for the sole purpose of paying interest on the debt. So we are borrowing now to pay interest on the debt, and not paying the principal.

Mr. President, the reality is we are broke when we have to borrow to pay interest on the debt. That may come as a shock to this body, but reality dictates that this Nation is broke from a cash point of view if called upon to meet our obligations. And the emphasis again, Mr. President, is we are now borrowing to pay interest on the debt.

It may surprise some people to know that over the next 5 years, we would be running a surplus in the Federal budget if we did not have to pay the \$200-plus billion interest bill that has resulted from our inability to bring revenue and spending into balance. But we are not free of that interest burden. In fact, we will pay out more than \$1.752 trillion in interest over the next 5

years, and by the end of the century, interest expense will exceed the cost we will pay for national defense. I repeat, Mr. President: By the end of the century, interest expense will exceed our costs for national defense.

Mr. SIMON. If my colleague will yield on that point.

Mr. MURKOWSKI. I will be happy to yield to my friend from Illinois.

Mr. SIMON. The figure that the Senator is using is a figure that Senator FRITZ HOLLINGS points out we should not use, and that is net interest. There is no area of Government where we subtract the earnings before we calculate the interest. So that the interest paid to the Social Security fund, for example, is not counted as interest on net interest. The gross interest, which really is the figure we ought to use, is already in excess of what we spend on defense.

So the figures that my colleague from Alaska is using are very conservative figures in terms of what the costs are. I have to believe if the American people understood that, they would say we have to do something to get ahold of this.

I thank the Senator for yielding.

Mr. MURKOWSKI. Mr. President, I appreciate the point of my friend from Illinois, and I commend him for his diligence in leading this effort, which is in the best interest of our Nation, not only for our own internal security but the health and vitality of America. I say to my friend from Illinois, as a banker by profession, I can tell you that interest is like owning a horse that eats while you sleep. It provides no jobs. It goes on day and night. Its productivity is very hard to identify. It is only identifiable for those who receive it, but for those who are paying it, it is a cost of doing business.

The theory of interest is that you can make money with some borrowed money by investing it and doing something like increasing inventory, increasing jobs. But what we are doing with interest as a Government is simply mortgaging the future because with the debt that we are continuing to pile up and the interest that we are having to pay, we are finding now that we are having to borrow to pay the interest.

There are those who say, well, this can go on. But reality dictates that it cannot. If there is anything we can learn from history, it is that what goes around comes around. And the day of reckoning will happen. I will explain very briefly how it is going to happen, Mr. President.

Because in the last year, the Federal Government has been able to take advantage of low short-term interest rates, it is my understanding that they have converted more than 20 percent of the debt into Treasury bills with a maturity of less than a year. That is a good thing to do because interest rates are low. Although this short-term

money management strategy has reduced our annual interest bill, it opens the Federal Government to great financial risk should interest rates rise. And what goes up comes down.

Over the next 5 years, Mr. President, we are going to have to refinance the vast majority of our outstanding debt. We are going to have to refinance 82 percent of that debt over the next 5 years. The administration's budget, which projects that we will spend more than \$1.172 trillion in interest expense, assumes that 10-year Treasury notes will carry interest rates at only 5.8 percent. That is the assumption. Testimony from Fed Chairman Alan Greenspan casts grave doubt on that projection, and it should be noted that as of today, 10-year notes are paying more than 6 percent. So we are already off on our projection.

Mr. President, I remind those who have short memories of December 1980. The prime rate in the United States was 20.5 percent—as few years ago as that was.

So to suggest that it cannot happen, Mr. President, is not reality. It can happen. As we look at rates today, with Treasury notes paying more than 6 percent on 10-year notes, and yet an assumption that the rates will be only 5.8 percent, I would again remind my colleagues that in December 1980 the prime rate was 20½ percent. Where would we be in this Nation today with those kinds of rates? We would be completely broke.

According to CBO, if interest rates rise only by 1 percent, the Government will have to pay an additional \$150 billion in interest charges on top of the \$1.1712 trillion projected. That would mean that by 1999 our annual interest rate would approach \$300 billion, which is \$30 billion more than the entire Federal budget was barely 20 years ago.

Mr. President, again I say we are broke. We are borrowing just to cover our interest costs. We are subject to shifting winds of international investment flows where a minor change of economic policy in Bonn, Tokyo, or London has a direct effect on the U.S. Government and our ability to service this unending sea of debt.

Again, can anyone imagine what would happen if the owners of our debt—and I might add that 18 percent of our debt today is held by foreign interests—called that debt? If they called in more than the \$4.5 trillion of debt that is held out there both foreign and domestic? How would we pay the owners off? We could not unless we inflated our dollars to the point that what \$1 buys today would actually be worth perhaps 10 cents. Let us remember, Mr. President, money goes to the highest return and the least risk. That is where investment goes.

In order to maintain the borrowings that we need, we simply have to pay the going rate. We have no other alternative.

So we are placing ourselves in a very dangerous position, beholden to those that can look at the United States and say the United States has to have this money at any price, and in competition with other areas, Bonn, Tokyo or any other country willing to offer high interest yields.

But we have no leverage. We are simply going to be dictated at some point in time by those capital markets that look at the United States as the highest return with the least risk but can move out tomorrow, and with our short-term borrowing position, that could happen in a relatively short term. That is where we are because again interest rates will rise.

Some have argued that we do not need to amend the Constitution to achieve a balanced budget. It is said that all we need to do is find a bipartisan solution that we can enact into law so that we can achieve the desired results. But history suggests that legislation will not resolve this issue. On three occasions, Mr. President, over the past 10 years, legislators on both sides of the aisle sat down with our President. They hammered out so-called solutions to solve the deficit, and on every occasion the promise of a zero deficit has evaporated because we in Congress have never had the political courage to do the one thing that would bring down the deficit—reducing spending. We have voted to raise taxes on more than one occasion, but we have never yet cut or frozen spending.

We have never faced up to the challenge of runaway entitlements which today account for 52 percent of Federal spending and will grow to 59 percent by the end of the century. Quite the contrary. We have generally placed entitlement spending off limits in all of the budget deals that have been negotiated over the past years.

I am going to go over three charts very briefly because we have a history of sounding tough about budget agreements that we give birth to in this body. The first chart shows the promise and reality of Gramm-Rudman one which we all remember which we adopted in 1985. As you can see, Gramm-Rudman was supposed to bring the deficit down from \$171 billion to a zero over a 6-year period ending in 1991. The deficit was supposed to come down basically by \$36 billion a year. But in reality, in 1991, instead of a zero deficit, we were at a record of \$269 billion. So there went Gramm-Rudman, all the reality, all the dialog, all the promises.

Let us move to chart No. 2.

The second chart shows the revision we made to Gramm-Rudman in 1987. Most of you will recall that debate. This was going to fix everything. In that year, we revised the original targets. This time we promised a zero budget by 1993. Quite frankly, this agreement was an even more astounding failure than the original Gramm-

Rudman. But it was not the fault of the authors, Senator GRAMM and Senator Rudman. It was the fault of Congress because Congress found enough ways around the law that when the deficits were supposed to be \$100 billion in 1990, it turned out to be more than double. It was \$221 billion, and in 1991 the deficit was supposed to be \$64 billion. Instead, it was more than 400 percent higher, a record \$269 billion.

In 1992, the deficit was supposed to be \$28 billion. In reality, it was 1,000 percent higher, at \$290 billion. Of course it was clear, Mr. President, that none of the targets were even remotely met.

So President Bush entered into the summit agreement that we all recall. He broke his no tax pledge which I think was a disaster, and the American public was again led to believe that we were finally going to get a handle on the deficit.

Here is chart No. 3.

This chart shows how the deficit was supposed to come down as a result of the 1990 agreement. Unlike the earlier budget agreements, this time the deficit targets were allowed to be adjusted, and the deficit targets did not include off-budget trust fund balances. What this chart shows is that by 1995, the on-budget deficit was expected to be only \$83 billion. In fact, the chart shows the actual deficit is 270 percent higher, at \$225 billion.

What these charts show is that there is no reason for the public to really put its trust in the Congress or the Congress' ability to come up with a budget plan that will eliminate the deficit.

History repeats itself. There are three of them. We all remember them. We were all a party to them. And the consequences are where we are—we have not addressed the deficit. Quite the contrary. In the 10 years since we enacted the first Gramm-Rudman law, spending has increased more than 53 percent, from \$990 billion to more than \$1.5 trillion. Interest payments increased 57 percent, from \$136 to \$213 billion; and the national debt more than doubled, from \$2.1 trillion to more than \$4.5 trillion. So there is the history of it, Mr. President.

What is the future? What is even more disconcerting is that the administration, which opposes this amendment, and which a year ago was able to get congressional Democrats to go along with a \$500 billion tax increase, appears now to have abandoned the goal of bringing the deficit under control. Its latest budget shows an unending stream of rising deficits and debt, with no solutions recommended.

President Clinton told us his health care reform program would help bring down the deficit. But the reality is that his proposal for massive Government intervention in the health care market does not reduce Government spending; it adds \$135 billion more Government spending, and larger Federal deficits are in the future.

Mr. President, our incapacity to seriously address the deficit ensures that we are going to pass on to future generations a Government strangled by debt and incapable of making the investments in education, public health, resource development, and scientific research that will enhance our future standard of living. The only way to guarantee that we break our addiction to debt is to try what is before us—and I commend the Senator from Illinois again—which is to amend the Constitution. The proof is in the pudding. Nothing else has worked.

Mr. President, some of my colleagues here, including the distinguished chairman of the Appropriations Committee, have raised serious questions about the propriety of including this amendment in our Constitution. One of the most important issues that has been raised is that the amendment could make it impossible for the Federal Government to respond to an emergency such as we recently saw in California; or that the Federal Government could exacerbate an economic recession by having to raise taxes or cut spending at precisely the most inappropriate moment.

Critics of the amendment fail to recognize that the amendment has a degree of built-in flexibility. We are not rigidly locked into achieving balance in every year. Under the amendment, Congress has the authority to waive, by a three-fifths vote, the requirement for a balanced budget in any year. There is a safety valve. None of us would deny victims of a flood or earthquake access to relief funds, nor to turn a mild slowdown into a recession.

Mr. President, I remind my colleagues that we have not been in a recession for 33 of the last 34 years; yet, we have been running deficits for all those years. A little food for thought. What this amendment aims to do is to make deficit spending the exception rather than the rule. When unforeseen circumstances that affect the national interest require us to run a deficit, I am quite confident Congress will respond appropriately.

Much has also been made of the fact that since the amendment relies on estimates of receipts and outlays, situations will surely develop when estimates turn out to be incorrect. I have no doubt that will occur since the art of economic estimating is far from an exact science. However, when Congress adopts statutory language to implement the amendment, we can surely write into law default mechanisms that would address the estimating problem. For example, if it turns out the actual outlays during the year exceed projections by more than 2 percent, we can require that such a shortfall be made up in the next fiscal year. That is just one example of how we can address the problems inherent in economic forecasting.

The limitations of economic forecasting should not be allowed to deter us

from achieving our ultimate goal—to bring spending into balance with revenue.

Finally, there is no doubt that we are going to face some very, very hard choices if this amendment is adopted. But we have put off those tough choices for far too long. The price for our continued inaction will be paid by our children and grandchildren, and their grandchildren. We were not elected to make easy choices, Mr. President. Let us take the last remaining step we have to right the course of this Government and adopt the pending amendment.

I thank the Chair and yield the floor.

Mr. SIMON. Mr. President, I will just take 1 minute. I commend my colleague from Alaska—and particularly since he is a former banker—for his comments about interest. We are really at a fork in the road where we are going to determine whether we are going to have higher interest rates in the future or lower interest rates.

It was very interesting that the Wharton School, last Thursday, projected that if this passes, 30-year bonds would drop from 6.5 to 2.5 percent. That is a very, very significant thing that I am sure my friend from Alaska understands. I am not here guaranteeing that is going to happen, but I do not think every projection is that interest rates are going to go down if we pass this. I think it would be a great boon to our Nation. I thank my colleague.

Mr. DOLE. Mr. President, is leader time reserved?

The ACTING PRESIDENT pro tempore. Yes.

Mr. DOLE. Mr. President, I congratulate my colleagues on the floor, the Senator from Illinois, Senator SIMON, Senator CRAIG, and my friend from Alaska, Senator MURKOWSKI, for making a case, which I will be making later, in support of the balanced budget amendment.

My view is that it is going to be very close. There are undecided Senators on both sides of the aisle out there. Hopefully, we will have an opportunity to listen to some of the statements being made. I know it may be a difficult choice for some. I think, as the Senator from Alaska just pointed out, it is the right choice. I hope we can prevail, not just because we want to prevail, but because we are concerned about the next 20, 30, 40 years in our country and about future generations.

The ACTING PRESIDENT pro tempore. Who yields time?

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia [Mr. BYRD].

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

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

The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, at this time I wish to address just a few of the problems that I have with the constitutional amendment that is proposed by Mr. SIMON and others, and a few of the points that have been raised during the discussion.

Mr. President, Mr. SIMON, the very able and distinguished Senator from Illinois, with reference to the provision that requires a three-fifths majority, section 1, where total outlays for any fiscal year may exceed total receipts for that fiscal year, then a three-fifths majority of the whole membership of each House can provide for a waiver.

As I indicated last evening, that three-fifths majority vote may be pretty difficult to get.

Section 2 again refers to a three-fifths supermajority.

Section 2. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by rollcall vote.

Mr. President, with reference to section 2 in particular, we are talking about the debt limit, the fact that it may have to be increased.

What if it is not increased? What if it is not increased? We are talking about debt that we have already accumulated and we are about to have to raise the debt limit. We already owe the debt and it is necessary to raise that debt limit because it is necessary under certain circumstances to add to the debt. I have seen that situation arise here in the Senate a good many times. What if we do not raise it? Social Security checks will not go out. The Federal Government will shut down. Veterans compensation checks will not go out. Veterans pension checks will not go out. So what are we going to do? We have to raise that debt limit.

I can remember the games that were played here when we were in the minority. We Democrats would say, "Let us let them"—the Republicans who were then in the majority—"Let them produce the votes. We will help them, but let us make them walk the plank. So hold back your votes," we would say to our colleagues.

As majority leader, I would say to my colleagues, "Hold back your votes and let us make the other side walk that plank because they have made us walk the plank in the past when we were in the majority."

So those games are played. They are political games and they are partisan games. Perhaps they should not be played but, realistically, they are played and they will be played in the future.

The point I am making is, it is difficult to produce 51 votes to raise the debt limit. The debt limit is seen as a horse which is sure to get through to the President's desk. Many Senators on both sides of the aisle have played games with that horse and tried to add this rider or that rider, this amendment or that amendment, knowing that the amendment will reach the President's desk because that is a bill that has to go, or else Government will shut down. So, there are games played with that bill.

Now we have this amendment saying:

The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

That means 60 Senators must provide by law for such an increase by rollcall vote once this amendment is welded into the Constitution. We cannot do it with 51 votes anymore, or with 49 votes in the event there are only 97 Senators voting. We have to have 60 votes of the whole number. If there is a snowstorm and only 60 Senators are able to get to the Capitol, we may be able to get a majority of the 60. We may be able to get 31 votes but that will not be good enough. If only 60 Senators can make it to the Capitol, in a snowstorm, we will still have to produce 60 votes in order to raise that debt limit. This is really playing with fire, playing with dynamite.

If 70 Senators are able to get to the Capitol we shall have to get 60 of that 70; not 35 plus the Vice President's vote to break the tie, 35-35; not 36 out of the 70. We will have to produce 60 votes out of 70 in the case of one of those January ice storms that we have seen during this winter.

Now, that is tough. Let me remind Senators of a very recent situation in which it was tough to get a majority and, as a matter of fact, we did not get a majority of Senators. That was last year when we passed the budget deficit reduction package that had been worked out between the President and Members of the House and Senate. We produced how many votes? We produced 50 votes in the Senate. We have 100 Senators; we produced 50 votes. We did not produce a majority. We produced 50 out of 100 votes, and the Vice President had to break that tie because not a single Member on the other side of the aisle—not one Republican in this body or the other body—voted for that deficit reduction package last year for various reasons. Some of them did not like the fact that it raised taxes on the wealthy.

The point I am making is that it is extremely difficult, if not impossible at times, to get 60 votes when partisan politics are involved.

So what did we do? We had the Vice President of the United States come up and sit in that chair and cast the vote

breaking the tie. Vice President GORE used to be a Member of the Senate, but he was not a Member of the Senate last year when he cast that tie-breaking vote. He was the Vice President of the United States. He is not a Member of the Senate. So we had to depend on the Vice President of the United States, who is the Presiding Officer over this body under the Constitution, but not a Member of this body. We had to depend upon him to get us across the line, and he just barely got us across. In other words, we got 51 votes out of 101 votes by having the Vice President.

So do not let it be said that getting a three-fifths vote is always easy. It is not. It is not easy to get cloture always. My good friend from Illinois, Mr. SIMON, will remember the stimulus package of last year. He and I supported that stimulus package, but we were never able to get 60 votes to stop a filibuster on that stimulus package. Eight times I tried to get 60 votes when I was majority leader in the 100th Congress to invoke cloture on legislation dealing with campaign financing. I was not able to do it, eight times. Robert de Bruce, a king of Scotland in the 14th century, tried the 7th. He succeeded on the seventh time. ROBERT BYRD tried eight times and never succeeded. I knew that we would not produce that 60 votes. So it is not always easy to produce a supermajority vote.

As I said last evening, and I shall emphasize today, placing these new supermajority requirements into the Constitution is contrary to majority rule, and majority rule is a fundamental principle underlying our Constitution. It is a fundamental principle underlying a representative democracy. In a democracy, the majority rule. That is a basic undergirding principle in the Constitution of the United States. This amendment would violate that majoritarian principle.

We have five instances in the Constitution in which there is a supermajority vote required. Article V of the Constitution provides for the amending of that organic document by a supermajority. The Constitution also requires a supermajority requirement to override a Presidential veto. It requires a supermajority vote in the Senate to approve the ratification of treaties. It requires a supermajority in either House to expel a Member, and it requires a supermajority in the Senate to convict a President or any other Federal officer under an impeachment proceeding.

Well, why can't we add another supermajority? That is what the distinguished proponents of this amendment are saying: Why can't we add another one?

Mr. President, there is a great difference in the subject matter of the supermajorities that are required in the Constitution and the new supermajority that would be written into

the Constitution as a requirement under this amendment. The supermajorities that are in the Constitution deal with matters concerning which, if the supermajority is not secured, then the status quo remains and the status quo is acceptable. If we do not get a supermajority in the Senate, two-thirds, to approve the ratification of a treaty, well, we just won't have that treaty. We will go on as we did before.

If we do not get a supermajority in the Senate to convict a person who is impeached, well, things will go on as they were. The status quo will govern.

If we do not get a supermajority to override a Presidential veto, the bill that he vetoed is back at the starting gate. We were unable to override his veto. We stick to the status quo. We start all over again. We try again the next year to pass the bill. We have done that before—pass bills in successive Congresses, bills which were vetoed but we came back and tried them again. So the status quo is acceptable.

In the case of the expulsion of a Member, if we do not get the two-thirds, he or she remains a Member.

The underlying status quo remains if we fail to get those supermajorities that are written into the Constitution. In the case of article V, that supermajority has its own rationale. If we cannot get two-thirds in both Houses to adopt a constitutional amendment, the rationale is self-explanatory. As to convicting an impeached officer, that two-thirds requirement is for the protection of the checks and balances principle. Who would say that we should convict the President of the United States, the Chief Executive, by a majority vote? The framers did not believe it ought to be that easy. They were thinking about checks and balances.

It would be easy to rupture the checks and balances between the executive and the legislative branches if the House could impeach a President and the Senate could convict him by a majority vote. Thus, there is a check-and-balance principle in that requirement for a supermajority to convict the Chief Executive or any other executive officer. The same exists with regard to impeaching Supreme Court members or other Federal courts. A two-thirds supermajority is required to convict. Again, that principle derives from the principle of checks and balances in our Constitution.

Now, we are talking about nailing into the Constitution a new supermajority requirement dealing with economic policy. Checks and balances are not involved.

(Mr. DORGAN assumed the chair.)

Mr. BYRD. In this case, we are talking about microeconomic policy when we talk about balancing the budget, whether we have to raise taxes, whether we have to cut spending or have both. And we are talking also about a

circumstance that may be very desirable at one time but very undesirable at another, a balanced budget at one time or another is desirable. But there are times when it is not desirable, as in the case of a recession. In the Eisenhower administration, the Eisenhower administration went quickly from a \$3 billion surplus to a \$9 billion deficit. It did so within four quarters. And so there are times in a recession when a balanced budget is not needed or desired.

On another day, I expect to talk about the power of the purse. I may wish to talk a little about English history on that occasion.

Today, I wish to make reference to a very great fear that I have, the fear being that if this amendment is adopted and if it is ratified by the necessary three-fourths of the States, it will have the inevitable result of bringing the courts into the equation.

Oh, you say, they will not come into it. They do not get into a political thicket. Well, it is not just that it is a thicket. It is a political thicket. But the courts in recent years have been showing a proclivity to get into those political thickets.

We would have an amendment to the Constitution that says in section 1: "Total outlays for any fiscal year shall not"—no maybe, no perhaps—"exceed total receipts for that fiscal year."

No ifs, ands, or buts.

Total outlays for any fiscal year shall not exceed total receipts for that fiscal year.

I will pause right there.

So the American people are going to be told we have balanced the budget now. We passed the balanced budget amendment. What a great day this is. We have at last now had the courage.

I hear it said that we need courage to vote for this amendment. You talk about where courage is needed. You vote against this amendment. That takes courage. Vote for it. That is easy, because it sounds good. It does not raise one dime, not one thin dime, not one dime that has worn so thin you can almost see through it. Not one thin dime in taxes does it raise, nor does it cut one copper penny out of any program. How easy!

Why had I not thought about it before? My, what a great idea this is. We just adopt this little piece of paper.

Where is that little piece of paper? Here it is. How easy that is. Adopt that little old piece of paper and you mean to tell me we are going to balance our Federal budget? Yes, sir, because this little piece of paper says so. Section 1:

Total outlays for any fiscal year shall not exceed total receipts for that fiscal year.

Well, let us see what another section says.

Now, another section of this amendment says that Congress shall have the power—section 6 I believe it is—yes, section 6. All in this same little piece of paper. Section 6:

The Congress shall enforce and implement this article by appropriate legislation which may rely on estimates of outlays and receipts.

In the first section, we say:

Total outlays for any fiscal year shall not exceed total receipts for that fiscal year.

Section 6 says, well, we do not exactly mean what we say in section 1. Congress is going to have to enforce this by legislation, and it says, in section 6, no, we will not balance the budget. What we will do is balance the estimates. We are going to balance the estimates. Section 1 says we are going to balance the budget. We are going to balance outlays and receipts to the penny. We go over to section 6. Well, we do not quite mean that. We need only to balance the estimates.

"Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates"—estimates, estimates—"of outlays and receipts."

The Constitution does not say that a particular bill requires a different procedure from any other bill, except it says that revenue bills shall start in the House. The House shall initiate revenue bills. That is the only instance, regarding bills, in which there is a difference in process required by the Constitution between the two bodies. Revenue bills shall be initiated in the other body, the House, but the Senate may amend such bills, as in the case of other bills.

We passed a crime bill in this body last year. It has not been enacted into law yet. But suppose in that crime bill there are certain receipts, or in the Interior appropriation bill there are certain fees collected from visiting parks or whatever. Wait a minute. When is a fee a fee, and a fee a tax?

I have been reading about some disagreement between the President of the United States and CBO with respect to health care legislation. CBO says that an employer mandate would be a tax. The President says, oh, no, that would not be a tax.

Now, as Alexander Pope said, "Who shall decide when doctors disagree?" Well, when we have a disagreement of that nature, and we have this amendment written into the Constitution, who is going to decide? The courts. The courts are going to decide. Why? Because the Constitution is law. It is positive law. It will trump any other law passed by the Congress, any law. The Constitution is the supreme law. And judges, Federal and State, take an oath to uphold that Constitution.

While they may sometimes find ways to avoid getting into thickets dealing with some political questions, one thing they will not avoid is the aggrandizement of power by one branch over another. They are sworn to uphold the law, the law being the Constitution. And it is the responsibility of the judges to interpret the law. With this

amendment to the Constitution, the courts will become an active player. When the judicial branch gets involved in taxation and appropriations, then my friend, Mr. SIMON, who spoke about "taxation without representation," you will have it. When unelected judges, who are appointed for life, get into that matter, you will have taxation without representation. The people would say, who elected those judges to impose taxes on us?

So a citizen, or a group that has standing would go into the court and say, well, this park fee is a tax, or the money generated in this crime bill, that is a tax. And under this new amendment to the Constitution, bills raising revenues are required to have a majority of the whole membership of both bodies. That crime bill did not have such a majority. Moreover, they would allege, if it were the case, that the Crime bill—which raises revenues—did not start in the House where the constitution says revenue bills shall begin. It started in the Senate. Moreover, it did not have the Constitutional majority of 51 percent of the whole membership of both Houses. So, Mr. Judge, this bill that imposes this tax on me is not constitutional. Section 7 of article I of the Constitution says revenue bills are to be initiated in the House. Well, I think the judges would have to agree.

In some instances, the President's advisers would say, well, now, Mr. President, section 1 of this new amendment that has been riveted into the Constitution states that outlays shall not exceed receipts. Those men and women up on the Hill, they argued, they went around and around on the head of a pin, but they have not acted to bring outlays and receipts into balance. They have not lived up to the Constitution. Therefore, it is incumbent upon you because you have the sign on your desk, Mr. President, "The Buck Stops Here." You should impound moneys.

Oh, the President might say, "I cannot do that. Don't you remember the Budget Impoundment Act of 1974? That says I cannot impound money."

Oh, but, Mr. President, his advisers would respond, the Constitution is the supreme law. This new provision in the Constitution trumps the 1974 act. You have a responsibility to uphold this Constitution. So you should impound the funds.

Heretofore, the President's advisers have said that he had inherent powers as Commander in Chief to impound or to exercise a line-item veto or to rescind. They will no longer make that argument. They will say that the new constitutional amendment gives him that power.

So, the President may order the Social Security Commissioner not to send out the Social Security checks or to reduce the payments in order to bring outlays and receipts into balance.

He may also decide to include veterans' compensation checks, or to close down a number of veterans hospitals, or whatever. A recipient of Social Security payments will say, "By law, I am entitled to have the full payment I have been used to getting. And look at my new check here. It has been reduced 20 percent, or 10 percent, or whatever. I want what is due me."

Therefore, the courts may order Congress to raise taxes. Taxation without representation? Yes. We fought one war over the principle of "taxation without representation." We may have to fight another one.

The courts, the most ill-suited branch of the Government, get into the complex matter of balancing budgets—deciding what constitutes an "outlay" or a "receipt," what is "off budget," what is "on budget." The courts are most ill-suited for that. They are not equipped to do that. Those are questions meant to be left to the elected representatives of the people.

Judges do not stay in contact with the people, as do politicians in Congress. They are not like the itinerant justices in the time of Henry I, who reigned in England until 1135, or Henry II, who reigned from 1154 to 1189. Henry II increased the number of itinerant justices from the curia regis who went out into the shires in the country and held court. He also increased the number of writs, because that was additional money for the crown.

Members of the Federal and State courts, honorable though they be, are not equipped for that job. They are very ill-suited. But, this amendment places, ultimately, the most ill-equipped, ill-prepared branch of the Government in charge of balancing the Federal budget. I am very, very concerned about that.

We have been quoting Hamilton and Jefferson and Madison and George Washington. Well, Hamilton was conservative. He liked the idea of having a strong Executive. He was one of the 39 signatories of the Constitution. What did he say in the Federalist Papers, No. 78? Hamilton and Jay and Madison decided that in the State of New York they would need to write essays that appeared in various papers in New York State in support of the Constitution. The vote was going to be very close in New York on ratifying the Constitution. In Federalist 78, Hamilton said:

The executive not only dispenses the honors but holds the sword of the community. The legislature not only commands the purse but prescribes the rules by which the duties and rights of every citizen are to be regulated. The judiciary, on the contrary, has no influence over either the sword or the purse

The judiciary is, beyond comparison, the weakest of the three departments of power.

That is not ROBERT C. BYRD talking. That is not the owner of the little dog Billy Byrd talking. It is Alexander

Hamilton. What did he say? He said the judiciary is, beyond comparison, the weakest of the three departments of power.

What would this amendment to the Constitution do to Hamilton's prescribed role as set forth in Federalist No. 78? It would stand it on its head and it would place into the hands of that so-called weakest of the three departments of power the most complex matters involving fiscal and budgetary policy, which were intended to be left in the hands of the elected representatives of the people. It should give every Senator cause for concern. A case in West Virginia would be proceeding at a certain pace; there would be a case in Illinois proceeding at a different pace; there would be a case in North Dakota proceeding at a different pace. When one considers all of the things that happen in court cases—discovery, arguments, appeals, and on and on—one can understand that those cases, once they are finally decided, may be different in their rationale, different in their results, and it may take years to decide questions that were intended to be debated and acted upon in Congress within a few weeks or months.

Talk about a mare's nest of confusion; talk about opening a Pandora's box—you have it here.

Do we want, ultimately, nine black-robed judges ordering tax increases?

Oh, you think it will not be done? Well, just ask former Senator Thomas Eagleton of Missouri if it can be done. He will tell you to look up the case of Missouri versus Jenkins. It is possible under this amendment.

This amendment will damage the legislative branch, and I will have more to say about that at another time.

Mr. CONRAD. Will the Senator yield for a question on the point the Senator is making?

Mr. BYRD. Yes, just in one moment, then I will yield. Let me finish my sentence.

This will damage the courts. What will be the credibility of the courts? How much respect are the people going to have for black-robed justices who require the legislative branch to raise taxes; unelected justices? Their decisions would meet with cynicism if they began to order tax increases and funding cuts to enforce this amendment.

The judiciary is going to be irreparably harmed, the executive will be harmed, and the legislative branch will be harmed.

I hope that Senators will not look upon this vote as a throwaway vote or as a vote for which they can escape responsibility. They are going to be saddled with a heavy responsibility if this amendment is ever adopted.

Yes, I am glad to yield to the distinguished Senator.

Mr. CONRAD. I have been following this debate very carefully. I have found that one of the concerns I have about

the amendment that is before us tracks very closely with the concern that has been outlined by the President pro tempore with respect to the question of the courts becoming involved.

One of the things I have thought about is, as you examine how the courts handle issues of this complexity, it is conceivable to me that under the provisions we have provided in this amendment we might wind up having a determination of the fiscal 1994 budget in 1995.

Mr. BYRD. Absolutely.

Mr. CONRAD. I think it would be most unwise to have a situation in which the courts would have the final power of the purse, perhaps not to decide by line item the budgets of the United States, but as the Senator from West Virginia points out, they might find themselves in a position of ordering across-the-board cuts, they might be in the position of ordering across-the-board tax increases. Is that not conceivable?

Mr. BYRD. Indubitably; absolutely.

May I say that as the chairman of the Appropriations Committee and as the chairman of the Appropriations Subcommittee on the Department of the Interior, I have found in my experience that in order to stay under the caps, in order to stay within the allocations of my subcommittee, the easiest way to do that and, as a matter of fact, the only practical way to do it is to have an across-the-board cut.

The courts may say, "Make it across the board." Then who says Social Security cuts will not result? Who says that veterans compensation payments will not be cut? They can all be cut under this amendment.

Finally, let me say—then I will yield again—no agency, no department, no program, no activity of the Federal Government will be immune from being cut—defense, domestic discretionary, entitlements; everything except interest on the debt.

I yield to the Senator.

Mr. CONRAD. Is it the case in the legal matter that involved the State of Missouri that the Federal courts ordered tax increases for the purposes of schools?

Mr. BYRD. Yes. It involved a civil rights matter in the educational field. The Supreme Court ruled that tax increases could be required of a school district. And the Court reserved to the Court itself the ground of levying that tax if necessary.

Mr. CONRAD. Of course, no one ever elected any judge or, for that matter, selected any judge for the purpose of making budget determinations in the Federal Government?

Mr. BYRD. Absolutely not.

And judicial nominees, when they come up before the Senate, do not want to answer a question on this or that. If you ask them how they feel about capital punishment, they do not want to

answer the question because they may have to render a decision on it.

"Now, what is your position, Mr. Nominee, when it comes to imposing taxes in order to enforce section 1 of this new amendment?"

"Well, I might have a case come before me."

I daresay, if this amendment is agreed to, I would be very reluctant to support any judicial nominee who does not indicate to me, one way or another, before I vote, how he is going to stand on this matter.

Mr. CONRAD. If I could I inquire further, I must say I share the Senator's concern about involving the courts. I think that would be most unwise. It would dramatically change what our forefathers handed to us in terms of a constitutional document, the separation of powers which is fundamental to the success we have enjoyed for 200 years in this country.

Is it conceivable to the Senator that there is any perfecting amendment that could be offered to the legislation before us that would take the courts out as the final arbiter?

Mr. BYRD. Yes, it is conceivable. I think it would have to be offered to the amendment rather than at such time as the matter comes back to the Congress to be resolved by legislation. Because if it were put into legislation, then that would probably be unconstitutional in view of the fact that this constitutional amendment did not authorize it.

Yes, I think that would be conceivable.

Mr. CONRAD. Could I ask one other question, and that is on the previous chart with respect to section 6.

Mr. BYRD. Let me again respond to this question before we go to another.

Yes, in this constitutional amendment we could include a provision that would preclude the Federal and State courts from any such involvement here or we could lay down certain limitations.

But, Mr. President, as Chief Justice John Marshall said, "Let us not forget that we are expounding a Constitution."

Let us not forget, if I may paraphrase, that we are amending a Constitution.

Now, to have an amendment here limiting the courts and precluding the courts from becoming involved, would only deal with half of the problem. It does not keep the Executive from exercising the power of the purse. If the courts cannot intervene, it only increases the likelihood that the President himself will take the bull by the horns and say, "I will impound these funds. I will line item this out. I will rescind this and this and this and this," and, as a result, the President acquires a control over the purse that he does not have in the Constitution that has come down to us. Con-

sequently, I would consider that as mortal a danger to the separation of powers and checks and balances as if the courts intervened.

Mr. HATCH. Will the Senator yield?

Mr. BYRD. Let me continue to yield to this Senator first.

Mr. CONRAD. If I might go to the second question, because section 6 also is a great concern to this Senator. It is a concern to me because the language says, "the Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts." I would like to inquire of the Senator, does that not put us back much in the condition that we faced with respect to Gramm-Rudman that held out the promise of a process which would lead us to a balanced budget over a 5-year period? What we found was there was a gigantic loophole in that legislation. The loophole was you could base it on estimates or projections. And we got "Rosie Scenario."

Mr. BYRD. Yes.

Mr. CONRAD. Good old "Rosie Scenario," in which every year we were presented with estimates that simply overestimated revenue, underestimated expenditures. And for the purposes of meeting the requirements of the legislation, once we had passed through the budget cycle and met the projections, we had done the job. And of course the result was the deficit grew geometrically.

Does that not subject us to the same danger with section 6 of this amendment?

Mr. BYRD. It does. But in that instance we were finding a way around a statute. Here we are finding a way around the Constitution of the United States.

In section 1 we say outlays shall not exceed receipts. In section 6 it says, oh, well, we do not really mean that. "Congress shall enforce and implement this article by appropriate legislation * * *" which will balance—not the budget, not balance outlays and receipts, actual outlays and receipts because they can only be balanced after the close of the fiscal year, and I mean a few weeks after the close of the fiscal year, because it is only then that we really understand what the outlays and receipts are—but this will say we do not really have to balance the budget, we can just balance the estimates of outlays and receipts. And we have seen what happens when we deal with estimates.

Mr. CONRAD. And, perhaps, not delivering the promised result at all?

Mr. BYRD. Not delivering the promised result at all.

Let me cite to the Senator what the committee report says, the Judiciary Committee report. When it reported this amendment to the Senate it also submitted its report on the amendment. So here is a chart titled, "What

Does Section 6 Mean?" That is the section we were just talking about, which allows the Congress to balance the estimates, which is not what the people are being told at all. Those estimates may be off by billions of dollars—tens of billions of dollars.

Mr. CONRAD. And have been in the past.

Mr. BYRD. And they have been in the past. We have never seen any estimate—and this is not the fault of the CBO or the OMB. It is just impossible. Only God—only God—and He is not being called upon in this debate, He is not going to be asked by the courts—

Mr. HATCH. Yes, he is.

Mr. BYRD. Only God can say, prior to the end of a fiscal year, what the outlays are finally going to be and what the receipts are going to be.

What does section 6 mean, then? The Judiciary Committee reported this constitutional amendment which says two things, balance the outlays and receipts in section 1; balance the estimates of outlays and receipts in section 6.

So there has to be some explanation. Well, what does section 6 mean? Reading from the report.

"This provision gives Congress an appropriate degree of flexibility * * *" Section 1 did not give—

Mr. CONRAD. Any flexibility.

Mr. BYRD. Any flexibility. But "This provision gives Congress an appropriate degree of flexibility * * *" What is an appropriate degree? " * * * in fashioning necessary implementing legislation. For example, Congress could use estimates of receipts or outlays at the beginning of the fiscal year to determine whether the balanced budget requirement of section 1 would be satisfied, so long as the estimates were reasonable * * *" What does that mean? " * * * so long as the estimates were reasonable and made in good faith."

Again, let me refer to the all-knowing, omniscient, omnipresent, omnipotent God. Only God knows what we are saying—what is in good faith. I cannot tell whether the Senator is acting in good faith. He does not know whether I am acting or speak in good faith. But so long as they are reasonable and made in good faith, Congress, then, could say that the requirement is satisfied.

"In addition, Congress could decide that a deficit caused by a temporary, self-correcting drop in receipts or increase in outlays during the fiscal year would not violate the article." So Congress can say that the article is not violated. Congress could say that it is all right to violate it.

"Similarly, Congress could state that very small or negligible deviations from a balanced budget would not represent a violation of section 1." How much is small? In a budget this year of \$1.474 trillion, how much is small?

Fifty billion dollars? Five billion dollars? Ten billion dollars?

Fifty billion dollars would be small in a \$1.474 trillion budget. That is small, is it not? Fifty billion dollars is small? It only constitutes 3.3 percent of total budget. That is small.

We have given you one way to get around this. We have given you two ways. We have given you three ways. Here is another way.

"If an excess of outlays over receipts were to occur, Congress can require that any shortfall must be made up during the following fiscal year." So you can just roll it over.

Suppose the following fiscal year there is a shortfall? Then we merely compound the problems in that subsequent year by rolling over the shortfall in the preceding year. So the committee report itself anticipates that the budget will not be balanced.

Mr. CONRAD. Might I just pursue this a bit further and ask the Senator if, in fact, this would not appear to be ripe for further court intervention? That is, what is reasonable? What is in good faith? What represents very small, or negligible deviations? Would any citizen have standing to go to the courts to question whether or not what was adopted by the Congress represented, in fact, a constitutionally acceptable definition of reasonable good faith?

Mr. BYRD. I do not think that the standing would necessarily be a major problem in a matter of this kind. Some citizens or groups or Members of Congress themselves might have standing.

The point is that somebody somewhere will find a reason to go into court, and the courts will take that case. They will take that case. As one who used to play a few tunes on the fiddle, there was a tune called the "Fiddler's Dream." This amendment is the lawyer's dream, the litigator's dream. You talk about improving the economy. This amendment will really improve the economy insofar as litigators and lawyers are concerned. A lawyer's dream. Yes.

Mr. CONRAD. In fact, we might have a whole budget section over at the Supreme Court. You might see an exodus of the budget experts on Capitol Hill. We would be in a contest with our courts now to have their own budget experts.

If I can make one further inquiry, and that is with respect to what States that have a balanced budget amendment do to avoid or evade the requirements of a balanced budget amendment.

I would be interested in the perspective of the chairman of the Appropriations Committee on what States do. I just had a conversation with a fellow Senator from another State who said in his State they have a balanced budget amendment but they get around it by having off-budget items in which

they go to a taxing district, or some other district that is permitted to issue bonds, to take on debt and then they service that debt by having payments made to that other entity. It is not State government strictly speaking. By that artifice, they avoid the requirements of a State balanced budget amendment.

In fact, I just read last night a study that indicated the vast majority of States that had a balanced budget amendment in fiscal year 1991 actually spent more than they took in. In other words, the vast majority found ways around the balanced budget requirements they have in their own Constitutions by this method of taking things off budget, by shifting the timing of spending and by other artifices that they have creatively, I might say, conjured up. Is it the Senator's understanding that is the case with respect to States?

Mr. BYRD. Yes, that is my understanding. The States—most of them—operate on two budgets: An operating budget and a capital budget. The capital budgets do not have to be balanced and most of the time probably not balanced, and the operating budgets are not always balanced either. States do resort to various gimmicks.

In addition, the States are unlike the Federal Government. Just lay down the constitution of the State of West Virginia and compare that constitution with the Federal Constitution. In the first place, the constitution of West Virginia would be about seven or eight times longer than the Federal Constitution. It goes into all kinds of detail.

In the second place, the constitution of West Virginia does not have to deal with the common defense, the common welfare of this country, national economic policy, international relations, treaties with other countries, interstate and foreign commerce, the raising and supporting of armies, the providing and maintaining of navies. States do not have those things to worry about.

They do resort to all kinds of ways. They put items off budget or they will mandate the counties or the municipalities to carry out some function or program; thus, it does not show up as an outlay on their budget. The Federal Government will resort to the same thing if this is ever included in the Constitution; it will be. And then what happens? The lack of confidence that the American people have today, the cynicism that is prevalent throughout this country will be increased manifold because they will see that those Senators did not really mean what they said when they adopted this constitutional amendment. They did not balance the budget.

What did they say? They said it is all right to balance the estimates. What did they say? Who will enforce it? This

amendment says that the Congress shall enforce it. Well, that is where it is right now. My friend, Mr. SIMON, in essence says: "These Senators get around these statutes; they play games with the statutes; they will amend the statutes; they will say one thing on Gramm-Rudman and the next year they will change that statute and make it say something else. So we have to have something to force us," Senator SIMON says, and other Senators who are supporting this amendment say, "We have something to force us, we have to have this little piece of paper here to force us, to give us the courage, because otherwise we Senators play games. But if we get this constitutional amendment, we know we cannot play games."

What makes you think so? The amendment itself says that Congress shall enforce through appropriate legislation, through statutes which can be amended by us weaklings who need this piece of paper to be strong. Why take 7 years to say—the old tune: 7 years with the wrong woman. Here we are going to have 7 years sending this amendment out to the people to be ratified by their legislatures and after all that time, it comes right back here, where it is now; here among we Senators who cannot be trusted, who do not have the courage, who do not have the backbone, who do not have the spine; we will get around statutes, but the amendment says that is how it is going to be done, enforced by the Congress through appropriate legislation.

Mr. CONRAD. Can I ask, is there any way, in the Senator's judgment, that using estimates, which I think at least some of us see as the Achilles' heel of what is before us because of our experience, bitter experience, with Gramm-Rudman which held out so much promise to the American people and failed so completely, is there any way in the Senator's judgment that that defect could be corrected and be workable?

Mr. BYRD. If this balance is done on the basis of estimates, there is no estimate that will ever be accurate.

Mr. CONRAD. In fact, this would encourage inaccurate estimates?

Mr. BYRD. It would encourage inaccurate estimates, and all of the estimates going over the past 10 or 12 years, as I showed on the chart earlier, are off. Some revenue estimates are overly optimistic; others are not. Some outlay estimates are overly optimistic, others are not. The point being that they are always off, one way or the other. To depend upon estimates is a very weak reed upon which to lean.

So the people are going to be chastened and disappointed. We are being given wiggle room, may I point out to the Senator, when we can use estimates, when the Congress can use estimates under section 2. The President is not being given that wiggle room. There is a section in this amendment

which says that the President shall send up a balanced budget. It does not say anything about using estimates.

So the President is being ordered to do something that is far different from what his responsibilities are under the Constitution. He is being ordered to say, whether you like it or not or whether you believe it or not, you have to send up a balanced budget.

Now, from time to time around here some of us have voted the President should send up a balanced budget. The truth of the matter is we played politics when we did that. We tried to point out no President has ever sent up a balanced budget in the last several years, so we played politics. Well, that was a statute. This is the Constitution. This amendment says the President cannot send up what he believes is an honest budget because if he exercises honesty and truth, he is going to have to point out the budget is not going to be balanced. But he is ordered here to send up a balanced budget, a budget in which the outlays will not exceed receipts.

Suppose the President believes that the economic situation is such that there needs to be an unbalanced budget; there is a recession coming on and it will get worse if he does not exercise the countercyclical fiscal tool that has been available to him.

So he may think he ought to send up an unbalanced budget, but he is going to be ordered by this amendment not to do that. Send up a balanced budget in which the outlays do not exceed receipts. That is going to damage the President. It is going to make him a weaker President, and it will do that harm to the checks and balances and separation of powers of the Constitution.

Mr. CONRAD. I thank the Senator for his answers.

Mr. BYRD. I thank the Senator.

Mr. SIMON. Will my colleague from West Virginia yield for 60 seconds, charge it to my time, to also respond to my friend from North Dakota?

Mr. BYRD. Yes. Yes, I will be happy to.

Mr. SIMON. And I will get into the court matter on my time. But the reality is you have to have some form of estimates. And the way that becomes tough—in fact, according to the Senator from West Virginia, too tough—is it takes a three-fifths majority to increase the debt limit. So we cannot play games on this matter of estimates. We are going to have to be realistic. And I think that balance is a good one in this amendment.

Mr. CONRAD. Might I inquire on the Senator's time?

Mr. SIMON. Mr. President, I did not mean to be taking the floor from Senator BYRD.

Mr. BYRD. That is quite all right.

Does the Senator have a question?

Mr. CONRAD. I do. I would not want it to come off the time of the Senator

from West Virginia. I really have a question for the Senator from Illinois.

Mr. BYRD. I will yield my time for the Senator to ask the question. The Senator from Illinois may answer it on his own time or he can use my time, too.

Mr. SIMON. I will answer it on my own time, yes. I thank the Senator from West Virginia.

Mr. CONRAD. The great concern I have—and the Senator from Illinois has been a great ally on the Senate Budget Committee. We have been two who have tried to push for reduced deficits in the period that we have served on that committee together. I just say to him, one of the great concerns I have is what appears to be reasonable on its face, when turned into what we deal with in the budget process, becomes quite different, and that is when you rely on estimates there is so much room for monkey business. And we have experienced it.

With Gramm-Rudman, every year—every year—they would send us a budget that was a total fiction because we knew the estimates that were behind the numbers were false. We knew that they were "Rosie Scenario" with respect to interest rates, with respect to economic growth, with respect to unemployment. So what appeared to be something that was in compliance was, in fact, an absolute fiction and did nothing more than mislead the American people that somehow we were on a course that was going to deliver deficit reduction, and instead resulted in dramatic increases in the deficits.

I am very worried that we have the same prospect here.

We talk about the debt limit. Let me just say that with respect to the debt limit, when you get to the crunch, the question then becomes to every Member in this body, are you going to shut down the Federal Government? Over and over I have been in the position of wanting to stand up and say, "No, filibuster a debt limit, stop it dead in its tracks." And every time my staff comes in and says, "Senator, if we do that, you shut down the Federal Government. You keep the Social Security checks from going to your grandparents. You stop the person from getting Medicare that is in a life-threatening situation. You shut down the functioning of America."

So I really wonder at the end of the day if we have really accomplished what we think.

Mr. SIMON. If I may respond, first, this changes the dimensions of what you do in the Budget Committee. We are not dealing simply with a statute. The Senator and I took an oath when we stood up there to protect the Constitution. This is now part of the Constitution. And when we put that budget together, we know we are not dealing with a statutory thing. We are dealing with requirements that are tough.

There is no question it is tough. The Senator from West Virginia said it is tough.

But that, I think, will force reality onto us. It does not mean we are always going to guess right. The Senator from West Virginia is absolutely correct. It is difficult. But I think there will be a different tone of reality in the Budget Committee with this kind of provision in the Constitution.

Mr. BYRD. Mr. President, may I say to my friend from North Dakota, the Senators who are elected today are supposed to understand reality and what it means. When we write this amendment into the Constitution, who is going to decide what reality is? Under section 6, the Congress, Senators, House Members, are going to legislate. They are going to implement this amendment by appropriate legislation.

Now, I hope to be around here, and I expect to be, if it is the good Lord's will—and I am running again this year so I expect and hope that it will be the people's will of West Virginia. What is there in this little piece of paper, this is a constitutional amendment we are debating, what is there in this piece of paper that will enable me to understand reality more than I understand it now? What is there in this piece of paper that will make me face up to reality more in the year 1999 or the year 2000, or the year 2001 than today?

This is the philosopher's stone, my friend would say. This is the magic potion. This is the silver bullet. Somehow or other we will understand reality more. Somehow or other we are going to have more courage in 1999. Somehow or other we are going to be forced to face up to reality.

It is somewhat ironic for me to think that that little bit of paper is going to make any difference, when it is the same people who are managing the budget and fiscal budget in this body today who are going to be managing it in 1999. Maybe not to the individual, but the same group of people.

So let me on this point read these excerpts from testimony before the Appropriations Committee, the hearings on the balanced budget amendment. Gimmicks will occur. Stanley Collander, director of Federal budget policy of Price Waterhouse testified as follows:

The reason a constitutional amendment will fare no better than a deficit elimination state is that there are too many ways for the seemingly straightforward balanced budget requirement to be avoided, circumvented, and evaded.

Of all the gimmicks that would be used to thwart the amendment's goal, Mr. Collander concentrated on 5. The first one he called "the return of the 'Rosie Scenario.'"

The Senator from North Dakota referred to "Rosie" a little earlier, so

"Rosie Scenario." The first one Mr. Collander called the return of the "Rosie Scenario." That is the use of overly optimistic economic assumptions such as occurred during President Reagan's presidency under OMB Director Stockman.

Second, he, meaning Mr. Collander, cited the likely tactic of changes in accounting so that outlays would be pushed into future years. An example would be a return to more costly leases by the Federal Government of its buildings and equipment in order to avoid the larger outlays that would occur from purchasing these items.

Third, shifting of revenues and outlays from one year to the next in order to avoid a deficit, delayed obligations, a method already used in the budget, one which Senator BYRD fights against.

Fourth, Mr. Collander says one of the biggest gimmicks would be for the Federal Government to do things through regulations or mandates rather than through spending or taxing. A strong incentive would exist to mandate that State or local government or businesses do certain things rather than the Federal Government spending its dollars for foregoing revenues to accomplish the same ends.

Five, would be the gimmicks of selling Government assets. They, for example, would involve sale of our national parks to private developers and then leasing them back. This would allow revenues to go up and thereby help meet the balanced budget requirement.

Mr. Collander is pointing out the gimmicks that will occur. Yes, in answer to the question of the Senator from North Dakota, the Federal Government will resort to gimmicks. And it will mandate to the States—and the Governors of the States are already screaming about the Federal mandates. Well, just wait until this amendment becomes a piece of that great document, the Constitution of the United States, and see how the Federal Government mandates the States to fund this program or that program, Medicaid, whatever. The Federal Government will use the same gimmicks that the States use.

The distinguished Senator from Utah asked me to yield. I would be happy to yield for a question.

Mr. HATCH. If the Senator will yield, I was concerned.

Mr. BYRD. I will be glad to yield the floor.

Mr. HATCH. If the Senator would, I would like to speak for just a few minutes on the points the distinguished Senator made.

Mr. BYRD. I would be happy to yield the floor. I thank the Senators for their patience, and I thank the Senator from North Dakota for his questions.

Mr. HATCH. I thank my dear colleague from West Virginia and appreciate the comments that he has made.

I also appreciate my colleague from North Dakota and his concern about this amendment because we are all concerned. We want to do what is right here. We want to get our country back in order and get spending under control.

But on a couple of legal matters, I think it would be well if I addressed them for just a few minutes because he has raised some very interesting questions, and others have raised the concern that the balanced budget amendment will give the courts the power and authority to raise taxes.

The concern, I believe, lies in regard to a recent Supreme Court decision, *Missouri versus Jenkins*. In that case, in 1990, the Court in essence approved a lower court remedial remedy of ordering local, State, or county political subdivisions to raise taxes in order to support a court-ordered school desegregation order.

That is what happened in that case. Intentional segregation in violation of the 14th amendment's equal protection clause had been found in the lower court in a prior case against the school district. So there was, in effect, intentional segregation found by the lower court.

The question the distinguished Senator, it seems to me, has raised is would this balanced budget amendment allow a Federal court to order Congress to raise taxes to reduce the budget? I think the answer is clearly no. For instance, I would just say first, *Jenkins* is a 14th amendment case. Under 14th amendment jurisprudence, Federal courts may issue remedial relief against the States. However, the 14th amendment does not apply to the Federal Government.

So, literally, that is why they can do it in that case. I do not agree with what they did in that case. I think it is a horrendously bad decision. But that would not be a precedent pursuant to which courts would be able to force Federal taxation through the courts on the American people pursuant to this balanced budget amendment. That is No. 1.

Second, Congress cannot be a party defendant. In order for taxes to be raised, Congress would have to be a named defendant, and in this case, of course, it could not be. Presumably, suits to enforce the balanced budget amendment would arise when an official or agency of the executive branch seeks to enforce or administer a statute whose funding is in question in light of the balanced budget amendment.

I would point out the *Riegle v. Federal Open Market Committee* case, which said, "When a plaintiff alleges injury by unconstitutional action taken pursuant to a statute, his proper defendants are those acting under the law—and not the legislators which enacted the statute." And the court cited

Marbury versus Madison as a precedent in making that decision.

The executive branch official, however, cannot be ordered to raise taxes, because he or she does not have the authority to do so. So there is no way that the Supreme Court is going to order the payment of taxes. And the *Jenkins* case is distinguished because of the 14th amendment.

Finally, under section 6 of the balanced budget amendment, which is the enforcement mechanism, Congress can limit the type of relief granted by Federal courts to declaratory judgments and thereby limit court intrusiveness into the budget process. This authority arises out of article III's delegation to Congress to power define and limit the jurisdiction of the lower Federal courts.

Having said all of that, let me just mention that there is much more that can be said on the role of the Federal courts that would make it very clear that there is just no way that they are going to be able to impose taxes based upon this particular amendment.

But I want to bring to the attention of my dear friend from North Dakota that we are working on an amendment right now, the distinguished Senator from Illinois, others, and myself, with Members of the House. The problem with the balanced budget amendment is getting a consensus, and a constitutional consensus at that. If any of us could write it just exactly the way we want to, it might be different in one or two respects. But we are talking about a consensus amendment that has to get a two-thirds vote, and it has to be bipartisan. We have to work together on it. In this case, we have to have Republicans in order to get this passed. And probably a majority of those who vote for it will be Republican because it has always been an effort on our side.

But to make a long story short, we Republicans cannot pass the amendment by ourselves, and neither can any Democrats do it by themselves. So what we are trying to do is accommodate our colleagues, like the distinguished Senator from North Dakota, by finding language that will resolve this problem in their minds even though all of the law on the books flies in the face of the Supreme Court exercising jurisdiction—unwise jurisdiction—in these matters.

In order for courts to exercise jurisdiction, they would have to meet three standards that they themselves have set up. They would have to find standing, and you cannot find any case that would show they would grant standing in this type of case. They would have to find justiciability. And they would have to avoid "political questions." They cannot get by all three of those. They know it, we know it, and anybody who studies constitutional law knows it.

There is room to raise a "what if." In the case of Bob Bork, in his letter ex-

pressing concern about the amendment, he basically raises a "what if." He says, "I don't think the courts are going to do this, but what if?" What if you get a bunch of judges who are irresponsible who really ignore constitutional law, prior precedents, the Constitution itself, and go ahead and do this? I guess you could have a "what if" in every situation under those circumstances.

But what we were going to try to do to resolve this—we have been working with a whole coalition of people, with one of the prime spokesmen, the distinguished Senator from Missouri [Mr. DANFORTH]. We are trying to get language that basically says this: The power of any court to order relief pursuant to any case or controversy arising under this article shall not extend to ordering any remedies other than a declaratory judgment or such remedies as are specifically authorized in implementing legislation pursuant to section 6.

If such language were adopted, any possible argument that could be made in this area is gone. I believe we can bring that about. Certainly the distinguished Senator from Illinois and the Senator from Idaho and myself are working very hard to bring that about.

I would not mind taking time and explaining—

Mr. CONRAD. Will the Senator yield on that point?

Mr. HATCH. Yes.

Mr. CONRAD. I had instructed my staff to work on an amendment along these same lines, because I must say I am very concerned about the concept and the possibility that the courts would wind up in a role of being the final arbiter here. And I understand what the intentions of those who are carrying this amendment are. I also, after having been a tax commissioner and having dealt with the courts for many years, know about the law of unintended consequences. I am very concerned that we would find ourselves in a situation, unintended as it might be, that the courts were the final arbiter. I thank the Senator.

Mr. HATCH. I hope that helps. But before this debate is over, both the Senator from Illinois and I will put in the RECORD why this is not really an issue anyway. I think the law is very clear that we do not have to worry about that. But, we are probably going to put language into this amendment to resolve the problems of some of our colleagues, like yourself, who have sincere concerns in this area. We think that language would resolve those problems, and we hope it will satisfy the distinguished Senator.

Mr. SIMON. Mr. President, I yield myself such time as I may consume.

First, in terms of the estimates aspect we were talking about before, there has to be some way for Congress to have a little flexibility on this. And

the reason we then have the three-fifths majority is to make this tough.

The Senator from North Dakota has some concerns. I simply say to Senator CONRAD: Balance those concerns against the huge, huge threat we face longterm of monetizing the debt and all of where we are headed, which is really unknown territory for us. Unfortunately, it is not unknown territory for many other nations. If we do not pass this, we are taking a gamble that we can be the first Nation in history to have that kind of debt and not monetize the debt.

In terms of this whole thing just being gimmicks, I do not think my friend—and I respect him a great deal—Senator BYRD would be fighting this so hard if he felt it were just a gimmick, and I do not think others would. It has teeth and it should have teeth.

In terms of the court situation and the possible court involvement, first, in general, the States restrictions have—there are loopholes out there. But the leading scholar in this field, a faculty member at the Cardozo School of Law in New York testified before us last week, and he said that despite the loopholes, there is no question that this is a restraint on State government, a restraint that we do not have in the Federal Government. Have the State courts been involved to a great extent? You find occasional cases, but, generally, there has not been much State court involvement.

Just to make sure we do not have a problem, we have the language that "Congress shall implement." There was a letter sent to Senator BYRD by a group of law professors, and I asked the distinguished former Attorney General of the United States, Griffin Bell, who is both a former Federal judge and a real scholar, to give his evaluation. I would like to enter into the RECORD the letter sent to Senator BYRD, and Griffin Bell's response to me in response to that.

I ask unanimous consent that those letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

FEBRUARY 8, 1994.

DEAR SENATOR BYRD: The undersigned join in urging the Congress to reject the proposed Balanced Budget Amendment. Some of us support the present Administration, others do not. We disagree about the nature, causes and cures of our present budgetary situation. We share the conviction that the Balanced Budget Amendment now before the Congress is a serious mistake. We have different reasons for this conviction. They include:

The Amendment would deprive the Congress and the President of needed flexibility. It would rigidly and permanently bias decisions against spending on social programs.

It would seriously distort the balance between federal, state, and private institutions by creating a permanent incentive to accomplish national objectives indirectly through the imposition of mandates and regulatory burdens on state and local governments and the private sector.

It would inappropriately involve the judiciary in intractable questions of fiscal and budgetary policy.

It would be unenforceable and thus use the Constitution as a billboard for failed slogans.

Sincerely,

Boris I. Bittker, Professor Emeritus, Yale Law School; Robert Bork, Esq., American Enterprise Institute, Washington, DC; Haywood Burns, Dean, CUNY Law School at Queens College; Archibald Cox, Professor Emeritus, Harvard Law School; William A. Fletcher, Professor, University of California at Berkeley Law School; Charles Fried, Professor, Harvard Law School; Lawrence M. Friedman, Professor, Stanford Law School; Walter Gellhorn, Professor Emeritus, Columbia Law School; Gerald Gunther, Professor, Stanford Law School; Louis Henkin, Professor Emeritus, Columbia Law School; Burke Marshall, Professor, Yale Law School; Norman Redlich, Dean Emeritus, New York University Law School; Peter M. Shane, Professor, University of Iowa College of Law; Geoffrey R. Stone, Dean, Chicago Law School; Kathleen Sullivan, Professor, Stanford Law School; Laurence Tribe, Professor, Harvard Law School; Harry Wellington, Dean, New York Law School

KING & SPALDING,

Atlanta, GA, February 21, 1994.

Hon. PAUL SIMON,
U.S. Senate,
Washington, DC.

DEAR SENATOR SIMON: I write in response to the February 8, 1994 letter you received from a number of legal academicians in opposition to the Balanced Budget Amendment. I believe that the reasons given by these individuals for opposing the Amendment are misplaced.

First, the Amendment would not deprive Congress or the President of flexibility in budgetary matters; rather the necessary flexibility would be preserved by allowing Congress, by a three-fifths majority in each House, to permit deficit spending. For example, just last week Congress overwhelmingly passed an emergency supplemental appropriations bill to provide much-needed assistance to the victims of the Los Angeles earthquake.

Second, the proposed Constitutional Amendment will not in any way bias decisions against social spending. In fact, it is the fiscal status quo that biases government decisions against social spending. Increasingly, Congress and the President are prevented from making real fiscal choices due to constraints imposed on them by rising interest payments on the national debt and the growth of entitlement programs. A Constitutional requirement to balance the budget will restore the viability of governmental decision-making on fiscal priorities by insuring that we stop paying \$300 billion a year on interest payments that do not go to any social program.

The writers of the February 8 letter also argue that this Amendment would "distort the balance between federal, state and private institutions by . . . [imposing] mandates and regulatory burdens on state and local governments and the private sector."

Unfortunately, this describes not some fanciful future under a Balanced Budget Amendment, but the reality facing Congress today. States and the private sector are reeling from the impact of regulation and un-

funded mandates. In a fiscal environment where interest on the debt and entitlements are crowding out all other spending, Congress is left with little choice.

A Balanced Budget Amendment would require the federal government to function on a pay as you go basis, and would gradually ease the burden on other spending by reducing interest payments on the debt. It is now, when the hands of Congress are tied by rising interest payments and skyrocketing entitlements, that the incentive to push costs on to the private sector and other units of government is greatest.

Congress could, if it wanted, decide tomorrow to stop this insidious practice, but the political cost is too great. A Balanced Budget Amendment would force Congress to make the tough choices that would eventually ease the burdens on states and the private sector.

Finally, I would like to address concerns that judicial review of the Amendment would either (1) embroil the judiciary in "intractable questions of fiscal and budgetary policy" or (2) prove unavailing. Leaving aside the fact that these conclusions are basically contradictory, they are in any event wrong.

With respect to the first of the above points, some have said that judicial enforcement of the Amendment would require courts to involve themselves in the minutiae of the budgetary process, such as by raising taxes or by decreeing specific spending limitations. Judicial review would not, however, lead to this result. To the extent that enforcement of the Amendment would involve the judiciary in deciding specific budgetary issues best left to the political branches, the courts would be free to—and would likely—find the enforcement action to present a non-justifiable political question and dismiss the suit. Indeed, as the Supreme Court noted in *United States Department of Commerce v. Montana*, 112 S.Ct. 1415 (1992), questions of enforceability, and the respect due coordinate branches of government by the courts, lie at the heart of the political question doctrine: "In invoking the political question doctrine, a court acknowledged the possibility that a constitutional provision may not be enforceable." Even more recently, Justice Souter's concurring opinion in *United States v. Nixon*, 113 S.Ct. 732, 747 (1993) noted that the political question doctrine reflects "prudential concerns about the respect [courts] owe the political departments." Therefore, consistent with current law, where judicial action to enforce the Amendment would require the courts to address policy questions best left to the departments, courts would refrain from doing so. E.g., *Panama Canal Co. v. Grace Line, Inc.*, 356 U.S. 1, 15 (1972) (noting courts' inability to act "as virtually continuing monitors of the wisdom and soundness of" the actions of the political branches); *Harrington v. Bush*, 553 F.2d 190, 215 (D.C. Cir. 1977).

Critics are also mistaken when they offer the opposite claim—that the courts would have absolutely no role in enforcing the Amendment. Even without making specific taxing or spending decisions, a court could—within the limits of Article III of the Constitution—use its injunctive powers to strike down legislation that clearly violates the terms of the Amendment.

Moreover, Section 6 of the Amendment—which states that Congress shall "enforce and implement this article by appropriate legislation"—gives Congress the authority to limit the kind of plaintiffs who would be able to sue to enforce the provisions. See *Bread Political Action Committee v. FEC*, 455 U.S.

577 (1982) (noting Congress' right to limit standing to bring particular federal claims). Section 6 also empowers Congress to designate the forum in which such suits could be brought. See *ASARCO, Inc. v. Kadish*, 490 U.S. 605, 617 (1989), (holding that Congress may proscribe state jurisdiction to consider federal claims). Therefore, while enforceability of the Amendment would be preserved, enforcement would not come at the expense of judicial manageability.

Sincerely,

GRIFFIN B. BELL,
Former Attorney General
of the United States.

Mr. SIMON. Judge Bell basically says he does not think this would be a great problem. We do have, very clearly, the ability to determine who has standing. We can say there has to be 30 Members of the Congress, or whatever, so there would not be a proliferation of suits.

I add that the court precedence on this—and Senator DANFORTH is very concerned because of the Jenkins case. But that does, as Senator HATCH mentioned, involve the 14th amendment. The courts have been very clear on what they call "political matters." A great illustration is when a former colleague of ours, Senator Barry Goldwater and about a dozen people tried to knock out what happened on China and Taiwan. Senator Goldwater and his colleagues said this violates a treaty that we have with Taiwan and, in my opinion, he was correct in saying that violated the treaty. But the Supreme Court said:

This is a matter between the legislative and executive branch. This is a political matter, and we are not getting involved in that.

Just to make doubly sure that we are not going to have a problem, we have this amendment, and we would be happy to have the Senator look at the language. I think it locks it in—and we would be happy to have Senator CONRAD as one of the sponsors of that amendment—just to make sure we do not have a Federal judge coming along and saying you have to cut everything 10 percent, or you have to add this tax. We all agree that should not be part of the process. Any future court can read the record of our discussions here, and that should help on that.

Let me comment on a few other things, very briefly, that Senator BYRD said. When he said we will invite partisan games with this because of the three-fifths majority; First, there are—and I have to say that I give credit to my staff for this, I was not aware of this—he mentioned five cases in the Constitution that required supermajorities. Actually, there are three others, for a total of eight in the Constitution that require supermajorities; this would add a ninth one. The supermajorities are there, for example, on treaties. Why do we have two-thirds? Does this result in partisan games? With rare exceptions. I do not think it has resulted in partisan games. But we have that in there to protect the peo-

ple. And we have illustrated for 25 years now, and you and I have been involved in this fight.

I commend the Senator from North Dakota for being a champion of fiscal common sense on the Budget Committee. But we have been involved in this fight to try and hold those deficits down, and we have seen what happened. The abuse has been massive. As you look long-term—and I keep pulling this chart out. We have been shown by the administration how it is coming down. This goes back up to \$365 billion, according to CBO.

The big thing is when you take OMB figures—these are the administration figures—assuming health care saves all the money they are suggesting, assuming we have 10 years of progress with no dips in the economy, both of which are a long way from certain, but they say then that—well, say I was born in 1930; I would spend 30 percent of my lifetime earnings in taxes. My colleague, I believe, is about 15 years younger than I am, or so. Let us say you were born in 1950; you will spend about 34 percent in your lifetime earnings in taxes. Let us get down to future generations, and they say, assuming all these "Rosie Scenarios," 66 to 75 percent of lifetime earnings will go for taxation because of debt service.

We are not going to end up with 66 to 75 percent. We are going to start printing money before that happens. That is the real danger. That is why we need something here.

In terms of my distinguished colleague, Senator BYRD, saying we are getting into microeconomic policy, the Constitution talks about patents; the Constitution talks about weights and measures.

There are all kinds of financial things mentioned in the Constitution. And I would add, the lead witness—and I think you were there when he testified before the Budget Committee last year—against the constitutional amendment was Prof. Laurence Tribe from Harvard. I have great respect for him and he still opposes the amendment and I do not want to suggest anything to the contrary.

But he did have one shift. When he started out his testimony, he said this:

Despite the misgivings I expressed on this score a decade ago, I no longer think that a balanced budget amendment is, at a conceptual level, an ill-suited kind of provision to include in the Constitution. The Jeffersonian notion that today's populists should not be able by profligate borrowing to burden future generations with excessive debt does seem to be the kind of fundamental value that is worthy of enshrinement in the Constitution. In a sense, it relates to a structural protection for the rights of our children and our grandchildren.

I think we have to keep in mind that we are talking about something very fundamental here.

I see my friend rising and he has a question or a comment.

Mr. CONRAD. I do. If the Senator would yield for a question or two, I would be grateful.

As you know, this issue concerns me perhaps more than any other. I am personally persuaded that one of the most important things we can do is reduce this budget deficit, reduce pressure on interest rates in order to support economic growth in this country to restore our position as international competitors.

Mr. SIMON. Absolutely.

Mr. CONRAD. I think last year's budget deal, in which we did make a significant reduction in the deficit, has proven the theory; that is, we have seen now the lowest interest rates in 20 years, we have seen the strongest economic growth in 6 years, we have seen reduction in unemployment, we have seen record housing starts, we have seen record automobile sales. We have seen this, in part, because of what we did in getting an economic recovery underway. So I am personally persuaded that reducing deficits is in the economic interest of the country.

I have concerns that I have outlined here today with respect to court involvement. I am very pleased to hear the Senator's reaction to that.

I am concerned about the use of estimates. I am very concerned about that, because I have seen through the Gramm-Rudman process how that can be used to subvert what is an honest intention.

There are two other areas that I would like to raise with the Senator from Illinois with respect to issues that concern me.

One of those two is the matter of Social Security being included. It strikes me that Social Security, which is a separate trust fund, should not be used to balance other parts of the Federal budget.

My colleague, Senator DORGAN of North Dakota, I understand, has an amendment he will offer to eliminate Social Security from the balanced budget requirement. As you know, the underlying rationale for that is Social Security is in substantial surplus, at least for the foreseeable future.

I am wondering whether the prime mover of this amendment will support that amendment or, if he is in opposition, what the rationale for that opposition would be.

Mr. SIMON. Yes, I will oppose the amendment. I have great respect for Senator DORGAN who, on a number of things, has shown real insight, including standing up on the issue of intangible assets, which is one of those issues someday somebody is going to hear about that will be important.

I might mention that the former actuary for 23 years for the Social Security Administration, the chief actuary, Bob Myers has sent a letter to me saying the only way to protect the Social Security fund is by passage of the balanced budget amendment.

Mr. CONRAD. I read, by the way, the letter you sent around from him. I thought it was an instructive letter.

But your intention is to oppose it?

Mr. SIMON. I oppose it.

Mr. CONRAD. What is the rationale?

Mr. SIMON. Let me tell you the rationale.

First, originally, when I drafted my first balanced budget amendment, I included that, interestingly.

The reality is that we do have a surplus at this point right now in Social Security. I would like to balance that budget without that surplus. It would make it much tougher, but it would be a great thing for our country if we were to do it.

I will join the two Senators from North Dakota in moving in that direction. But we also face in the outyears a point when there is not a surplus but a loss there. One way of protecting Social Security—not in my lifetime, but in the lifetime of my children—is to include Social Security in this.

So long term, I think it is a protection for Social Security not to have the exemption.

Mr. CONRAD. Let me, if I might, respond quickly to that question and then ask another question.

The thing that is disturbing to me, as I reflect on Rev. Jim Bakker, Rev. Jim and Tammy Bakker—and I think everyone remembers the PTL Club show that was on. I can remember saying in one of our Budget Committee meetings during our deliberations, "Does anybody remember why Jim Bakker is in a Federal prison?" Nobody could remember the exact details, but fundamentally he is there because he promised to raise money for one reason and then used it for another purpose.

That is precisely what we are doing to Social Security today—not in the future, today. We are telling people we put that payroll tax on in order to fund Social Security. And, indeed, we are funding part of Social Security that way. But we are also funding the operating expenditures of the rest of the Federal Government by running a Social Security surplus and taking the money and using it for another purpose.

By those tests that were applied to Rev. Jim Bakker, all of us would be in a Federal penitentiary.

I find it disturbing that for the foreseeable future Social Security is in surplus, and under the terms of the amendment we have before us, we would achieve a balance but only achieve a balance because we would be using the Social Security trust fund to make that balance.

Mr. SIMON. First of all, I agree with everything my colleague from North Dakota says in terms of Social Security. I think it was a mistake when we got a unified budget.

We talk about this being the 25th anniversary of balanced budgets. In fact,

in 1969, you had a balanced budget because for the first time you included Social Security, and without that, there would not have been a surplus.

I have been critical, as my colleague may recall, of our budget for two reasons: First, is we include the Social Security surplus. I favor putting that as a separate item in the budget. I will join my two colleagues from North Dakota in statutorily trying to do that. It does complicate getting to a balanced budget very, very much. No question about it. I recognize that and I recognize we have to have a two-thirds vote. And this is a practical compromise.

The second point that I have fought on is when we list interest we should list gross interest instead of net interest. It is one of the little games we play around here. We would never think of saying to the Justice Department, "Well, you collected so many dollars in fines, therefore, your appropriation is that much less." It is one of the games that we play.

But I am eager to join my two colleagues from North Dakota in statutorily doing everything we can to protect Social Security.

Mr. CONRAD. May I raise one final point with the Senator from Illinois?

Mr. SIMON. Yes.

Mr. CONRAD. One other concern that I have is with respect to a question of when the country is in recession. In examining the economic history of the country, I am personally persuaded that there is a countercyclical role for Government to play. We have, under the terms of this agreement, the ability to deal with a wartime situation. And I am concerned what if this country were in recession or headed into recession, and we would be required to meet the terms of the balanced budget amendment through a tax increase or spending cuts that might accelerate the downturn rather than allowing the Federal Government to serve as a buffer and to provide some economic lift by way of a budget deficit? That is, I am personally persuaded we ought to run balanced budgets over time, but in any 1 year we might want to run a budget deficit.

I am interested in the view of the Senator from Illinois with respect to the possibility of having the Government play that kind of role. Is it the view of the Senator that the three-fifths test would be used and that when we are in recession it would be possible to get 60 votes in the U.S. Senate for the purposes of countering the effects of a recession?

Mr. SIMON. The answer is a little complicated. But, first of all I do believe that in a real recession we can get the 60 votes. We got 60 votes for unemployment compensation extension on an emergency basis because of the problems that we have had. But I think there are other answers that are even more significant than that and they tie

in with what my colleague just said about Social Security. If we try to lean on Social Security less in terms of a surplus and aim for what Charlie Schultze, who formerly chaired the Council of Economic Advisers for President Carter, and Fred Bergsten, who was the Assistant Secretary of the Treasury—Fred Bergsten has said, and testified last week, that with a balanced budget amendment we will be much more able to respond to a recession than we are now, if we use common sense in building in a little surplus. Then you can respond quickly, and you do not have the problems that we have had.

We tried, and with my colleague's vote too, I am sure, we tried to get \$11 billion for a jobs program. We could not do it here because we are so strapped by where we are. We could not come up with that kind of money. If we built in a surplus then it would be easier to respond quickly and much more significantly; \$11 billion in a \$6 trillion economy is nothing.

Then a second part of this that is really important. When you talk about countercyclical. One of the things we have done, as the Senator and I know very well, this last year we spent \$293 billion on interest. Interest is not countercyclical. When you give money to people on Social Security that is countercyclical. They spend the money. You give money to people who are fortunate economically, if times go bad they save the money. It does not become countercyclical. So the interest in fact aggravates our recessions.

And this amendment will do one other thing. The Wharton School last Thursday announced—and both my friends from North Dakota, who have been very active in the financial field may have seen this, but it is significant—the Wharton School says if this passes, 30-year bonds will drop from 6.5 percent to 2.5 percent. That is going to make a huge difference in our economy. And it means we can use funds for countercyclical things rather than things that aggravate the countercyclical trend.

Mr. CONRAD. Let me say on this point, I read the WEFA study last night. In my interpretation of that—the Senator mentioned this point the other day in the caucus—my understanding of the WEFA report was they were talking about the Federal funds rate going down to 2.5 percent, rather than the 30-year bond. Perhaps I missed something in reading it. But my interpretation was the 2.5 percent they were talking about was the Federal funds rate rather than the 30-year bond.

Mr. SIMON. I have to say I got that from my staff. My impression is to the contrary. But the Senator may be correct.

Thirty-year Treasury bonds, it is 30-year bonds.

Mr. CONRAD. Goes to 2.5 percent?

Mr. SIMON. Yes, 2.5 percent from 6.5 percent.

Mr. CONRAD. That would be exceptionally good news for the economy, if we were having 30-year bonds at 2.5 percent.

Mr. SIMON. What a great lift this would be for housing, construction, industrial investment—everything.

Mr. CONRAD. The estimate given for last year by the Treasury Department, for every 1-percent drop in interest rates that provided a \$118 billion lift to the economy by reductions in consumer debt, corporate debt, Government debt. And that in fact that is one of the reasons we are seeing an economic recovery of the dimensions that we see now. These lower interest rates are providing a lift to the economy.

Let me just conclude by saying I hope the Senator from Illinois and the other movers of this amendment have not made a determination, a final determination, to oppose all amendments. Frankly, my reading of the situation is that there are not the votes now to pass this amendment. That is my own view. I may be wrong. But I have talked to many of our colleagues and I think that is about where it is. As of today, you do not have the votes. Senator BYRD does not have the votes.

There are a group of us who have genuine concerns with respect to the issues I have raised here. The question of estimates, the question of court involvement, the question of dealing with a recession, and the question of Social Security.

I would say to my colleague, it may be possible to pass an amendment that would address another concern that many of us share which is the growth of debt. Because I feel deeply about it, very deeply. But I do not want to vote for a constitutional amendment that I believe has some flaws. Some of them I consider to be serious flaws.

This is a very, very serious business to amend the Constitution of the United States. At least for this Senator. I believe that is the case for the Senator from Illinois as well.

So I hope and I urge my colleagues who are the movers of this amendment—and I hope my voice is heard beyond this Chamber—not to make a final decision to oppose all amendments. Because I believe if that is the course that is taken this will fail. I believe that. I believe it will fail. I think there is a chance if we work together that we might get the votes to have something that seriously addresses this matter of the growth of the debt and at the same time is sensitive to these issues that I have raised this afternoon.

I thank very much the Senator from Illinois.

Mr. SIMON. I thank my colleague. Let me say because it is such a serious matter, amending the Constitution is not something where one of us can sit

down and start scribbling down an amendment and saying let us do this. We have to approach this very, very carefully. For example, the judicial amendment that we have talked about, we have had scholars look at it. We have been looking at this very, very carefully because we want to do the right thing.

I am not saying we are automatically going to be opposed to any amendment, but when you talk about the Constitution of the United States we have to be extremely careful. I can say, on the matter of estimates, there is no way to my knowledge of dealing with this problem without giving Congress the ability to make some estimates. But you have to lock it in in some way so they do not play games, as we have played games here. That is why the three-fifths majority is there.

In other respects we will take a look at amendments. I have to say my predisposition is to reject amendments unless they are very, very carefully drawn because we are dealing with the Constitution.

Mr. CONRAD. Might I just ask the Senator from Illinois, does he believe he has the votes now to pass?

Mr. SIMON. The answer is on the basis of what I know I do not believe I have the votes to pass this. I do not believe Senator BYRD has the votes to stop it. I think Senators like my colleague from North Dakota hold the balance on this.

Mr. CONRAD. I just say to the Senator and the other people who have an interest in trying to get a result here that would accomplish a purpose that I think is the common goal of many, that we not get fixed in concrete with respect to amendments. Because I am personally convinced, absent amendments, this will not succeed. Unless in the days ahead there is a chance for us to address some of these concerns, which are sincere and genuine on the part of people who probably hold the balance with respect to this question, we will not have a successful conclusion.

Mr. SIMON. Let me just say again in response, we will take a look at whatever is suggested. We felt the judicial amendment was not necessary, but just to make sure, because there are genuine concerns, as you have expressed and others have, I think we are about to work out something that I think meets that objection.

So we will take a look at other amendments. But we also want to be very, very careful because of the nature of what we are doing. We are not just amending some statute that I dreamed up or you dreamed up or someone else did. We are talking about the Constitution. I know my friend from North Dakota has the same feeling of sacredness about the Constitution that we have to proceed with caution.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, let me make a comment to the concerns of the Senator from North Dakota and other concerns that have been brought forth in the last hour on the floor that are significant. And they are important.

I do not think there is any question that we are very intent on doing the right thing. We also understand that the process has to have an element of flexibility and, in that element of flexibility, the Congress of the United States must work its will. Certainly that is an important part of any budget process. The Senator from North Dakota has been involved in making budgetary estimates, as have others, and has used the Gramm-Rudman example as a target by which to argue estimates. Let us cast estimates in an entirely different light from which they have ever been made before.

We all know that estimates before to project revenue for a Federal budget, although I am not arguing that they were not made with a sense of accuracy, did not necessarily have to be accurate because they always knew that there was an open end in that process. If you missed the estimate, you borrowed. If you missed the estimate, there was not a drop dead or a very severe process that would be difficult to get by in the end. So as best you could guess, you guessed your best.

We also know that State legislatures, even in States as large as California, which has an economy one-sixth of the Nation, because of the nature of their requirements, become very, very accurate in making estimates. How accurate? Within a couple of percentage points? Is that so dramatic as to say, if you cannot make that—well, we had one Senator on the floor a few moments ago saying, my goodness that is a huge amount. My guess is that is pretty accurate, and I do believe that we have enough smart people around here doing econometric modeling to figure out how to get about that close, considering all things. But, recognizing that, we also understand that you cannot be totally perfect, and the American people know that when you are guessing in terms of \$1 trillion plus. We grant within this amendment the kind of flexibility to do so.

But the flexibility is tough. Why? We do not want the Senator who says 2 percent is difficult to come to the floor and say, aw, but look at the gaping loophole; such a gaping loophole Senators will jump through it and a balanced budget will never be achieved and, therefore, the Constitution is being used only as a political surrogate to a problem that just takes Senators voting tough votes.

We want to make sure that it is a real amendment, that it works in real ways, and that it does force a Senate

and a House to respond in sincere and politically honest ways to produce a balanced budget.

For years, as I worked to craft this amendment and worked with my colleague from Illinois and other Senators and Members of the House, there was a very conservative side of me that said we had to put in this amendment an absolute formula to devise so that Congress could only raise revenue by a certain amount on an annual basis based on a percentage of the gross domestic product. We had to be tough because you could not trust the Congress; they would just go out and raise taxes. It would be easy for them to do and, therefore, we had to have some form of tax limitation language in there.

I finally, over the years, decided that the greatest tax-limiting factor in this country of ours was the electorate themselves. They would choose the Senators or the Congressmen who failed to respond to their call to be fiscally responsible if we could but give the citizenry the tools by which to measure, on an accurate basis, whether in fact that Senator was being fiscally responsible or not. And I chose to come with this amendment and to support it.

We heard the Senator from West Virginia just confirm, in my mind, the toughness of this issue when he, in fact, said this is a tough amendment. Now, he was talking about the three-fifths vote. In other words, he was talking about the ability to raise the debt ceiling. A tough vote. He spent over an hour explaining how difficult it is to get that vote. What he tells me and what I hope he is saying to all who are listening is that this is a tough amendment; that those of us who have worked over a decade to craft it, recognizing that we wanted to make these kinds of issues tough, may well have accomplished that. We may well have put together a process that is doable, that offers a little flexibility in extraordinary situations but at the same time truly recognizes that if you provide the loophole, there is probably 50 plus 1 percent in this body who might just avoid the tough vote and jump through the loophole. We did it in Gramm-Rudman because the loophole was that, in fact, it was a law and not a constitutional provision. When the tough times came, we buckled under. What we are providing here is a new environment in which budgeting will occur. That is why in section 6 we say that it is the responsibility of the Congress to come forth with that which will cause us to operate under this new environment.

I am not saying it is going to be easy. I am saying it will be tough. It should be tough because, if it is not tough, we will continue to do what we have done because we have never made the tough decisions around here. That is why the \$4 trillion-plus debt. That is why a \$200 billion-plus deficit. That is really what it is all about.

How about majority rule? We heard once again about that today. Let me tell you, it cannot be a simple majority. The founders of our Constitution said we will not allow a simple majority to tamper with the Constitution of this country. What we are saying today is that our amendment becomes constitutional law. It becomes one of those inherent rights of the people to be free of a profligate Government and to be free of the compounding of debt on the shoulders of future generations. Now that becomes a right, a new right in this country, one that Thomas Jefferson agreed with, one that Alexander Hamilton agreed with, one that I agree with, one that the Senator from Illinois agrees with.

So, do we want a simple majority just to change it? No, not at all. It is why we have worked for 10 years using the constitutional route, and while it is not ours to fix, it is ours to propose. It will be 38 States who will decide whether this becomes the right of the citizenry, and, therefore, the process must be tough. It cannot be an easy walk away if we are going to arrive at a constitutional amendment that will, in fact, bring about a balanced budget with the flexibility to understand that you can move to fix it and to adjust it but within a very tough framework that always keeps us constantly working to keep the budget in balance. Not an easy process. Never has been. The one we are involved in now is not an easy process. It has become tremendously convoluted. That is why I think all of us are concerned about it.

For the last day and a half, we have talked about constitutional language, we have talked about countercyclical processes, we have talked about econometric modeling. For just a few moments, I would like to get away from that, Mr. President, and talk about people, because I will bet the average citizen is sitting out there scratching their head and saying, "Well, we don't quite understand what you're saying, but what we do understand is that the budget isn't balanced and it doesn't look like Congress is going to balance it and we've got a President that just asked for a huge tax increase but his people don't want to balance the budget, and what is it going to do for me, average citizen?"

Let me tell you what happens, in my opinion, to the average citizen in the small community of Idaho if we fail to do what we should do and in the proper form. I remember what happened in the late seventies and the early eighties when inflation took off in this country and this Congress refused to use fiscal policy to take care of inflation and the Federal Reserve had to use monetary policy to take care of inflation. Thousands of Idahoans were out of work. It was a very real life experience. They lost their jobs, they lost their life savings, they lost their families, some of

them. They lost all they worked for, and it really was the Congress that should have been blamed. But the average citizen out there took it right on the chin.

I do not care how complicated this debate is. The bottom line is a government that lives within its means, that does not risk the destruction of an economy that creates the jobs, that builds the homes, that puts the food on the table of the average working men and women of our country.

Alan Greenspan this morning was in the national news suggesting that maybe he had to turn up short-term interest rates just a little bit over the next little while because inflation just might be igniting ever so slightly, and we do not want that to happen.

What he is really saying is I am going to use monetary policy to guide this economy again. What he did not say but is my guess that is in the back of his mind is that Congress' fiscal policy is not working very well.

Now, what does short-term interest rates do if they go up? Again, they deny the average citizen in this country the opportunity to have spending power to do what? To buy goods and services for the benefit of families.

So our debate today, as technical as it may become, as countercyclical or noncountercyclical as we may argue, as econometric modeling may or may not have the type of results that can and should produce a reasonable revenue projection, or even the very technical nature of constitutional law, in the end what this debate is really about is the right of the average citizen to be free, free of a government that will constantly move to progressively debt them in a way that they cannot afford.

This administration, its own agencies will suggest that the child born today, in their lifetime, will pay out 82 percent of their gross income in taxation, and so when we suggest that that may reduce them to the lifestyle of a Third World citizen, we are really talking about a lifestyle that none of this generation has ever experienced and none that we would ever want.

Now, I can suggest in closing that that is a very fundamental part of our debate. I would hope that Senators as they listen and as they become involved in this debate over the next week and as they are concerned about the technical language of whether the judiciary is or is not involved and how they get involved, and whether they can only make declaratory judgment or they cannot, or whether we have figured out the right way to make estimates, many of us believe we have because this amendment has been 10 years in the crafting. And while we are willing to be flexible and work with other Senators because we are not to suggest that our ideas are the only ones or are the best, but there are a

good many Senators here who have worked with this issue a long time.

After the smoke has cleared, the question is have we served the citizens well? Can we proudly stand and say that we have begun a process that will produce for this country, for our taxpayers, for the citizen the unique opportunity to be free of a governmental debt that they as citizens are responsible for in the end.

I believe that is the ultimate debate. Let us talk jobs and kids and people and homes and vitality and opportunity and future. That is just as much a part of this debate as the very technical language that all of us are extremely concerned about today.

I yield back the time.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER (Mr. KERREY). The Senator from Utah is recognized.

Mr. HATCH. One issue that arises in terms of the nonjudicial enforcement of the balanced budget amendment is whether section 1 of Senate Joint Resolution 41, which mandates that total outlays for the fiscal year shall not exceed total receipts for that year, implicitly grants to the President authority to impound funds to suspend the operation of spending measures or to rescind earmarked funding measures.

This question was raised by the distinguished Senator from West Virginia in response to some questions of the distinguished Senator from North Dakota [Mr. CONRAD].

I wish to mention just for a few minutes some thoughts on this subject. This contention made by opponents was echoed by former Solicitor General Charles Fried, a great friend of mine, during his appearance at Senator BYRD's hearing on February 15.

Admittedly, the law of Presidential impoundment is far from clear. However, the plain meaning of the structure of Senate Joint Resolution 41, buttressed by its legislative history, indicates that the amendment does not grant—and I repeat, does not grant—the President any additional authority and is in fact intended only to circumscribe Congress' taxing, borrowing, and spending powers.

Specifically, section 1 of Senate Joint Resolution 41 directs that outlays exceed receipts only if three-fifths of both Houses of Congress vote to so provide.

The only mention of the President is in section 3 which requires that the President submit a balanced budget to Congress for each fiscal year. This view is supported by the committee report and prior floor debates which make it clear that the amendment grants to the President no new additional authority.

Finally, in section 6 of the balanced budget amendment, it is mandated that Congress promulgate enforcement legislation. Now, this is a very strong

indication that Congress, and not the President, has the exclusive authority to establish a mechanism to enforce the balanced budget amendment which would resolve a lot of the problems that Senator BYRD raised here today.

The President's constitutional role therefore is limited to enforcing that legislative mechanism which we must pass for him to enforce. In any event, impoundment authority is probably irrelevant. Although the Supreme Court has not decided the issue of whether the President possesses constitutionally inherent Executive impoundment authority, it has held that the President may not impound funds when Congress mandates that the sums be spent. And the cases are *Kendell versus United States, ex rel Stokes*, *State Highway Commissioner versus Volpe* and *National Council of Community Health Centers, Inc. versus Weinberger*.

This implicitly supports the position that even if the President possesses only limited impoundment authority, Congress could protect its constitutional and institutional prerogatives by promulgating detailed enforcement legislation pursuant to section 6—and that is what is going to happen here, as the distinguished Senator from Illinois has made so clear on the floor yesterday and today.

Once passed, such legislation would trump any conflicting Presidentially created enforcement procedures such as impoundment because the President must enforce any law the Congress creates.

So I just wanted to spend a few minutes on that because it is an important point. It is one that bothers some members of the Budget Committee, including our own Senator DOMENICI from New Mexico on our side, and I think this answers that question about as well as it can be answered.

This amendment is carefully drafted. We have come a long way. We have brought together a maximum of people. We have a consensus on it. It is the only one that is likely to pass. And I guarantee, if this does not pass, it is only a matter of years until one a lot more restrictive, with a lot more enforcement mechanisms, with much higher supermajority requirements is going to pass. This one is tough enough. This one will do the job. This one will get us on that glide path towards balancing the budget and, hopefully, creating surpluses so we can cut down on the national debt. Frankly, it is just something we simply have to do.

Mr. President, I yield the floor.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. SIMON. Mr. President, I thank my colleague from Utah for his remarks. Let me just underscore his final comments before I yield to my colleague from North Dakota, Senator DORGAN. I heard Senator BROWN the

other day say if this does not pass, then we will, before the decade is out as the situation gets more extreme, pass a more extreme constitutional amendment.

I think that is the reality. As my colleague from Utah knows, I resisted attempts to put some language in here that is frankly much tougher than this. I think this is constitutional in nature. I think it will do the job. But I think it is designed in such a way that it will help the country and not harm the country.

Mr. HATCH. If the Senator will yield on that point, one of the problems we have had since I—and a lot of us—have worked on this Constitutional amendment is that there are a lot of people in Congress who would like to have a three-fifths vote requirement not only for balancing the budget but for increasing taxes.

I agree that would be too restrictive, although it appeals somewhat to me when I look at how the country is going. This amendment is carefully crafted. It brings together a wide group of consensus builders. It really will give us a chance to have some discipline in the process. It certainly is better than any statute we could pass. We have tried statutes in the past. They have not worked. This will work without it being so extreme that we hamper the country. But if we do not do something like this to put some discipline into this process, I guarantee you it is going to be done—when people get so frightened and so mad out there and they see this exponential growth of the deficit and interest against the national debt.

When that happens, we are going to have the other side start to take action, and we are going to have a much tougher amendment than this that could hamstring the country. This amendment will work.

I want to commend all my colleagues who have worked on it, particularly my friends from Illinois and Idaho.

Mr. SIMON. Mr. President, let me make one other point that I should have made to Senator CONRAD earlier when I talked about countercyclical effect. I mentioned that those who now receive the \$293 billion in interest are more likely to save the money than someone who gets Social Security or something like that.

What I should also mention is that we have 17 percent-plus—no one knows what that plus is—of that interest that goes to Japan, Great Britain, the Netherlands, Saudi Arabia, and other places. That does not do anything. That is roughly \$60 billion-plus a year that is a drain on our economy rather than a stimulus to our economy.

I am pleased to yield at this point to my colleague from North Dakota, Senator DORGAN. He wants how much time?

Mr. DORGAN. Twenty minutes.

Mr. SIMON. Mr. President, I yield 20 minutes to my colleague from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota [Mr. DORGAN] is recognized for 20 minutes.

Mr. DORGAN. Mr. President, I appreciate very much the courtesy of the Senator from Illinois.

This is, indeed, an odd group of people who have come to the floor of the Senate to support a constitutional amendment to balance the budget. If, as is often the case politically, we divide this Senate into people who are either warm-hearted or cold-blooded, I suppose I fit into the warm-hearted group. For 14 years I have supported things that try to help people in this country, programs that are necessary and that invest in human potential. But this debate goes beyond traditional political lines.

I sat in the chair for a couple of hours today presiding over the Senate, and it has been an interesting discussion. We find so often on the floor of the House or the Senate that what is said often is not so relevant and probably often not so important. This is important.

What has been said by both sides in this debate has been said in eloquent ways. I should compliment Senator SIMON for his leadership and for his vision. Let me similarly compliment Senator BYRD. Everyone in this Chamber knows that Senator BYRD is the authority on the history of the U.S. Senate. He is a wonderful person. I greatly respect his opinion.

This has been an interesting debate to listen to. I have listened with care.

As I said, this is no ordinary debate because we are not debating a law or a sense-of-the-Senate resolution. We are debating a proposed change in the U.S. Constitution.

Not too many years ago I was selected to represent my State at a quite interesting ceremony at Constitution Hall celebrating the 200th birthday of the Constitution. Two hundred years ago 55 white, largely overweight, men went into a room in a hot summer in Philadelphia and wrote a Constitution. It was a hot Philadelphia summer, and they had no air conditioning. So they kept the shades drawn all summer. But they wrote this Constitution.

Two hundred years later we celebrated the Constitution's 200th birthday, and 55 of us were selected to go into this same room. It was men, women, minorities. It was a wonderful group of 55. I was privileged to be among them.

George Washington's chair still sits at the front of the room. It is where George Washington presided. Madison was there in that room. Franklin was there. So were the other great Americans who created the grounding of our democratic society, which we call the Constitution.

We now discuss changing the Constitution. It is not the first time we have discussed that. We have changed it many times, in most cases not on a whim but after thoughtful debate.

There have been thousands of proposals to change it. But the Constitution is a sacred document. Wise men wrote it. And in it they set out the three branches of our Government, distributed the powers among the branches, and created a mechanism to protect the liberties and freedoms of our people.

It is a misunderstood document. I have had constituents who have asked me to do something and propose something. You say that would clearly violate the Constitution. They say, "I don't care what the Constitution says. Pass a law." Well, obviously, the Constitution governs.

But I do not think anyone here misunderstands the importance of this debate. I have been very reluctant in the years I have served in Congress to join those who want to change the Constitution. People want to change it with respect to abortion. I have not been willing to cosponsor or join them. People want it changed to allow prayer in school. I have declined. I have chosen not to join them. Others wanted to change it because some scruffy little guy burns an American flag. They wanted to change the Constitution to prevent flag burning. I declined. I did not think that was what we ought to do.

I have not been very likely to support those who want to change our Constitution.

The proposed change today is about economic policy. The proposed amendment before us suggests that we should require our Government's receipts and expenditures to be in balance.

Why have we come to this point? Why is a constitutional amendment on balancing the budget offered today? It is because this country is now awash in a sea of red ink. In the last decade-and-a-half especially, we have seen a tidal wave of deficit spending, and a substantial increase in the Federal debt. We now have about a \$4.4 trillion debt.

I do not know what \$1 trillion is. I do not reckon any of my constituents know what is a trillion dollars is.

I could describe it, of course, but it is a \$4.4 trillion debt. We have, up until the last year or so, been spending a billion dollars a day that we do not have; every day we spend \$1 billion more than we take in. We spend our kids' money and their kids' money; we spend it and add it to the debt.

Some say, "Well, the debt is what we owe to ourselves. So it is not all that important. It is not growing at an alarming rate." Well, of course, it is. It is \$4.4 trillion now; 14 years ago, it was less than \$1 trillion; 10 years from now, it will be \$8 trillion. This is not a problem? Look at the figures to understand

how serious a problem this is for the future of this country.

There is a lot of cynicism about the institution of Congress. Some of it is fed by all of the news magazine shows and other folks who want to make a dollar by creating cynicism about our institutions. Some of the cynicism is very real. Some of that cynicism is directed at an institution that people think cannot manage our affairs very well. It spends money it does not have. It saddles this country with a mortgage it should not have, and it mortgages our children's future.

The question is what do we do about it? We have tried in many different ways with different devices to balance the budget. But we have not succeeded. Entitlement programs grow. They mushroom. We have tried dozens of different things.

A year ago, we decided with a one-vote majority here to take tough medicine in the President's economic program. I supported that. There were tax increases we do not like and spending cuts nobody liked. But the fact is that it was \$500 billion of medicine that was necessary. But it was not enough.

Look at the numbers. Let me just show my colleagues the numbers. The numbers show that in the year 2004, the total public debt will be almost \$8 trillion—an \$8 trillion debt.

Things look pretty good in 1995 and 1996, as a result of the deficit reduction bill. But what happens beginning in 1997 and every single year from then on? The deficit continues to increase.

And even then it does not look awful because the money collected from Social Security taxes is used to offset the deficit. But, of course, that is dishonest and we cannot do that. We cannot do it in the long term and we should not do it in the short term. No one should doubt that this is a crisis. The question is what do we do about it?

Several weeks ago, I spoke on this floor about economists and "augurs." We have heard debate about the economic projections the dire consequences of what would happen if we pass this, or the consequences if we do not pass that. I talked about economists a few weeks ago.

In the year before we went into the last recession, in 1990, 35 of the 40 leading economists predicted that we would continue to see 12 months of economic growth in the next year. Of course, the next year we saw a recession. But 35 of the 40 leading economists had predicted the next year would be a year of steady economic growth. Most of the leading economists were wrong.

So I spoke about augury. In Roman times, the Romans would read the entrails of cattle and view the flights of birds in order to project the future. I wondered whether that was so different from what we do now.

But no one—not the best economists in this country, and certainly not the

folks back home who work every day—misunderstands the consequences of this debt and the difficulty it poses for our country's future.

If somebody asked me to spend \$500 billion that we do not have in the next 12 months and said, with that, cancer would be cured, I would say fine. That would not bother me a bit. It would be the best investment we ever made. Let us do it.

But that is not what this deficit is about. This deficit is not about investments that yield enormous rewards. This is an operating budget deficit of, year after year after year, close to a billion dollars a day.

Some have raised some concerns about this balanced budget amendment proposal. I have some concerns about it too. In fact, I am going to offer an amendment, which was discussed on the floor recently, to exempt the Social Security trust funds from the balanced budget amendment's calculations. We should not, under any condition and in any case, use Social Security revenues to reduce the Federal deficit. Let me explain a bit what I mean by that.

When American workers pay their Social Security taxes, it is not voluntary, it is mandatory. We say if you earn a dollar, then part of that dollar must go into the Social Security Trust Fund. But this particular tax will only go to the trust fund.

That is a covenant we have with people we tax. It is not a choice. We do not decide when we get the money to put it here or there. Putting this money in the Social Security trust fund is a requirement. It is a law.

But what are we doing now? We say now and have said for years that we will tax you and put it in a trust fund and use it in our charts to show that the deficit is reduced, because we collect more in Social Security than we need.

I was part of the group in 1983 that wrote the Social Security reform legislation in the House Ways and Means Committee. It was tough medicine. We increased Social Security taxes. We increased the age from 65 to 67 in the outyears. We got rid of a number of different kinds of benefits for survivors.

We did all that for a very specific reason. We knew that when the biggest baby crop in this country's history reached retirement age, we were going to have trouble. We needed to save money for that date. We started deliberately creating surpluses in the Social Security Fund. This year, the surplus is going to be around \$66 billion, close to \$70 billion.

But if you look at the back of all of these budget books describing the economy, and if you look at the detail of this balanced budget amendment, where the deficit is computed, the Social Security revenues are used to reduce the operating budget deficits. That is wrong.

I am going to offer an amendment to correct that. I do not know whether it will be accepted. But nobody, in my judgment, can stand on the floor of this Senate and defend this practice. It simply is not defensible.

If we are going to put this away and save it for the future, as we must and should, let us do it. We should not tell people we are taking it out of your paychecks and putting it in a trust fund, and not mention that, by the way, we'll use it to show a reduced budget deficit. Under this scheme, you could conceivably have an operating budget deficit of \$200 billion in a year and have a surplus in the Social Security System of receipts over expenditures of \$200 billion and have a balanced budget. Under these current computations, this proposed constitutional amendment would balance the budget. We would say we are just fine, perfectly balanced; we would be at zero, supposedly, and no action would be necessary.

But that is not the case.

Whenever we collect Social Security, deliberately creating a surplus for the future, we must, in fact, start saving that for the future. This balanced budget amendment proposal does not do that. So I am going to offer an amendment to try to change this.

Yes, the supermajorities the amendment would require are troublesome to me. But the fact is, if you do not have that, you do not have an enforceable situation with respect to the balanced budget.

The issue of involvement by the courts is troublesome, as well. But many States have constitutional provisions that require balanced budgets. I do not know of a wave of State courts being involved in the fiscal affairs of the States. I might be wrong. I would like to hear from my colleagues if that is the case.

At the State level, where you have a State constitutional requirement for a balanced budget, the State courts generally have not been involved in the fiscal policies of the States as a result. Why should we expect massive court involvement at the Federal level? I would enjoy hearing my colleague respond.

I am happy to yield.

Mr. SIMON. My colleague is absolutely on target. The cases are very rare. There have been a few, but they are rare indeed. So the combination of that experience, plus the other amendment should really preclude any problem along this line.

Mr. DORGAN. I appreciate the comment.

This proposal is not new. The States have it in their constitutions. Presumably, if there will be a real mess as a result of this proposal, the State courts will have already demonstrated that kind of a mess.

But the other point made is that this proposal is countercyclical in the

Keynesian sense. Keynes was an economist who believed that the Government, through its spending patterns, can really affect our economy. When things slow down, we can have massive Government investment to speed them up.

I studied Keynes. I even taught Keynes in college a bit. And no one can convince me that anybody in the history of humankind has ever been more Keynesian than this country has been lately. Can you be more Keynesian or stimulative than \$300 billion deficits? I doubt it. We had what you would call a gigantic Keynesian countercyclical stimulus as we moved into the recession.

But of course nobody has repealed the business cycle. Nobody ever will. I do not demean the argument made by this amendment's sponsors that we need the opportunity to use fiscal policy at the Federal level, complimenting monetary policy, to respond to the business cycle. Clearly we do.

But I just say that if one holds out the hope of some countercyclical Keynesian stimulus as the method by which we will improve our economy, we have demonstrated the absurdity of that in recent years.

What will really improve our economy, I am convinced, is for us to demonstrate to all the folks out there who rely on this Government, to the folks that run this Government, that we can exercise some discipline in what we spend and what we raise, and we can balance our books.

My colleague from North Dakota, Senator CONRAD, echoed my sentiment. I do not believe the budget has to be balanced every year, but I believe over time it must be balanced. And I think there was some testimony before your committee, Senator SIMON, which I heard you mention yesterday, in which some suggested that there are times when we should have a surplus of 1 or 2 percent.

There are times when your economy is moving along at a pretty healthy clip, you have good economic growth, fundamentals are sound. One would expect in those periods that one would be able to accumulate a little reserve so you could use that reserve for countercyclical investment, when the business cycle begins to turn the other way. As I said, we cannot repel the business cycle. Nobody is going to repel the business cycle. We had a business cycle before we had the income tax.

The fact is, we need to be available to use the devices at our disposal to respond to a recession. But the best thing we can do for our country, I am convinced, is to get our fundamentals in order.

Let me compliment this President. He has done a whole lot more than the other two. The other two always claimed they were for a balanced budget. But they didn't do what this Presi-

dent proposed and this Congress did. We took tough medicine last year to try to ratchet down the deficit, and we have. But the deficit will grow again.

So let me just read a few of the administration's projections about our economic future. This is page 249 of the summary tables of the President's budget. The on-budget surplus or on-budget deficit are both on this table. And on-budget means that you take the Social Security surplus out of the number, because Social Security is now legally off budget, although you wouldn't know it from the numbers the administration and other people throw around.

The on-budget deficit for fiscal year 1995 will be \$225 billion. That is relatively good news. If last year's bad news was \$350 billion, \$225 billion is better. But in 1996, it will go to \$236 billion; in 1998, it will go to \$279 billion; in 1999, to \$278 billion.

Even with the Social Security revenues used to reduce the deficit in the year 2004, the deficit will be \$365 billion. Our total accumulated debt will be close to \$8 trillion.

One can make a case for doing nothing, I suppose. But in my judgment that would be irresponsible. The question is not whether we do something. The question is what.

We can monkey around with all kinds of devices or we can have a debate here, as we are, about changing the Constitution.

Senator BYRD was absolutely correct when he said changing the Constitution will not balance the budget. Let us assume it is voted on here tomorrow and in the House tomorrow night and it goes out as ratified. It will not change by 1 cent the budget deficit, until and unless men and women take actions to respond to the constitutional requirement.

We will need to consider a range of options, some of which are probably easy to do. But some of them will be agonizing and tough. They will confront us with some of the most difficult decisions that American society has had to confront, in its democratic way, through the Congress.

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

Mr. DORGAN. I ask the Senator for 3 additional minutes.

Mr. SIMON. I yield 3 additional minutes to the Senator.

Mr. DORGAN. There are going to be many arguments proposed both for and against this constitutional amendment in the days ahead.

I am a cosponsor of the amendment and I am very likely to vote for the amendment.

I want to offer a change, as I said. I want to see the change the Senator is talking about offering to his own amendment. But I do not think we have the luxury of continuing to do what we have done for the last decade.

We will hear a lot of fancy arguments. But there is one timeless truth that existed in this Chamber before this debate started and will exist after it is over. That timeless truth is you cannot forever spend money you do not have. You cannot forever spend resources that honestly are your children's.

We must somehow confront this problem. The Senator from Illinois serves rather than betrays us by bringing this issue to the floor of the Senate now. None of us would prefer to deal with it. The easiest approach, I suppose, is to say: "Well, gee, this is a tough issue. Let's postpone it." But I am not interested in postponing these issues until we have an \$8 trillion debt.

I put to bed every night a young boy and a young girl and tell them a story. I want that story to have wonderful messages of hope and inspiration in it. But, one piece of hope and inspiration they may not yet understand because they are too young would be if I could tell my young son and young daughter that we have done the things that are necessary to make their future bright. I want to be able to give them some notion that in the years ahead this country will be a strong country, moving ahead with economic expansion, providing jobs and opportunity and hope to families again.

Instead, our country has a mess of trouble. It is a wonderful place. But to make it as good as it can be is going to require all the leadership we can muster to make these kinds of tough decisions.

I wanted to say a few things about the constitutional amendment today. And I would say to Senator SIMON I think he has served the interest of this institution and this country by raising these questions.

I would also say to those on the other side of the aisle who joined him, and colleagues of mine who have joined him, that this is a debate that has been too long postponed, and I hope will result in satisfactory answers for all of us and good progress for our country's future.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. SIMON. Mr. President, I thank my colleague from North Dakota for his common sense and his wisdom.

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. BYRD addressed the Chair.

The PRESIDING OFFICER. The President pro tempore is recognized.

Mr. BYRD. 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. BYRD. Mr. President, I yield 30 minutes to the distinguished Senator from Ohio [Mr. GLENN].

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. Mr. President, I thank my distinguished colleague from West Virginia.

Mr. President, this is a most important debate. As the Senate begins to debate a constitutional amendment to require a balanced budget, I am sure that we are not going to hear many voices in support of increased spending and spiraling deficits. It is very attractive, to vote for a balanced budget and that proposes to take care of our problems. It forces us into doing something that we might not otherwise do. It reflects the fact that all of us here have grown so frustrated over the years with deficit spending, deficit spending that just seems all too intractable.

Over the past decade, Democrats and Republicans have pointed fingers at each other. We pointed fingers at the White House, the White House has blamed Congress, the Congress blamed everybody. While everyone argued, the national debt has soared out of control.

What led us into this? We had basically a 12-year experiment with supply-side economics, and the answer to the experiment is that it did not work. During that time our national debt quadrupled from \$1 trillion to over \$4 trillion. It led us into deficits and deficit spending beyond anything that we ever thought possible and into more debt than we ever thought possible for this country.

Without arguing the merits of Laffer curves and supply-side economics, we looked for what some saw as gimmicks. We were in gridlock, and many reached out for simple solutions to what are very difficult problems. And they are difficult problems. They are tough. We looked at and tried what some saw as gimmicks and others called tough medicine. We are going to show our merit around here. We tried measures like Gramm-Rudman. We considered line-item vetoes and a balanced budget amendment. They all fit in the same category of things that reflect the gridlock we got into and the concern that we had about this ever-spiraling Federal deficit.

Our approach to budgeting has been to say: Look, Ma, no hands. We will put ourselves on some sort of automatic track and that will take care of it. It reflects a deep frustration that has caused many of us to consider this kind of approach more and more seriously over the years; the balanced budget approach. It is not unattractive. It is a forcing mechanism. I compliment my distinguished colleague from Illinois for bringing this forward because he is just as concerned as anybody in this body about the fact that we cannot go on into the future, mortgaging the future of our grandchildren, as he point-

ed out so eloquently in our Democratic conference yesterday.

We know that the real solution—rather than trying to put us into some sort of legislative solution—the real solution starts with responsible leadership making hard choices and casting tough votes.

In an attempt to force responsible leadership, back some years ago I authored legislation—it was twice passed by the Senate—that would have forced the President to submit a balanced budget to Congress and if he did not, to explain why. In that legislation, we went back to the 1921 legislation, the Budget and Accounting Act, where the President submits a budget and if it is out of balance, the President will suggest to Congress, and the words were, "appropriate action." And appropriate action was taken to mean new taxes, loans, or other.

In other words, it required the President to make recommendations regarding new taxes, loans, or other—as the way they defined appropriate action—to meet projected deficits if an unbalanced budget was submitted. This section was restated in the 1982 recodification of title 31 of the United States Code and the specific references to new taxes and loans were removed. That is why I subsequently offered legislation explicitly requiring that the President submit a balanced budget and, if not, explain why. It was my hope that this would force the kind of responsible leadership necessary to end budget gridlock.

Mr. President, although my provision was passed twice by the Senate, it was not enacted into law. We debated it on the floor. I had a lot of support for it. It was passed. It was not just passed with some kind of unanimous consent. It was considered very thoroughly on the floor, and we passed it. I felt that that kind of leadership was necessary to do something about the deficit. I was proud of that.

While it has been sometimes tempting in the past to consider a balanced budget amendment, we have to view it in light of today and the current circumstances in which we find ourselves. What are those current circumstances?

Last year, we saw the inauguration of a new administration committed to reducing our budget deficit. In its first year, the administration proposed and the Congress passed the largest deficit reduction bill in the history of this country. Last year's bill will reduce the deficit by \$504.8 billion over 5 years. We have seen the deficit estimates drop by 40 percent from a projected \$302 to \$176 billion. The deficit is projected to decline for the next 3 consecutive years, something that has not happened in over 40 years, since the days of Harry Truman—40 years. We are now heading in the right direction.

The President's budget proposal for this year calls for cuts in more than 300

programs; 115 programs are targeted for elimination. For the first time since 1969, discretionary spending will actually decline.

Secretary of the Treasury Lloyd Bentsen, our former colleague in the Senate, former chairman of the Finance Committee said, "There is a lot of pain in it, a lot of blood on the floor," and he was right.

I, for one, think there can be even more blood on the floor, but now it is up to us in Congress to spill that blood to make sure that we keep this trend going.

At last we are putting the days of budget gridlock behind us. The President has led the way and the Congress is making the cuts that need to be made. Our economy is starting to recover; housing starts are up; industrial production is up; unemployment is going down.

We had testimony just a couple of days ago from the Chairman of the Federal Reserve Board, Alan Greenspan, in which he said he cannot recall as good an underlying base for the long-term outlook than we have today.

Just when we are stepping out of the straitjacket of gridlock, just as we are beginning to head in the right direction, we are being asked to step right back into another straitjacket: the balanced budget amendment.

I think this takes us back to an earlier day. It is a vestige of the days of finger pointing and inaction; it is a day when I, too, shared the frustration of gridlock that forced us in desperation to look for mechanical means of leadership. But I believe we have passed the time when that would be an appropriate solution. I believe that kind of activity has no place in today's consideration of what is best for us.

Make no mistake about it, just the idea, the concept of saying we want a balanced budget amendment that is going to force us into something is very attractive—very attractive.

We do have to cut Government. I am chairman of the Senate Governmental Affairs Committee. We had hearings today on H.R. 3400, the House bill that starts for the first time to reinvent Government, as Vice President GORE has put it. We had a hearing this morning on that bill, which I chaired. We had Mr. Charles Bowsher, Comptroller General of the General Accounting Office, and Ms. Alice Rivlin, who is Deputy Director of the Office of Management and Budget. One of the things we considered this morning is how we go about reducing the number of Government employees by 252,000 over a 5-year period.

We are getting into this in depth and considering some major measures on how we are going to control Government spending.

As to the cutting down of employees by 252,000, just to give an example and expand on that just a little bit, the

Government ratio of managers to employees is about 1 to 7. In most private industries, that ratio is about 1 to 12 or 1 to 15. In labor-intensive industries, it is probably about 1 to 20. We want to cut out some of this middle management bloat that has occurred in Government, the GS-13's, 14's, and 15's.

Will that alone solve the deficit? No, it will not, but it is indicative that we are, in fact, not just nibbling around the edges of this thing; we are taking substantive action to get the budget under control. It is going to take some time and we must, we simply must, stop this deficit dead in its tracks.

I think we have the chance to do that, and let us do it right, not in a way that will place Government in a straitjacket, eliminating our ability to respond to, for instance, economic cyclical downturns, eliminating our ability to react to national crises, to make rational budget choices, and to adequately prepare for military threats. And inserting instead courts and endless litigation into the budget process.

I think it is very important to remember how important our national budget is and what a broad impact it has on our general economy.

Many have reminded us that most of the States are required to balance their budgets. They say, "If the States can do it, why can't the Federal Government do it?"

Let us be clear about exactly what the States do. Most States, typically, have separate budgets for operating and capital expenses. So it is not the same thing as the Federal Government. Requirements for balanced budgets apply only to their operating budget. Many State investments made in roads, in bridges, and school construction can be financed through bonds or other borrowing measures, and does not count as it does in the Federal accounting process. In fact, State debt actually rose to a record high of \$372 billion at the end of fiscal year 1992.

Our national budget does have a broad impact on our general economy, and our economic policies have had a favorable impact on the boom and bust cycles of an unregulated economy. This Nation once was at the mercy of devastating economic disasters. Look back through history. Just pick up the encyclopedia, pick up the World Book, as I did in my office a little while ago, and look at it. I saw a chart that shows the panic of 1873, the panic of 1893, the panic of 1907. I can well remember the catastrophe of the Great Depression. I was a boy during those days of the early 1930's, and I remember when we had to go out and plant a bigger garden so we could take care of not only ourselves but some of the other people in our small town of New Concord, OH, where I grew up.

I remember those days of the Great Depression very well. I remember my parents talking once about whether we

were going to lose our home or not. New Government policies were put in to help with refinancing mortgages. I was part of that, and I was old enough that I remember some of those things to this very day. Federal economic policies have often relieved the suffering of a downturn in the economic cycle.

Now, if you look at that same chart I referred to just a moment ago, in the World Book, from the days of the Great Depression, when new economic policies were instituted, have we had recessions? Have we had dips? Yes, we have had dips but nothing that even approached those days of that Great Depression that started in 1929 and ran for nearly a 10-year period. Movies, such as "The Grapes of Wrath," have depicted what really happened back in that time period. Federal economic policies have often relieved the suffering of the economic cycle.

Under the proposed amendment, in times of economic downturn our economy would in effect, be placed on autopilot. The economic downturn would cause an unpredictable hemorrhage of revenues. Tax increases and massive spending cuts would be forced at just the time a fragile economy could not sustain them. That is just what turned a recession into the Great Depression of the 1930's. Policies instituted back at that time helped to bring us out of that depression as well as World War II, of course. But since that time, we have had policies that were counter-cyclical, that operated to stimulate the economy just at times when needed. Not to put in tax increases and massive spending cuts at a time when the economy would not be able to react.

Because three-fifths of the Senate would be needed to suspend this amendment, a minority of legislators, 40.1 percent of legislators, would decide the fate of all Americans during these times, during times when we might want an economic stimulus. That is less than a majority, obviously. I think we should be deciding these things not by requiring a supermajority, but I think a majority will of the people should be expressed.

The judicial consequences of the amendment have brought together an unexpected alliance of legal scholars who have linked arms in opposition to the amendment. Liberals such as Archibald Cox, Laurence Tribe, and over on the other side, conservatives such as Robert Bork and Charles Fried, all think, to quote Robert Bork, that it is a serious mistake.

Why? Because as the executive and legislative branches throw up their arms and say, in effect, look, no hands; we can just put this on autopilot, the courts then will be forced to come into the process. The courts will be forced to determine compliance with the amendment if it is brought into the courts, which it undoubtedly would be.

If we pass this amendment, we better appropriate money for accountants at the Supreme Court because I think they are likely to need it. Every interest group that is unhappy with a cut that is being proposed will file suit and say that Congress is not complying with the amendment. This sounds like a lawyer's dream, I guess.

If Congress and the Executive should fail to comply, what next? What is the next step? Will unelected judges then mandate tax increases or budget cuts?

The amendment says that Congress can at some future time enact enforcement legislation to iron out some of these questions. But I must say I would feel much more comfortable about amending the Constitution if some of these questions were answered now, not at some later date.

Would the same minority of legislators decide the fate of Ohioans hit by a natural disaster or the people of California or Hurricane Hugo down along the east coast? Would we be locked into a straitjacket there? Over the years tornadoes and floods have ravaged parts of Ohio. The Federal Government has come to our aid, as we do for other States when they have a problem.

But with the amendment in place, legislators who have never even been to Ohio would suddenly have veto power over Government compassion. "Tough luck. You are on your own, Ohio. You did not give us any notice. You were struck by a tornado but we did not include any relief in the budget. We would like a little warning next time, or have your disaster early in the year when there is relief money available."

That would be the kind of thing we have the potential of stepping into with this kind of straitjacket, it seems to me. We turn over the hourglass and frantically begin hopping around trying to figure out what to do next and, like Houdini, the Congress has always been very good at finding its way out of these things, creating some smoke and mirrors, the same things that made a mockery out of Gramm-Rudman. And that is what America thinks Congress will do also.

A Wall Street Journal-NBC poll showed that 77 percent of Americans think that a balanced budget amendment would not produce a balanced budget. They think that Congress will spend more time trying to get out of the amendment's requirements than trying to comply with it. And you know, they might be right. They know that the real solution lies in responsible leadership and in tough action.

Let us say Congress earnestly seeks to comply with the amendment. The timer goes off and away we go. The race begins. Congress has until 2001 to come up with \$600 billion, give or take \$100 billion, given the way budget estimates can vary, and it does not matter what may happen in the meantime,

what emergencies may arise, what threats we may face overseas, what our national priorities may be. In the process I fear that the historic health care initiatives might be one of those things that would get trampled.

The Clinton administration has worked very hard to come up with savings to finance health care reform, and I expect these savings will be the first thing grabbed up in the wake of this amendment. I hope we do not do this, because with them will go the hopes of millions of Americans who thought for the first time they and their families would have access to basic health care that they could rely on for the future.

(Mr. CONRAD assumed the chair.)
Mr. GLENN. There is another area that I have some very serious concerns about, very serious concerns, and that is doubts about whether our national defense might become victim to this frantic race.

The amendment has a military conflict waiver which is extremely important, but I do fear that this may not go far enough. What happens if America faces a military threat—not a conflict, a military threat? Will we be able to gear our forces up from the confines of a straitjacket?

We have a very interesting cycle that has gone on in this country ever since the days of the Spanish-American War. It is interesting to look at. It shows that on an average there is a 17-year cycle in which we have a buildup and builddown of our military forces. Ever since the days of the Spanish-American War we buildup, builddown, buildup, builddown.

Every time we have been so optimistic that peace has broken out and we can relax we have cut back on our military forces. Later we have turned right around and built up again on this 17-year cycle.

This cycle depicted on a chart is interesting to look at. Someone brought it to my attention one day, and I have made copies of it and have passed it out to a lot of people. Every 17 years we decide the world is safe, we can cut back on our military and then something happens that makes us reconsider and we begin building up again to prepare for this new threat.

Military readiness is not something that just happens overnight. We cannot wait for a declaration of war to start building up. It does not work that way. You cannot produce the equipment that fast. You cannot train the people that fast. This concerns me very much because we are in the process of reducing our military personnel down to 1.6 million by the end of next year; our active duty forces. And it is now proposed that we take it on down even lower than that.

I think our worldwide commitments are beginning to outstrip our military ability to back up those commitments. Congress is charged in the Constitution

with the awesome responsibility of providing for the common defense. Today we are debating an amendment to the Constitution which I fear may not allow Congress to live up to that responsibility. There are trouble spots throughout the world that could erupt at any time. We have seen that over and over.

Not only that, what will our allies as well as our adversaries think if they know that we have no ability to rise to the occasion? I do not think our NATO partners would view us as being that reliable if we have locked ourselves into no spending on military matters unless we have some sort of an emergency, that we cannot be prepared unless some eminent or actual conflict is going on.

The States may balance their budgets but one of the fundamental differences between the States and the Federal Government is providing for the common defense. States are not constitutionally required to raise and support armies or provide and maintain a Navy.

What are the possible effects of this amendment on State and local governments?

I have been working hard to reverse the recent trend of unfunded Federal mandates. We place many requirements on the States to do things and we share the expenses. But trying to take care of this problem will be virtually impossible if we pass this. We look to the Governors of the States who are so concerned about this, and the State legislatures, and it seems to me it is going to be a much tougher fight to take care of some of those unfunded mandates if this amendment is in place. Legislators will seek to carry out their agendas through mandates and regulations on State and local governments, and nobody can afford that.

Mr. President, if we want a balanced budget amendment that requires cuts—that is what this would do, it would require cuts—I would suggest that it would be better to figure out what those cuts would be, make a list of the cuts, and figure out what areas we are going to cut. Are we going to cut in crime prevention, farm supports, or Social Security, or health, or education, training, employment, emergency spending, unemployment compensation, Medicare, Medicaid, Federal deposit insurance, international obligations, national security?

Are we going to cut what we can do overseas with regard to Somalia, Bosnia? These are not declared wars. What are we going to do in these areas?

What if something erupts one of these days where there are hundreds of thousands of people who are in danger or actually dying now in Angola, or Chad? What if something breaks in North Korea? Should we be prepared? Are we going to cut in these areas?

If this is what we are to do, if we are going to lock ourselves in a straight-

jacket, then we are going to force ourselves to cut in some of these areas. Let us describe right now, ahead of time, what the cuts will be and where they come from. Let us total up the dollars, and maybe we do not even need a balanced budget amendment. We can start voting these things one at a time and see if they are acceptable rather than placing ourselves in that kind of a straightjacket.

Mr. President, I think the Cincinnati Post said it all in a recent editorial:

Despite its superficial appeal, a balanced budget amendment would exacerbate distortions already present in the political system without curing the Federal Government of over commitment. For that the only antidote is political will.

They are right. Mr. President, it is time we stopped debating these mechanical fixes. Let us put the days of gridlock behind us and get to work. The President has sent us a budget that continues the fight. Last summer we all debated whether we would vote for the reconciliation bill that made some very tough cuts. Those were hard votes. We got the whole thing started. And the President is continuing it with this year's budget.

The last time we debated the balanced budget amendment we were on the wrong track with deficits going steadily uphill. Now we have made a new start, and the President has sent us a budget that reduces spending; we can reduce it more. It cuts some programs; we can cut a whole lot more. We do not need constitutional cover to make the tough choices.

I think those tough choices are what we were sent here to do. We have a good start. Let us finish the job.

I regret very much that I must oppose the balanced budget amendment.

Mr. President, I ask for 2 more minutes please.

Mr. BYRD. Mr. President, I yield 2 additional minutes.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 2 additional minutes.

Mr. GLENN. Mr. President, I would also ask unanimous consent that editorials, one from the Cincinnati Post, one from the Cleveland Plain Dealer, three from the Washington Post, and one that appeared in the Wall Street Journal on October 28, 1993, called "Congress v. The Framers and Reason," be printed in the RECORD.

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

[From the Cincinnati Post, Feb. 16, 1994]

NO WAY TO CURE A DEFICIT

In a scant half-page, an impressive collection of the nation's top legal scholars sum up the case against the Balanced Budget Amendment to the Constitution. From Lawrence Tribe and Archibald Cox on the left to Robert Bork and Charles Fried on the right, the 17 jurists blast the amendment—due to be debated in the Senate next week—as "a serious mistake."

We agree—for most of the reasons the scholars recite in their letter to Sen. Robert Byrd, D-W.Va., an amendment opponent. The first reason, though—that outlawing deficits would "deprive Congress and the President of needed flexibility—we would put differently. The amendment pretends to deprive Congress of needed flexibility, while actually changing little since by a mere three-fifths vote Congress could authorize the same deficit spending it has opted for every year since 1969.

Either Congress would openly vote to circumvent the ban on new borrowing or it would use unrealistic budget assumptions and balance the budget only on paper. Who would punish it? One possibility, the scholars note, is that the federal courts would step in, inappropriately called on to settle intractable budget choices by judicial fiat.

Yet another form of false compliance the letter cites is passing the buck. The amendment would create "a permanent incentive to accomplish national objectives * * * through * * * mandates and regulatory burdens on state and local governments and the private sector." This incentive already exists, it would be magnified a thousandfold under a Balanced Budget Amendment.

In 1995, the president proposes to spend \$176 billion more than Washington takes in. If that deficit had to be erased, what would Congress and the president be more likely to do: order painful service cuts, job losses and new taxes worth \$176 billion, or conceal some of the damage by shifting costs to states, localities and businesses?

Despite its superficial appeal, a Balanced Budget Amendment would exacerbate distortions already present in the political system—without curing the federal government of overcommitment. For that, the only antidote is political will.

[From the Cleveland Plain Dealer, Feb. 22, 1994]

BALANCING BUDGETS

It's hard to dispute the central premise of the many politicians who will argue on the Senate floor this week in favor of a constitutional amendment to balance the federal budget. Without a straitjacket imposed from outside, they say, Congress will never summon the discipline to restrain its impulse to spend more money each year than it has.

Who can argue with such a prediction? Just last week, hoping to sway the close vote coming soon in the Senate, the Clinton administration dispatched a phalanx of Cabinet secretaries to Capitol Hill to preview the horrors that would follow enactment of a balanced-budget amendment.

Among other things, the Cabinet secretaries said, a balanced-budget amendment would jeopardize economic growth, throw defense planning into chaos, increase crime and hurt the poor and the elderly. In other words, a central premise of many opponents of a balanced-budget amendment is that the nation would be hurled to the brink of disaster if the government were ever forced to balance its books. Deficits, in other words, are healthy.

To those of us who look askance at borrowing, the administration's arguments were less than persuasive. Indeed, they strengthened the case of respected advocates of the amendment, such as Sen. Paul Simon and former Sen. Paul Tsongas, who note the cost to future generations of the huge interest bills necessary to finance the federal government's debts.

Still, for all our sympathy toward those frustrated by federal spending habits, we will

be siding with the opposition when debate begins on a balanced-budget amendment today. Our concern is less with fiscal nightmares that the ramifications of fiddling with a document as sturdy and wise as the U.S. Constitution.

Amending the Constitution is a huge step that should be taken only after careful consideration of the likely consequences. Certainly, the recent history of deficit spending in Washington suggests a need for something dramatic to change a dangerous habit. But there is reason to question whether amending the Constitution would solve the problem of perennial overspending, and whether it would do so without damage to important institutions.

There are grounds for concern on both fronts. In order to ensure some fiscal flexibility, the proposed amendment would allow deficits in any year when Congress could muster a three-fifths majority in favor of such a move. That exemption would almost certainly suffice to allow deficit spending in times of war and recession. But given Congress' fondness for spending, it probably would suffice also to allow deficits when such emergencies are absent.

Congress could sidestep a balanced-budget amendment in another, less obvious way—by building budgets on unrealistic economic forecasts that exaggerate likely revenues or underestimate expenses. As any observer of Congress knows, lawmakers are expert at finding ways around spending limits.

Which raises the question of how a balanced-budget amendment would be enforced. Who would resolve the dispute if Congress were accused of approving a phony balanced budget? Do we want federal courts to become referees in bruising budget battles that have traditionally been the province of the legislative and executive branches?

Advocates of the amendment ask poignantly what alternative there is to coax Congress to behave more responsibly. The answer is the ballot box.

[From the Washington Post, Nov. 8, 1993]

DISTORTING THE CONSTITUTION

President Clinton on Friday took a position on the misnamed balanced budget amendment to the Constitution, on which Congress is scheduled to vote in the next couple of weeks. He's opposed, as well he ought to be; he laid out the principal reasons in a compelling letter to House Speaker Tom Foley. You could be forgiven if you failed to get the news. There was no announcement; the letter was sent up late Friday afternoon, which is exactly when administrations generally take actions they hope won't get noticed. Officials say that wasn't the intent, and that the administration plans to campaign vigorously against this insidious proposal in the time that remains. We hope so.

This amendment wouldn't require, and most of the time would likely not produce, a balanced budget. It would simply require a three-fifths rather than majority vote of both houses to pass an unbalanced one. The balance it would mostly affect is the balance of power. It would add to the price that a president—any president, of any persuasion—would likely have to pay each year to get a budget passed. Every year Congress searches for the perfect vote on the budget, the one that will let it stand four-square for frugality without having to say at whose expense the frugality is to be achieved. The amendment has the added virtue of putting off the frugality until later; it will be another Congress's responsibility to achieve.

The president rightly observed that "the amendment by itself would not reduce the

deficit by a single penny." But unlike some of the gimmicks that have preceded it, this one would tamper with fundamental law and likely do great harm to precisely the future ability to make the disciplined choices that sponsors say it would enhance. It would enshrine minority rule, and thereby add to the chance each year of gridlock. The president warned that by likely increasing "accounting subterfuge * * * for example * * * moving more federal programs off budget or * * * imposing more unfunded mandates on the states," it might well end up producing less fiscal responsibility rather than more.

It would be "bad economics," he said, in that it would complicate the government's counter-cyclical role, wherein the deficit automatically widens when the economy turns weak; it "risks turning minor downturns into serious recessions" and "would make recovery from recession far more difficult." The amendment could do programmatic harm as well. The goal of some supporters is not so much to balance the budget as to shrink the size and role of government. The president spoke up for reducing the "investment deficit" as well as the budget deficit. He said the amendment could "make it impossible to pass meaningful health reform legislation." Aides are preparing to warn backers that other likely effects could include increased pressure on defense and a greater burden on precisely the states that would have to ratify the amendment; that's because federal aid to state and local government would likely be cut.

This amendment, far from facing up to such choices, closes its eyes to them. It is a means of deferring precisely the discipline that it pretends to impose; in the name of strengthening the government, it would hobble and weaken it. It abuses the Constitution by using it as a political shield. Mr. Clinton, whose budget this year was itself a good first step toward deficit reduction, is right to oppose it. Congress should vote it down.

[From the Wall Street Journal, Oct. 23, 1993]

CONGRESS VS. THE FRAMERS—AND REASON

(By Albert R. Hunt)

Despite tough competition, Congress may be on the verge of its dumbest act in years: monkeying with the Constitution, while ignoring the Founding Fathers as well as contemporary constitutional scholars, ranging from liberal Archibald Cox to conservative Robert Bork. In the process, lawmakers would display the rankest hypocrisy.

This remarkable feat would be a constitutional amendment to mandate a balanced budget. The only exceptions would be war or if a statutory three-fifths of the total members of both houses vote for an unbalanced budget. The chief Senate sponsor, Paul Simon (D., Ill.), says he has a commitment from the leadership that it will come up within the next month.

In 1986, the Senate voted on a similar measure and it lost by one vote; the environment is more conducive today. Private tallies suggest supporters are only a handful of senators away from the required two-thirds support. If it passes the Senate, favorable action is likely in the House, where it fell nine votes short last year, a margin more than offset by electoral changes.

The prospect is mind-boggling. The same institution that has approved \$2.6 trillion of red ink over the past dozen years now wants to cure the problem by amending the Constitution. Many supporters cynically figure this will divert attention from their cowardice in tackling real budgetary issues and priorities. "To use the Constitution for such a

purpose not only trivializes it by an irrelevancy but, in the long run, would reduce the respect for, and therefore the effectiveness of, our bulwark of liberty," charges Archibald Cox, chairman emeritus of Common Cause and the former U.S. solicitor general and Harvard law school professor.

Even in the short run the people may be much smarter than these politicians think. By an overwhelming 77% to 17%, people don't think a constitutional amendment actually would produce a balanced budget, according to this week's Wall Street Journal/NBC News national survey.

Experience is on their side. Take, for example, the 65 members of the House who this year voted against both the Clinton deficit reduction plan, with many saying it relied too much on tax hikes, and the Republican alternative, with many saying it cut spending too much. Yet these 36 Republicans and 29 Democrats are sponsoring the balanced-budget amendment.

"We need the forced discipline of a constitutional amendment," explains Rep. Sonny Callahan (R. Ala.), one of the 65. Why did he vote against the GOP budget-cutting plan? Mr. Callahan says it was too tough on Medicare and other sensitive entitlements. In the Senate, the amendment's patron saint, Paul Simons, last week sent a private memo to President Clinton advocating an expansive new program for the inner cities. It apparently is interesting and meritorious; it also is totally at odds with his amendment.

It's tough to figure whether this amendment would do more harm economically or politically. Even most traditionally conservative economists agree that trying to balance the federal budget in recessionary times is crazy. And in a well-reasoned 25-page analysis, Robert Greenstein, of the liberal Center on Budget and Policy Priorities, convincingly argues that under a balanced budget amendment—which could take effect before the end of the decade—the poor would bear "the heaviest sacrifices since they are the weakest constituency."

But the political damage might be even greater. Since a balanced budget often would be politically and economically disastrous, the real issue would be how to get a 60% vote for revenue and spending measures; in both houses, 40.1% of the members would have an effective veto power.

There's an illustrative model: California, where a two-thirds legislative majority is required to pass a budget. This minority rule has had the effect of decreasing accountability, increasing the influence of special interests and creating a general chaos that has served neither the politicians nor the people well. Whatever reforms are desirable for Congress, becoming more like the California Legislature isn't one of them.

This year it would have meant that President Clinton never would have gotten a budget through, or it would have been one almost identical to the last Bush budget, after voters demanded change. The effect, in the House at least, would be to give Newt Gingrich veto power over fiscal policy.

Sounds pretty good, some conservatives no doubt are thinking. Think harder. This minority rule also would have killed the Reagan tax cuts of 1981, which fell 23 votes short of three-fifths of the House. And, if conservatives really believe that Mr. Gingrich has a real shot to be speaker before the decade is out, how about liberal Democratic Rep. Barney Frank exercising a similar veto power?

"This is a conservative measure that conservatives haven't thought about," worries Robert Bork. "It would create a real mess."

He highlights two likely unintended consequences: more regulation and more power accruing to unelected judges. Congress almost surely would try to get around any binding fiscal restraints by escalating regulatory measures, which, Judge Bork argues, "could be worse than taxation from a conservative point of view." Moreover, if lawmakers circumvented the limits simply by adopting wildly unrealistic estimates, there's no enforcement mechanism. The result: the courts would get deeply into fiscal policy.

THE HYPOCRITICAL 65

Here are the 65 members of the House who earlier this year voted against both the Clinton and the Republican plans for reducing the deficit but now sponsor a balanced-budget constitutional amendment:

Democrats: Browder (Ala.), Coppersmith (Ariz.), Condit (Calif.), Deal (Ga.), Rowland (Ga.), Lipinski (Ill.), Long (Ind.), Roemer (Ind.), Baesler (Ky.), Hayes (La.), Minge (Minn.), Parker (Miss.), Danner (Mo.), Skelton (Mo.), Swett (N.H.), Andrews (N.J.), Pallone (N.J.), Mann (Ohio), Traficant (Ohio), English (Okla.), Johnson (S.D.), Clement (Tenn.), Chapman (Texas), Edwards (Texas), Goren (Texas), Hall (Texas), Laughlin (Texas), Sarpalius (Texas), Wilson (Texas).

Republicans: Callahan (Ala.), Stump (Ariz.), Huffington (Calif.), Allard (Colo.), Hefley (Colo.), McInnis (Colo.), Schaefer (Colo.), Canady (Fla.), Diaz-Balart (Fla.), Fowler (Fla.), Ros-Lehtinen (Fla.), Stearns (Fla.), Kingston (Ga.), Burton (Ind.), Grandy (Iowa), Leach (Iowa), Lightfoot (Iowa), Roberts (Kan.), Rogers (Ky.), Bentley (Md.), Emerson (Mo.), Hancock (Mo.), Barrett (Neb.), Bereuter (Neb.), Vucanovich (Nev.), Boehlert (N.Y.), Taylor (N.C.), Gillmor (Ohio), Regula (Ohio), Machtley (R.I.), Spence (S.C.), Duncan (Tenn.), Bateman (Va.), Goodlette (Va.), Petri (Wis.), Roth (Wis.).

Writing economics into the Constitution and requiring a supermajority for important actions aren't new ideas. In the *Federalist Papers*, Number 58, James Madison considered the idea of a supermajority and persuasively rejected it: "the fundamental principle of free government would be reversed. It would be no longer the majority that would rule; the power would be transferred to the minority."

Over the next few weeks, as Congress decides whether to profoundly change the Constitution, take your pick: James Madison or Sonny Callahan.

[From the Washington Post, Nov. 1, 1993]

A SLOPPY WAY TO GOVERN

To pass his budget last summer, President Clinton had to promise some further votes on fiscal matters later in the year. Those fuzzy and incautious promises are now coming due. The problem for the president and the leadership in Congress is that they may not have control over the terms of the votes. The anti-spenders are teeing up the choices in such a way that members will mainly be able to vote against spending in the abstract, say yes to cutting without saying how. That will be fine for the holidays; everyone can go home having cast the perfect vote, which is always for virtue without pain. Only later will they—or someone—have to figure out how to govern within the limits to which these showy and unwise propositions could condemn them.

The most dangerous of the proposals is the misnamed balanced budget amendment to the Constitution. It's the granddaddy of false

promises. It wouldn't require a balanced budget, just a three-fifths vote in both houses to pass an unbalanced one. It would empower minorities; anyone with an idea that could command the allegiance of 41 percent of either house could hold the government hostage. The theory is that such a system would somehow lead to leaner government. The effect would much more likely be the opposite.

There are lots of years when for economic or social reasons the government ought to run a deficit. To do so the party in power would have to win the support of 20 percent more members in each house than it does today. The president, or someone, would have to bargain with more stray members; who thinks that that would lead to an epidemic of self-denial? Last summer, when this president needed every Democratic vote, is a case in point. By all means reduce the deficit, the professed fiscal conservatives of the party came round to say one after the other, but surely not at the expense of *** imposing an energy tax, increasing grazing fees, cutting farm support as much as the president proposed, taxing a larger share of Social Security benefits, cutting defense, cutting Medicare. The president had to deal for votes and then was condemned for dealing by some of the very people who threatened to withhold their votes until he dealt. Will they change the Constitution to bar that too?

In the House, meanwhile, some members now also are proposing what they describe as \$103 billion in further spending cuts over the next five years. To lock some of these supposed savings in place, they would reduce the already tight appropriations caps that were set for the next several years in the budget. The problem is, they don't specify enough new cuts to get the caps down to the new levels they propose; instead they try to snatch some administration proposals that the president needs to get spending down to the existing caps. No fair; by one estimate, to get total spending down to the point they propose, they would have to list \$70 billion more in specific cuts that they have. That's the opposite of a blank check; it's a blank cut. They would also preempt and pocket as "cuts" some health care savings that the president has proposed to use in financing health care reform.

This is no way to do the government's business. The amendment and proposed cuts both are ragged, slapdash policymaking that a lot of members think would do them some short-term political good. They would meanwhile do the country long-term substantive harm. The Democrats should beat them back.

[From the Washington Post, Oct. 20, 1993]

FAREWELL TO MAJORITY RULE

The Democratic Congress is about to take up legislation that would basically end the American system of majority rule. The Senate is tentatively scheduled to vote sometime in the next few weeks on a so-called balanced budget amendment to the Constitution. The sponsors of the simplistic and dangerous idea are said to be within a few votes of the two-thirds they need to send it to the House. A similar measure fell only nine votes short in the House last year, and opponents doubt that this time they could stave it off.

The misnamed amendment wouldn't so much balance the budget as it would destroy political accountability by creating minority control of both houses. The budget deficits of recent years have done the country

enormous damage, but they have been the result of political, not constitutional, failings. Such deficits did not exist in earlier years, when politicians had the courage to vote no. The right way to reduce them is to approve the specific tax increases and spending cut that the goal of responsible policy requires.

This amendment would instead allow the members once again to postpone the very action that they pretend to take. They would go home having virtuously voted to balance the budget in the abstract and in the distant future, without ever having had to say how. They mortgage the future and trivialize the Constitution in order to preen before constituents without inflicting pain. The President should be the one to speak out against the travesty, educate the country against it and provide the nervous members who know better with the cover they need to vote no. His aides know the vote is coming; the Senate leadership is opposed to the amendment. But so far the White House, too, has gone to ground.

Mr. Clinton and the congressional Democrats took a larger step toward deficit reduction last summer than they have been given credit for—and perhaps as large a step as a recovering economy can withstand. Instead of defending their actions, they seek political purposes to give the impression of doing more than even they think wise. The amendment would not ban unbalanced budgets, just require three-fifths majorities of both houses to enact them or to raise the statutory ceiling on outstanding federal debt. The measure would also make it marginally harder to raise taxes than to cut spending.

The budget would no longer serve as an automatic economic stabilizer, wherein a recession creates a wider deficit and the deficit partly offsets and cures the recession in turn. The redistribution role of the government would also likely be reduced. Democrats, including those who are unaccountably sponsoring the amendment, can like neither of these likely results. But the worst is that 40 percent of either house would hold the country hostage, and you can bet not just on fiscal policy, either, but on everything that a budget can be made to contain. You heard it said, and rightly so, that the country in the last election traded gridlock for party responsibility. The amenders would trade us back to gridlock, and in the process compound precisely the weakness of government that they profess to deplore.

Mr. GLENN, Mr. President, I think the distinguished floor manager of the bill, I say to my friend, PAUL SIMON, that I regret very much having to oppose his amendment. I know how seriously he takes this. He worked on it a long time. We worked on other things together. I am sorry I had to oppose him on this, but I just feel that we are on the right track now, and I think that a balanced budget amendment would lock us into a straightjacket that we would regret down the way. For that reason, I must oppose it at this time.

I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD, Mr. President, I thank the able Senator from Ohio [Mr. GLENN] for his excellent statement.

I yield now 15 minutes to the distinguished Senator from Washington [Mrs. MURRAY].

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank the distinguished Senator from West Virginia.

Mr. President, I rise today despite the fact I have laryngitis, and it is hard to speak, I do speak loudly today in opposition to the balanced budget amendment.

The senior Senator from the State of Illinois knows how much I respect him and the great service he has given this country. He and I serve on the Budget Committee together, and he knows I agree with him more often than not on budgetary issues.

In fact, we both agree that the deficit must come down. We agree the Government has not been serious in the past about living within its means.

But, Mr. President, sometimes friends disagree. And, today we do.

Last year, the President sent to Congress a bold plan to reduce the Federal deficit. It reversed the course of the past 12 years of reckless borrow-and-spend policies. It took the deficit head on. And, it is working.

It is working, Mr. President, even better than the most wide-eyed economists thought possible. It is working because we made tough decisions to cut spending programs. It took courage, discipline, and common sense. And we need more of it this year, especially as we consider health care reform.

But the balanced budget amendment takes no courage, no discipline, and no common sense. It denies the Federal Government—in other words, the people of this country—the basic practice most businesses and families use across this country to stay strong and solvent. It denies us responsible investments in the future.

There has been lots of talk here already about the future. About how this amendment will help American children. But, this amendment is likely to damage the economy more than help our children. It will tie their hands. It will raise their taxes. It will cut Government spending to irresponsible levels.

It also teaches our children a dangerous lesson. Mr. President, there is nothing wrong with responsible borrowing. That is the backbone of our financial services industry. Saving and investing. After all, how many American families could afford to buy their homes without a mortgage? Or, send their children to colleges without a student loan? Maybe the majority in this Chamber, but only a small minority across the country.

This amendment destroys the American dream. It tells our kids, if they come from a family that can't afford to pay cash for a home, they shouldn't try. It reaches them that investment—even if that means borrowing for education—is not an option.

Congress should be setting an example by teaching our children how to be

responsible borrowers. How to think about their future needs. How to invest wisely, how to plan and work to pay back their debts in a timely and organized manner. This amendment does not do that.

Mr. President, we all know words on a piece of paper cannot balance the budget. But legislators, like you and I and Senator SIMON, can. It is our job and responsibility to do so. I have money concerns about this proposal. The proponents of this amendment have not told us how they intend to balance the budget. Which taxes will they raise? Which programs will they cut?

Will the big States with more votes in the other body be able to dictate the national budget? Will they be able to protect their programs, while smaller States, like mine, will suffer?

I fear the cuts required to balance the budget will fall disproportionately on the smaller States. They will also fall squarely on the backs of the most vulnerable in our society—our children, our elderly, our disabled most in need of help. If Social Security were to be cut proportionately to reduce the deficit, the cost to our Nation's elderly would be significant. In my corner of the country, Social Security payments will be cut by \$1,000 per person. The total loss in my State will amount to nearly \$1 billion in 1999.

And, I fear the economists will be proven right. Those at Wharton predict Washington State will lose 209,000 jobs 2 years after this amendment takes effect. They predict my State will experience a 15-percent drop in total personal income. They tell me hardest hit will be the manufacturing sector—especially the aerospace industry—which is already experiencing massive job losses.

This amendment will add more political game-playing to the very serious business of forming a national budget. It will allow 40 percent of this body to bring our economy to a halt. The American people are fed up with gridlock. This amendment will only encourage it.

Instead of continuing the courage this body displayed by passing last year's budget, we would abdicate our responsibility to the court system.

This amendment will threaten us with a new power tool for lobbyists who will say: "If I do not get my way, I will challenge this budget in court." If the President and the Congress disagree on spending priorities and raising revenue, does that mean the court system will write our budget? Does it mean unelected jurists, accountable to no one, will wield incredible power?

And, does it mean lobbyists who roam these Halls on behalf of rich and powerful interests will win out over American families? The weakest among us will shoulder a disproportionate share of the impact of this

amendment. How many children have you ever seen sue the Congress for more funding? How many elderly, or disabled?

So, Mr. President, before we talk about how much we are helping our children by passing this proposed constitutional amendment, let's think about what this amendments forces on our families, and the bad economic and political example it sets.

Reducing the deficit is one of the most important, and challenging goals we face as legislators. My grandparents fought a world war and survived the Great Depression because of this Nation's ability to invest when necessary. And, my family has ridden out nasty recessions, because we were able to borrow.

I do not want my grandchildren's hands tied. It is not fair to tell them—after we are long since gone—"you have no say in determining your future. Your grandparents have told you what you must do."

I believe in budgets which reflect tomorrow's economic needs, not today's political bargains.

That is why I oppose this amendment.

I yield the floor.

Mr. SIMON. Mr. President, I yield 10 minutes to the Senator from Alabama.

Mr. SHELBY. Mr. President, I hope that this will be the last time I must rise and urge my colleagues to support a balanced budget amendment to the U.S. Constitution.

Today, Mr. President, it is critical that this body realize the importance and necessity of a balanced budget amendment to this country's future fiscal and economic health. And it is a tough realization too, Mr. President, because, at base, it is a recognition—an admission—that Congress lacks the institutional ability and the political fortitude to address our pressing deficit and national debt problems.

In fact, Congress suffers from what is known as weakness of the will when it comes to spending taxpayers' money. And year after year, it becomes clearer and clearer that Congress is inherently incapable of foregoing Federal deficit spending. Look at the record.

Mr. President, today's call for a balanced budget amendment is but one of many previous attempts to erect external controls over Congress' ability to spend beyond its means.

From the Congressional Budget and Impoundment Control Act, to Gramm-Rudman-Hollings, to the Budget Enforcement Act—all of these deficit targets and discretionary spending caps and pay-as-you-go provisions were supposed to help rein in Federal spending and lower the deficit.

But, looking at our debt and deficit today, Mr. President, it is clear that these controls were not enough. It would appear that we require something more—something that Congress

cannot so easily ignore, waive, or amend.

Mr. President, that something is a balanced budget amendment to the U.S. Constitution—a constitutional mandate requiring the Congress to bring Federal spending in line with Federal revenues by the year 2001.

I have long been a supporter of such an amendment. In this Congress and in past Congresses, I have introduced legislation similar to that which we are considering today. I continue to believe that Congress requires such a constitutional requirement if we are ever to effectively combat our increasing debt and deficit problems.

While CBO's most recent projections show the deficit declining over the next few years, it predicts that the deficit will continue to climb steadily after 1997. This is attributed to continuing increases in spending for Medicare and Medicaid and expiring discretionary spending caps.

There is no question that the discretionary spending caps are somewhat effective in holding down our deficit, but for the most part, policymakers have looked to tax increases to lower the deficit rather than cutting the growth of Federal spending.

Over the next 5 years, Federal spending continues to not only exceed expected revenues, but continues to grow from about \$1.5 to \$1.8 trillion—about a \$300 billion increase.

Even with a deficit at \$176 billion for 1995, we still expect to pay close to \$300 billion just on interest on the debt this year.

Why is that, Mr. President? It's because we continue to spend at a higher rate each year than we collect in revenues. Indeed, while caps and taxes may slow the growth of annual spending, they do not affect the fundamental cause of our problems—Congress' systemic inclination toward progressively higher Federal deficit spending.

Mr. President, a balanced budget amendment would give Congress the political fortitude and institutional ability it needs to close the ever-expanding black hole of Federal deficit spending.

It is surprising to me then that the administration is actively opposing this legislation. Over the past few weeks, the President has made it clear that he intends to work hard to defeat the passage of a balanced budget amendment.

In fact, according to the administration's position, while deficit reduction and debt reduction may be good reasons to raise taxes and finance more Federal spending—they are not sufficient reasons to justify a balanced budget amendment.

Mr. President, opponents are currently waging a full court press against the balanced budget amendment. Just last week the administration started floating around projected State-by-

State impact analysis detailing the proposed effect the amendment would have on each State and the average taxpayer.

They threaten the taxpayer with new taxes, and the States with new burdens. Again, I ask, why is it that the taxpayer must always be called upon first to finance balancing the Federal Government's checkbook?

And I would also note that the projected costs to States would not be nearly so high if they were not burdened with excessive Federal mandates and regulations that we are all aware of. So, let us not lose sight of the big picture here, Mr. President.

Every year, without a balanced budget, it will cost the taxpayer in accumulated debt and interest. We cannot continue to accept annual deficits that run from about one-fifth to one-seventh of Federal spending nor can we continue to make interest payments on the national debt that exceed annual deficits.

Otherwise, if we do, an increasing share of our taxes, now about 14 cents on the dollar, will go to financing the debt, and it will go higher.

What that means is that interest payments will consume more and more of Federal spending, sacrificing many of the worthwhile and necessary programs that opponents cite now as a legitimate reason for defeating a balanced budget amendment.

Mr. President, this country desperately needs a balanced budget amendment. While the most expedient way to reduce the deficit may be to raise more taxes—as we can all recall from the tax bill last summer—I submit it is not the right way. A surer way, a more fiscally responsible way, is to cut back Federal spending until it is in line with Federal revenues.

Mr. President, this amendment will make it harder to raise taxes and harder to borrow more money, thus forcing Congress to face the tough choices necessary for long-term solutions to our debt and deficit problems.

Mr. President, a balanced budget amendment is not draconian, it will not ruin the economy and end democracy as we know it as the naysayers would have you believe. On the contrary, it will simply force Congress hand on taking control of Federal spending. Admittedly, the stakes will be high, because Congress will not just be breaking Federal law if it fails to meet the designated balanced budget date, but I say the stakes are already high and we cannot afford not to meet them today.

Mr. President, it is only a matter of time and courage. And the decision is really very simple, we can act now or be forced to act later.

Mr. President, I say we act now, and I urge my colleagues to join me in supporting Senator SIMON's balanced budget amendment.

I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The Senator from West Virginia controls 2 hours and 44 minutes, the Senator from Illinois controls 10 minutes, and the Senator from Utah controls 42 minutes.

Mr. BYRD. Mr. President, I will be happy to yield some of my time to the distinguished Senator from Illinois [Mr. SIMON] if he wishes. Otherwise, I do not plan to speak anymore today and I do not have any speakers for the rest of the day.

Mr. SIMON. Frankly, we have two Senators who have indicated they would like to speak, but I am sure they would be happy to speak tomorrow. I think both Senator SIMPSON and Senator DECONCINI indicated a desire to speak, but we are checking that.

I do not want to yield back all the time without checking to see if this is OK, but my instinct is that it would be OK because we are under no time constraints in terms of tomorrow or after that.

I see Senator HATCH here on the floor now. We are talking about the possibility of closing up for the evening. Senator SIMPSON and Senator DECONCINI indicated they would like to speak, but they could do that tomorrow or some other time.

Mr. HATCH. They sure could. I do not see any problem with doing that, if the distinguished Senator would like to do that.

Mr. SIMON. Mr. President, with that understanding, I yield back the remainder of my time.

Mr. HATCH. I am happy to yield back the remainder of my time.

Mr. BYRD. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

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

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

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak therein for not to exceed 10 minutes each.

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

BUDGET SCOREKEEPING REPORT

Mr. SASSER. Mr. President, I hereby submit to the Senate the budget

scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through February 11, 1994. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget, House Concurrent Resolution 287, show that current level spending is below the budget resolution by \$4.4 billion in budget authority and \$0.7 billion in outlays. Current level is \$0.1 billion above the revenue floor in 1994 and below by \$30.3 billion over the 5 years, 1994-98. The current estimate of the deficit for purposes of calculating the maximum deficit amount is \$312.1 billion, \$0.7 billion below the maximum deficit amount for 1994 of \$312.8 billion.

Since the last report, dated January 27, 1994, Congress approved and the President signed H.R. 3759, making emergency supplemental appropriations for Los Angeles Earthquake Disaster Assistance and for Other Purposes (Public Law 103-211). These actions changed the current level of budget authority and outlays.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 22, 1994.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the 1994 budget and is current through February 11, 1994. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 64). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated February 7, 1994, Congress approved and the President signed H.R. 3759, making emergency supplemental appropriations for Los Angeles earthquake disaster assistance and for other purposes (Public Law 103-211). These actions changed the current level of budget authority and outlays.

Sincerely,

ROBERT D. REISCHAUER.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1994, 103D CONGRESS, 2D SESSION, AS OF CLOSE OF BUSINESS FEBRUARY 11, 1994

(In billions of dollars)

	Budget resolution (H. Con. Res. 64) ¹	Current level ²	Current level over/under resolution
ON-BUDGET			
Budget authority	1,223.2	1,218.9	-4.4
Outlays	1,218.1	1,217.5	-0.7
Revenues:			
1994	905.3	905.4	0.1
1994-98	5,153.1	5,122.8	-30.3
Maximum deficit amount	312.8	312.1	-0.7
Debt subject to limit	4,731.9	4,448.1	-283.8
OFF-BUDGET			
Social Security outlays:			
1994	274.8	274.8	0.0
1994-98	1,486.5	1,486.5	0.0
Social Security revenues:			
1994	336.3	336.2	-0.1
1994-98	1,872.0	1,871.4	-0.6

¹ Reflects revised allocation under section 9(g) of H. Con. Res. 64 for the Deficit-Neutral reserve fund.

² Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

Note.—Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONGRESS, 2D SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1994, AS OF CLOSE OF BUSINESS FEBRUARY 11, 1994

(In millions of dollars)

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			905,429
Permanents and other spending legislation ¹	721,182	694,713	
Appropriation legislation	742,749	758,885	
Offsetting receipts	(237,226)	(237,226)	
Total previously enacted	1,226,705	1,216,372	905,429
ENACTED THIS SESSION			
Emergency Supplemental Appropriations, fiscal year 1994 (Public Law 102-211)	(2,286)	(248)	
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted ²	(5,562)	1,326	
Total current level ^{3,4}	1,218,857	1,217,451	905,429
Total budget resolution	1,223,249	1,218,149	905,349
Amount remaining:			
Under budget resolution	4,392	698	
Over budget resolution			80

¹ Includes budget committee estimate of \$2.4 billion in outlay savings for FCC spectrum license fees.

² Includes changes to baseline estimates of appropriated mandates due to enactment of Public Law 103-66.

³ In accordance with the Budget Enforcement Act, the total does not include \$13,308 million in budget authority and \$8,596 million in outlays in emergency funding.

⁴ At the request of committee staff, current level does not include scoring of section 601 of Public Law 102-391.

Note.—Numbers in parentheses are negative. Detail may not add due to rounding.

THE ACHIEVEMENTS OF BONNIE BLAIR

Ms. MOSELEY-BRAUN. Mr. President, I would like to take this opportunity to congratulate Bonnie Blair—an exceptional woman from my home State of Illinois who became the most decorated woman in U.S. Olympic his-

tory today by winning her sixth Olympic medal.

Bonnie Blair surpassed the ranks of swimmer Janet Evans, sprinter Evelyn Ashford, and diver Pat McCormick by winning the gold in both the 500 meter speed skating event on February 19, and in the 1,000 meter event today at the 16th Olympic winter games being held in Lillehammer, Norway.

On skates since the age of 2, Ms. Blair's life has been an exercise in perseverance, determination, dedication, and achievement.

When no company would endorse her, Ms. Blair went door to door in her hometown of Champaign, IL, asking for donations to help finance her Olympic dreams.

With the support of her family and community, Ms. Blair has set American records in both the 1,000 and 1,500 meter speed skating events and a world record in the 500 meter event.

Mr. President, Bonnie Blair has exemplified the spirit of sportsmanship as a representative of the United States in the last four winter Olympics.

She has met her victories as well as her defeats with grace and integrity.

At a time when the Olympic games have been overshadowed by controversy, Ms. Blair has risen to the ideals of the Olympic games.

In fact, Ms. Blair has become a role model for our Nation's youth by volunteering with the national committee of the Leukemia Society of America and the Women's Sports Foundation and by showing them that they can succeed if they follow their passions and strive to do their best.

We in Illinois thank Bonnie for giving her time, her energy, and her talent to her country.

We are proud that she is one of our own and we wish her the best.

THE DEATH OF MARY LASKER

Mr. PELL. Mr. President, with great personal sadness, I rise to honor the memory of an outstanding woman, a champion of medical research, and a friend. Mary Lasker, who died Monday at the age of 93, was a person of deep commitment, intelligence, and compassion. She devoted her adult life to bettering the world in a myriad of ways, ranging from preventing disease to promoting beauty.

Mary Lasker's influence on the life of this Nation began very early. A graduate of Radcliffe College, she never forgot a childhood filled with illness and the early loss of her parents to disease. She developed a passion for promoting medical research, and she had far more than concern and passion to devote to her cause. Mary had a clear, level-headed way of thinking, and knew how to approach people—including Senators and Presidents. Her advice was invaluable, her encouragement undaunting,

and her followthrough impeccable. If Mary said she wanted to work on funding a particular project, she simply did not give up until it happened.

Her winning attitude and genuinely noble goals were only part of what made Mary so effective. Mary had the good fortune of being able to lend financial support to her dreams, and did so with a generosity that is rare and unstinting.

Perhaps the single most important thing that Mary did was to make the Nation—and the world—confront the existence and the reality of cancer. It has been widely reported that in the forties, when no one acknowledged cancer, Mary persuaded the Radio Corp. of America to say the word "cancer" on the air. And she did not give up then. I remember well how hard Mary worked to pass the National Cancer Act of 1971, and to establish and fund the National Cancer Institute. Through her private philanthropy, she was the mother of the organization that would become the American Cancer Society, and was its honorary president at the time of her death.

Mary's commitment to promoting medical research extended far beyond cancer, however. She helped persuade Congress that the Federal Government must help finance medical research at a time when such research was generally funded privately. She devoted much time and energy to promoting and funding the National Institutes of Health, which helped it become the preeminent medical research institution in the world, and she was involved in creating the NIH Institutes that study heart disease, mental health, and arthritis. Mary and her husband Albert created the prestigious Albert Lasker Medical Research Awards, which are given annually—51 of these awardees have gone on to receive the Nobel Prize.

I would add that I had the pleasure of knowing Mary Lasker and the privilege of working with her on a number of pieces of health care legislation which she supported. And I can fully attest to her intensity, her perseverance, and her strong will. In fact, she played a very real role in my decision to run and helped me immensely in that regard.

Mary's interest and influence extended beyond the area of science and medical research and into the arts and environment. She was an avid art collector and a trustee of the John F. Kennedy Center for the Performing Arts and the Museum of Modern Art in New York, and a past president of the Society for a More Beautiful Capitol. For this last achievement, Mary may be best remembered in the spring, when the million daffodils she helped purchase bloom along Washington, DC, streets and parkways, planted as part of Lady Bird Johnson's beautification program. Mary made similar improve-

ments in New York City, hoping to bring beauty to inner city urban areas. In 1985, in recognition of her beautification efforts, a new variety of tulip was named for her.

Mary Lasker's achievements were acknowledged by a grateful Nation on many occasions. In 1969, she was awarded the Presidential Medal of Freedom, the highest civilian award of the U.S. Government. And in 1989, she was awarded a Congressional Gold Medal, the highest award that the Congress can give.

Mr. President, as the Senate sponsor of the 1987 legislation which resulted in Mary Lasker's Congressional Gold Medal, I am deeply aware of her innumerable contributions during a full, productive and immensely good life. We will miss her deeply and hope that her memory will serve to inspire us to go forward to make her many dreams a reality.

SOCIAL SECURITY DISABILITY AND REHABILITATION ACT OF 1994

Mrs. KASSEBAUM. Mr. President, I am pleased to cosponsor legislation aimed at reforming the Social Security disability payment system for disabled substance abusers. This initiative, introduced by Senator COHEN, addresses the problem of recipients using their disability payments to finance their addictions and, in the process, to worsen their disability.

I support all provisions of the bill, especially important provisions expanding to Social Security disability income [SSDI] the current supplemental security income [SSI] mandatory treatment and representative payee requirements. To improve accountability for the proper use of disability funds, a representative payee would be a licensed agency or comparable facility. Representative payees would no longer be a friend or relative of the recipient, as such persons, in the past, have channeled payments directly to the recipient for purchase of drugs and alcohol.

In addition, beneficiaries would no longer receive a lump-sum retroactive payment. Rather, this money would be placed in a managed trust to protect the individual from using it to acquire drugs or alcohol. Finally, the Social Security Administration would be required to expand the number of referral monitoring agencies so that each State is able to monitor the appropriate distribution of disability funds and the recipient's compliance with treatment.

I am pleased that Senator COHEN has incorporated two suggestions I put forward to secure adequate treatment. Perhaps most important is that treatment priority be given to those disabled by addiction. Such treatment would be provided through the Federal Substance Abuse Block Grant Program. Additionally, individuals would receive treatment in private facilities

using their existing Medicaid entitlements where feasible. I believe it is important to give priority to substance abusers who receive benefits so that they can be restored to functional capacity as quickly as possible and thereby reduce drain on the SSA disability system.

Also included is a revision of the certification procedure for disabled substance abusers. Currently, recipients may collect payments indefinitely because their disability status often is never reviewed. Under this provision, these individuals would have to reapply for disability every 2 years, which corresponds to the average treatment period. Last, those disabled by substance addiction would receive SSI and SSDI payments for a cumulative total of 3 years, during which period they would be expected to be under treatment. After 3 years, recipients who have not responded to treatment could qualify for continued care and benefits if they were diagnosed with a different mental illness.

I am aware that the block grant system does not have adequate treatment capacity at this time. Although this legislation does not create treatment slots, it does initiate a process to ensure eventual treatment. Individuals would be enrolled in treatment or be on a treatment waiting list as a condition of receiving disability benefits.

Mr. President, reforming SSI and SSDI payment systems is vital to the needs of individuals disabled by addiction. Guaranteeing the appropriate use of benefits, while assuring that needed treatment is sought, is key if individuals are to work toward overcoming their disability.

I welcome any suggestions my colleagues or others may have for improving these proposals.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD at this point:)

VIRGINIA CAVALIERS: TRUE CHAMPIONS

• Mr. WARNER. Mr. President, on December 3, 1993, the University of Virginia Soccer team defeated Princeton University by a score of 3-1, thereby earning the opportunity to advance to the NCAA championship game 2 days later. On December 5, the Cavaliers defeated the South Carolina Gamecocks 2-0, to win the 1993 NCAA national championship in men's soccer.

This achievement is noteworthy on its own account; but it is even more remarkable because, with this victory, the Virginia Cavaliers became the only team in NCAA history to win three consecutive NCAA national titles.

On Friday, February 25, Senator WARNER and Senator ROBB of Virginia, along with Senator REID of Nevada, will recognize this team's achievement with a special reception in its honor at

the U.S. Capitol. Later in the day, President Clinton and Vice President Gore will also meet with the team in a special ceremony at the Old Executive Office Building.

Head Coach Bruce Arena, completing his 16th season at Virginia, has produced an outstanding career record of 252-54-29, for a .796 percent winning percentage. He and his staff—assistant coach George Gelnovatch, graduate assistant coach Bob Willen, undergraduate assistant coach Erik Imler, trainer Sue Foreman, and managers Carmen Hubbard, Felice Frederick, and Sam Islam—are to be commended for their dedication and hard work.

The team members also deserve recognition and commendation, and their names are to be included in the RECORD where they will become a permanent part of our Nation's history:

Player, Position, Hometown:
 Jeff Causey, Goalkeeper, Gainesville, VA.
 Tom Henske, Goalkeeper, E. Northport, NY.
 Taylor Barada, Goalkeeper, Durham, NC.
 Mark Peters, Goalkeeper, Winchester, VA.
 Scott Hodge, Goalkeeper, Oakton, VA.
 Claudio Reyna, Midfielder, Springfield, NJ.
 Mike Slivinski, Forward/Midfielder, St. Charles, MO.
 Nate Friends, Forward/Defender, Vienna, VA.
 Mike Fisher, Midfielder, Batavia, IL.
 Damian Silvera, Midfielder, Huntington, NY.
 Tain Nix, Midfielder, Fairfax, VA.
 A. J. Wood, Forward, Rockville, MD.
 Brian Bates, Defender/Midfielder, Woodbridge, VA.
 Brandon Pollard, Defender, Richmond, VA.
 Sean Feary, Midfielder/Defender, Fairfax Station, VA.
 Key Reid, Midfielder, Searchlight, NV.
 Steve Johnson, Forward/Defender, Lexington, KY.
 David Fitzmaurice, Midfielder, Wyckoff, NJ.
 Clint Peay, Defender, Columbia, MD.
 David Cox, Defender, Midlothian, VA.
 Tom Baker, Defender/Midfielder, Plymouth, MI.
 Bruno Menezes, Defender/Midfielder, Dunn Loring, VA.
 Chris Lake, Midfielder/Defender, Trenton, NJ.
 Ryan Borst, Midfielder/Defender, Ridgefield, CT.●

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.)

MESSAGES FROM THE HOUSE

At 2:17 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2455. An Act to help local school systems achieve Goal Six of the National Education Goals, which provides that by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning, by ensuring that all schools are safe and free of violence.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 180. Concurrent resolution expressing the sense of the Congress with respect to the South Pacific region.

MEASURES REFERRED

The following concurrent resolution was read by unanimous consent, and referred as indicated:

H. Con. Res. 180. Concurrent resolution expressing the sense of the Congress with respect to the South Pacific region; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2455. An act to help local school systems achieve Goal Six of the National Education Goals, which provides that by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning, by ensuring that all schools are safe and free of violence.

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-2211. A communication from the President of the United States, transmitting, pursuant to law, the report of a review of the continued requirement for draft registration; to the Committee on Armed Services.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-367. A joint resolution adopted by the Legislature of the State of California; to the Committee on Agriculture, Nutrition and Forestry.

ASSEMBLY JOINT RESOLUTION NO. 36

"Whereas, the discovery of a virulent species of whitefly that attacks most crops, continued outbreaks of Mediterranean and

Mexican fruit flies in many parts of the state, extensive damage to grapefruit stock by phylloxera, and the imminent arrival of Africanized honey bees join a growing list of pests and diseases that threaten the long-term health and economic vitality of California agriculture; and

"Whereas, farmers in California and across the United States are faced with the wholesale loss of many of the synthetic pesticides and chemicals that they have relied upon for control and eradication of pests; and

"Whereas, recent studies of available pest management alternatives conducted by the University of California and others reveal that economically viable and environmentally compatible alternatives are not yet available for many pesticides and chemicals; and

"Whereas, insect and microbial pests are showing increased resistance to many of the compounds which remain on the market; and

"Whereas, research into promising new pest management technologies and strategies has met with some success over the past decade, most notably in the areas of integrated pest management, biological control, and bioengineering; however, nothing short of a major expansion and acceleration of research focusing on long-range solutions is required; and

"Whereas, California agriculture is not only in danger of losing the ongoing battle against pests with subsequent reductions in the quality of food and fiber produced, but could see access to many foreign markets closed or severely restricted with significant negative impacts to the state's economy; and

"Whereas, the Conference Report from the United States House and Senate Agricultural Appropriations Subcommittees for the 1991 fiscal year, in response to the challenges cited above, directed the United States Department of Agriculture (USDA) to conduct a study of alternative pest management containment and quarantine facility needs in California; and

"Whereas, a USDA facility study panel visited the Davis and Riverside campuses of the University of California in June 1991 and concluded their report with the recommendation that construction of these facilities 'could have a significant [positive] impact on U.S. agriculture'; and

"Whereas, the University of California, in cooperation with the USDA, the Department of Food and Agriculture, commodity groups, and other interested parties, is proposing the construction of modern, environmentally secure, alternative pest management containment and quarantine facilities at the Riverside and Davis campuses; and

"Whereas, these modern containment and quarantine facilities, once operational, would support a comprehensive, integrated program designed to draw upon the breadth of university, state, and federal expertise within California and the nation; and

"Whereas, construction of the proposed facilities would provide significant, long-term benefits to growers, ranchers, environmentalists, and consumers as a result of research leading to reduced applications of pesticides and other chemicals and acceptance and expanded use of biological control agents, genetically engineered organisms, and other 'cutting-edge' technologies; and

"Whereas, the research conducted in these facilities would be in accordance with the agricultural pest quarantine regulations and restrictions enforced by the Department of Food and Agriculture and the USDA; and

"Whereas, these facilities would conduct research that serves the interests of agri-

culture in California as its foremost purpose; and

"Whereas, the combined resources of this federal-state partnership would permit a focused, mission-oriented research program on a scale not otherwise possible; and

"Whereas, this federal-state partnership for agricultural research has led to significant breakthroughs and advances over the past century to the benefit of every American consumer; and

"Whereas, this research also has helped build an export industry that generates billions of dollars annually in net income to the economy of the United States; and

"Whereas, the Congress already has provided funding in the USDA-Cooperative State Research Service budget for the 1992 and 1993 fiscal years for predesign work associated with the proposed facilities at the Davis and Riverside campuses; and

"Whereas, this funding has been matched by the University of California; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly,

"That the Congress and the President of the United States are respectfully memorialized to support the construction of modern, state-of-the-art, alternative pest management containment and quarantine facilities in California; and be it further

Resolved, That, beginning in the 1994 fiscal year, the Congress provide construction funds on a cost-share basis with the State of California for a 21,400 assignable square foot laboratory and support facility at the University of California, Riverside, to accelerate research leading to the development of biological and other natural controls for the whitefly and other pests; and be it further

Resolved, beginning in the 1994 fiscal year, the Congress provide construction funds on a cost-share basis with the State of California for a 40,000 assignable square foot containment and quarantine facility at the University of California, Davis, that will support research into environmentally compatible pest management strategies, including biological control, bioengineering, genetically altered organisms, and other promising biotechnology applications; and be it further

Resolved, That Congress appropriate adequate funds, beginning in the 1994 fiscal year, to allow construction to be sequenced, with the biological control laboratory at Riverside proposed for completion by the 1996 fiscal year and the biological control, biotechnology, and bioengineering containment facility at Davis proposed for completion during the 1997 fiscal year; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Majority Leader of the United States Senate, and to the United States Secretary of Agriculture."

POM-368. A joint resolution adopted by the Legislature of the State of California; to the Committee on Armed Services.

ASSEMBLY JOINT RESOLUTION NO. 53

"Whereas, the Norton Air Force Base in San Bernardino, California, is on the United States Base Closure and Realignment Commission's list of military bases recommended for closure; and

"Whereas, the closing of Norton Air Force base may result in a devastating loss of more than 9,000 jobs in the San Bernardino area; and

"Whereas, in September 1993, the Department of Defense will name a limited number of new Defense Finance and Accounting Service centers to be located throughout the country; and

"Whereas, as the "accounting firm" for the Department of Defense, the Defense Finance and Accounting Service has taken over responsibility of installation-level accounting and reporting for all general funds, the Defense Business Operations Fund, revolving funds, trust funds, accounts payable, accounts receivable, billings, debt management, cash accounting, funds authentication, and certain managerial accounting functions; and

"Whereas, the Norton Air Force Base site is ideally suited for the location of a Defense Finance and Accounting Service center; and

"Whereas, the existing Norton Air Force Base infrastructure could easily be adapted for Defense Finance and Accounting Service center use; and

"Whereas, a Defense Finance and Accounting Service center at Norton Air Force Base would provide highly cost-effective service and support of Department of Defense activities on the West Coast and Hawaii; and

"Whereas, preliminary studies indicate that a minimal expense of approximately \$4 million would be required to establish a Defense Finance and Accounting Service center at Norton Air Force Base and that this initial startup cost would be offset by reduced severance payouts; and

"Whereas, with a Defense Finance and Accounting Service center at Norton Air Force Base serving as an "anchor" tenant and employing between 3,000 and 4,000 people, its siting would begin the prompt conversion of Norton Air Force Base prior to operational closure; and

"Whereas, a Defense Finance and Accounting Service center at Norton Air Force Base would have the added benefit of encouraging other new businesses to locate there; and

"Whereas, Norton Air Force Base was the only California military facility considered earlier this year as one of 20 finalists for the selection of a new Defense Finance and Accounting Service center; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly,

"That the Legislature of the State of California respectfully memorialize the President and Congress of the United States and the Secretary of the Department of Defense to designate the Norton Air Force Base as a location for a Defense Finance and Accounting Service center; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of the United States Department of Defense."

POM-369. A resolution adopted by the Board of Commissioners of the Town of North Redington Beach, Florida relative to the National Flood Insurance Program; to the Committee on Banking, Housing and Urban Affairs.

POM-370. A resolution adopted by the Board of Commissioners of Madison County, Tennessee relative to Interstate 69; to the Committee on Environment and Public Works.

POM-371. A resolution adopted by the Senate of the Legislature of the State of Tennessee; to the Committee on Environment and Public Works.

"PROCLAMATION

"Whereas, the General Assembly believes that the underdeveloped area of West Tennessee outside the metropolitan areas of Jackson and Memphis suffers from the lack of a major North-South transportation corridor; and

"Whereas, the collective annual average unemployment rate for this area was 43.8 percent above the national unemployment rate for 1980 through 1990; and

"Whereas, the unemployment rate for minorities, which make up almost one-fourth of the population of the area, was 50 percent higher than the national average in 1990; and

"Whereas, the population of this area declined by more than 3 percent from 1980 to 1990 due primarily to lack of employment opportunities; and

"Whereas, 16 percent of families and 22 percent of children are below the poverty level; and

"Whereas, the per capita income in the area is 30 percent below the national level; and

"Whereas, this currently underdeveloped area in West Tennessee shows strong potential for economic growth and development, being strategically located within 500 miles of 76 percent of the nation's major markets; and

"Whereas, the Interstate 69 extension, a high priority corridor of the U.S. Department of Transportation, could provide a means for this area to develop to its potential by providing a North-South transportation route; now, therefore,

"I, Lieutenant Governor John S. Wilder, Speaker of the Senate of the 98th General Assembly, at the request of and in conjunction with Senator Joe Nip McKnight, do hereby respectfully request that the route of the proposed Interstate 69 extension from Indianapolis to Houston pass through the underdeveloped area of West Tennessee."

POM-372. A resolution adopted by the House of the Legislature of the State of Tennessee; to the Committee on Environment and Public Works.

PROCLAMATION

"Whereas, the House of Representatives of the Ninety-Eighth General Assembly passed House Joint Resolution 200 and the Senate of the Ninety-Eighth General Assembly passed Senate Joint Resolution 167, both of which dealt with the route of the proposed Interstate 69 extension; and

"Whereas, the General Assembly believes that the underdeveloped area of West Tennessee outside the metropolitan areas of Jackson and Memphis suffers from the lack of a major North-South transportation corridor; and

"Whereas, the collective annual average unemployment rate for this area was forty-three and eight-tenths percent (43.8%) above the national unemployment rate for 1980 through 1990;

"Whereas, the unemployment rate for minorities, which make up almost one-fourth (1/4) of the population of the area, was fifty percent (50%) higher than the national average in 1990; and

"Whereas, the population of this area declined by more than three percent (3%) from 1980 to 1990 due primarily to lack of employment opportunities; and

"Whereas, sixteen percent (16%) of families and twenty-two percent (22%) of children are below the poverty level; and

"Whereas, the per capita income in the area is thirty percent (30%) below the national level; and

"Whereas, this currently underdeveloped area in West Tennessee shows strong potential for economic growth and development, being strategically located within five hundred (500) miles of seventy-six percent (76%) of the nation's major markets; and

"Whereas, the Interstate 69 extension, a high priority corridor of the U.S. Department of Transportation, could provide a means for this area to develop to its potential by providing a North-South transportation route; now, therefore,

"I, Jimmy Naifeh, Speaker of the House of Representatives of the Ninety-Eighth General Assembly of the State of Tennessee, at the request of and in conjunction with Representative Matt Kisber, do hereby proclaim and respectfully request that the route of the proposed Interstate 69 extension from Indianapolis to Houston pass through the underdeveloped area of West Tennessee."

POM-373. A joint resolution adopted by the Legislature of the State of California; to the Committee on Environment and Public Works.

"ASSEMBLY JOINT RESOLUTION NO. 47

"Whereas, H.R. 2853 has been introduced in the United States Congress to create the San Gabriel Basin Demonstration Project to improve the quality of groundwater in the San Gabriel Basin; and

"Whereas, the San Gabriel Basin presents a unique set of environmental problems; the San Gabriel Valley is a 195 square mile area located approximately 10 to 20 miles northeast of downtown Los Angeles in Los Angeles County; and it is the home of 1,000,000 to 1,500,000 people who rely on the groundwater of the basin for their primary drinking water; and

"Whereas, the San Gabriel Basin is the most heavily contaminated potable groundwater basin in the United States; and

"Whereas, the groundwater in the San Gabriel Basin is heavily contaminated with toxic volatile organic compounds (VOCs), including trichloroethylene (TCE), perchloroethylene (PCE), and carbon tetrachloride (CTC); four separate areas of contamination in the San Gabriel Basin are listed on the National Priority List (NPL) of the Superfund; and the areas where the VOC contamination exceeds drinking water standards cover approximately 30 to 40 square miles; and

"Whereas, the VOCs in the San Gabriel Basin have been generated by hundreds of commercial and industrial facilities, scattered throughout the San Gabriel Valley, over a period of more than 30 years; and

"Whereas, the San Gabriel Basin is also heavily contaminated with nitrates from over a century and a half of agriculture and ranching in the valley as well as from industrial and residential septic systems; and

"Whereas, once contaminated, groundwater is very difficult to clean up and a plume of polluted groundwater will migrate and spread contaminants wherever it flows; and

"Whereas, forty-five different water purveyors take water from the basin; and because the groundwater flows under hundreds of different facilities, apportioning responsibility could be a very complicated and litigious process; and

"Whereas, there are approximately 275 public water supply wells in the San Gabriel Basin; and 80 wells have contamination levels exceeding current federal drinking water standards; and

"Whereas, the San Gabriel Basin Demonstration Project would enable the Envi-

ronmental Protection Agency (EPA), in cooperation with the Main San Gabriel Basin Water Quality Authority, and in consultation with all local water agencies in the San Gabriel and Central Basins, to clean up the groundwater of the San Gabriel Basin; specified facilities would be encouraged to contract with the EPA to pay their share of the cleanup costs; and those facilities that contracted the EPA and fulfilled their obligations would be exempted from Superfund liability

"Whereas, the San Gabriel Basin Demonstration Project presents a unique opportunity for the community to solve a difficult problem by working together with the federal government in a public-private partnership; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California memorializes the President and Congress of the United States to enact H.R. 2853; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Governor of California."

POM-374. A resolution adopted by the Commission of the City of Miami, Florida relative to Taiwan; to the Committee on Foreign Relations.

POM-375. A resolution adopted by the Senate of the Commonwealth of Pennsylvania relative to Bosnia, Hercegovina; to the Committee on Foreign Relations.

POM-376. A resolution adopted by the National Institute of Municipal Law Officers relative to violent crime; to the Committee on the Judiciary.

POM-377. A resolution adopted by the Senate of the State of West Virginia; to the Committee on the Judiciary.

"SENATE RESOLUTION NO. 16

"Whereas, legal injustice and discrimination on the basis of gender have long existed; and

"Whereas, efforts to defeat final ratification of the Equal Rights Amendment were aided in great measure by an insensitivity to the essential injustice long suffered by the woman of this country because of established discrimination on the basis of gender; and

"Whereas, the citizens of West Virginia clearly support an end to discrimination on the basis of gender through an amendment to the Constitution of this nation, as the United States has previously renounced slavery, racial discrimination and denial of the right to vote on the basis of race or gender; and

"Whereas, in 1972, Congress proposed a federal Equal Rights Amendment to the United States Constitution to provide for equality of the law regardless of gender, which was narrowly defeated in 1982; and

"Whereas, the West Virginia Senate prefers that each state ratify the federal Equal Rights Amendment to achieve a uniform national policy; and

"Whereas, the Equal Rights Amendment provide that gender should not be a factor in determining the legal rights of men and women and thereby recognizes the fundamental dignity, individuality and worth of each human being; and

"Whereas, the West Virginia Senate again stands ready to ratify a federal Equal Rights Amendment when approved by Congress for state ratification; therefore,

"Be It Resolved by the Senate:

"That the Senate of the state of West Virginia respectfully requests the President and the Congress of the United States to propose to the several states an amendment to the Constitution of the United States stating that all men and women are equal under the law; and, be it

"Further Resolved, That the Clerk is hereby directed to forward a copy to the President and Vice President of the United States, to the Speaker of the House of Representatives and to each Senator and Representative from West Virginia in the Congress of the United States."

REPORTS OF COMMITTEE

The following reports of committee were submitted:

By Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry:

Report to accompany the bill (S. 994) to authorize the establishment of a fresh cut flowers and fresh cut greens promotion and consumer information program for the benefit of the floricultural industry and other persons, and for other purposes. (Rept. No. 103-229.)

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources:

Greta Joy Dicus, of Arkansas, to be a member of the Board of Directors of the United States Enrichment Corporation for a term of 1 year (New position);

Margaret Hornbeck Greene, of Kentucky, to be a member of the Board of Directors of the United States Enrichment Corporation for a term of 4 years (New position);

Kneeland C. Youngblood, of Texas, to be a member of the Board of Directors of the United States Enrichment Corporation for a term of 3 years (New position);

Frank G. Zarb, of New York, to be a member of the Board of Directors of the United States Enrichment Corporation for a term of 2 years (New position);

William J. Rainer, of Connecticut, to be a member of the Board of Directors of the United States Enrichment Corporation for a term of 5 years (New position);

Gorton P. Eaton, of Ohio, to be Director of the United States Geological Survey; and

Robert Jay Uram, of California, to be Director of the Office of Surface Mining Reclamation and Enforcement.

By Mr. KENNEDY, from the Committee on Labor and Human Resources:

Frederick L. Feinstein, of Maryland, to be General Counsel of the National Labor Relations Board for a term of 4 years.

Bernard E. Anderson, of Pennsylvania, to be an Assistant Secretary of Labor.

Charles I. Cohen, of Maryland, to be a member of the National Labor Relations Board for the term of 5 years expiring August 27, 1996.

Margaret A. Browning, of Pennsylvania, to be a member of the National Labor Relations Board for the remainder of the term expiring December 16, 1997.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to re-

quests to appear and testify before any duly constituted committee of the Senate.)

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. DODD (for himself, Mr. LIEBERMAN, Mr. MITCHELL, Mr. DOLE, Mr. KENNEDY, Mr. RIEGLE, Mr. D'AMATO, Mr. SARBANES, Mr. BOND, Mr. SASSER, Mr. DOMENICI, Mr. KERRY, Mr. LUGAR, Mr. SIMON, Mr. STEVENS, Mr. MACK, Mr. FAIRCLOTH, Mr. BURNS, Mr. BROWN, Mr. DURENBERGER, Mr. THURMOND, and Mr. MURKOWSKI):

S. 1860. A bill to authorize the minting of coins to commemorate the 1995 Special Olympics World Games; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CHAFEE:

S. 1861. A bill to suspend temporarily the duty on certain pigments; to the Committee on Finance.

By Mr. MCCONNELL:

S. 1862. A bill to repeal the public financing of and spending limits on Presidential election campaigns; to the Committee on Rules and Administration.

By Mr. COHEN (for himself, Mr. DOLE, Mrs. KASSEBAUM, Mr. KOHL, Mr. LUGAR, Mr. THURMOND, Mr. GRASSLEY, Mr. WARNER, Mr. DOMENICI, Mr. CHAFEE, Mr. BENNETT, and Mr. STEVENS):

S. 1863. A bill to amend title II of the Social Security Act to institute certain reforms relating to the provision of disability insurance benefits based on substance abuse and relating to representative payees, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. D'AMATO:

S. Res. 182. A resolution entitled "A Call for Humanitarian Assistance to the Pontian Greeks"; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DODD (for himself, Mr. LIEBERMAN, Mr. MITCHELL, Mr. DOLE, Mr. KENNEDY, Mr. RIEGLE, Mr. D'AMATO, Mr. SARBANES, Mr. BOND, Mr. SASSER, Mr. DOMENICI, Mr. KERRY, Mr. LUGAR, Mr. SIMON, Mr. MACK, Mr. FAIRCLOTH, Mr. BURNS, Mr. BROWN, Mr. DURENBERGER, Mr. THURMOND, Mr. MURKOWSKI, and Mr. STEVENS):

S. 1860. A bill to authorize the minting of coins to commemorate the 1995 Special Olympics World Games; to the Committee on Banking, Housing, and Urban Affairs.

1995 SPECIAL OLYMPICS WORLD GAMES COMMEMORATIVE COIN ACT

Mr. DODD. Mr. President, many of us over these last 10 days have been transfixed, spellbound—you could use a variety of different adjectives to describe our wonderment—at the performance of athletes around the world as they compete in Lillehammer in Norway, watching the winter Olympics. This evening I suspect millions of Americans and others around the world will be watching the figure skating for a variety of reasons, not necessarily because they wish to watch figure skating, but we have all been moved by the competition of our athletes.

We are impressed with those who compete but not necessarily who are able to win a medal at the winter Olympics. We will have a wonderful event in Atlanta, GA, when the world comes to the United States to compete in the summer Olympics in 1996.

It is that spirit, I suppose, of striving, the tremendous dedication, the work, the desire that moves all of us to watch these young people from around the globe spend 2 weeks with each other in the spirit of the Olympic games. We learned that this spirit of striving can be equally noble, whether it leads to a gold medal or even a last-place finish. In fact, sometimes we are moved more just by the effort of an individual rather than the particular moment of glory and victory.

Mr. President, I am very proud to tell my colleagues that next year, Connecticut will host a similar exhibition of the human spirit. These are the world summer games of the Special Olympics. It is in honor of this event that I am today introducing the 1995 Special Olympics World Games Commemorative Coin Act.

Twenty-five years ago, Mr. President, Eunice Kennedy Shriver had a vision, one person had a vision of an international sports organization for people with mental retardation. She envisioned an event that would bring joy and pride developed from competition to those the world believed could not compete at all.

Today, the Special Olympics has become one of the largest and most successful sports and volunteer organizations in the world. Nearly 1 million Special Olympics athletes from ages 8 to 80 train and compete year round. Every 4 years, thousands of these athletes gather for the world summer games. I am proud to report, Mr. President, that from 14 cities worldwide, New Haven, CT, was selected to host the Ninth Special Olympics World Games. The entire State of Connecticut is now gearing up for those games. Our good friend and former colleague, Governor Lowell Weicker, serves as the chairman of the 1995 Special Olympics World Games Organizing Committee.

In July 1995, almost 7,000 athletes from every State in the Union and

from 125 nations from around the world will travel to Connecticut to compete. An expected half million spectators will gather to witness this exciting and inspiring event.

The bill I am introducing today would authorize 800,000 limited-edition \$1 silver coins which will be emblematic of the 1995 Special Olympics World Games. Funds raised through the sale of the coins will support the Special Olympics. That is the purpose of this effort.

This bill will not cost the Federal Government one single dime. All the costs will be borne by the sale of those coins.

Mr. President, over the years since Eunice Kennedy Shriver began these games, if we have seen them ourselves, which I have had the pleasure of doing, in watching a child who is a special child, either with a physical or mental handicap, striving in a road race, a running race, a jumping contest, the look on that child's face in being embraced and hugged by others, having achieved something that they did not think was possible, that they would even be able to compete, I do not believe anybody who witnessed such an event has not been moved by it. All of us, whether we know anyone, or a family that has suffered the problems of mental retardation, are moved by the human spirit when it achieves and reaches for something they believe may have been beyond their reach or grasp.

And so as we watch these wonderful Olympics on our television screens in these closing days, the incredible athletes from around the world who are gathered in Lillehammer, we should remind ourselves as well that there will be a very special Olympics in this country next year of children from around the world, from 125 nations, who may lack the mental ability or physical ability to compete in the Atlanta or Lillehammer games, but nonetheless are just as noble in the eyes of God as any other child competing anywhere else in any other kind of Olympics.

This coin will be a nobility, or a way in which all of us can express our support for that effort, to support these young people, to support their families, to support the Committee for the Special Olympics.

And so I am pleased to offer this legislation and to as well announce the cosponsorship, of which we have many, of about 14 or 15 Senators of this legislation.

Twenty-five years ago, Eunice Kennedy Shriver had a vision of an international sports organization for people with mental retardation, one that would bring the joy and pride developed through competition to those the world believed could not compete.

Today, Special Olympics has become one of the largest and most successful

sports and volunteer organizations in the world. Nearly 1 million Special Olympics athletes, from ages 8 to 80, train and compete year round for the love of sport, the thrill of accomplishment, and for some, the chance to compete in the quadrennial world summer games.

Mr. President, I am extraordinarily proud to report that from 14 cities worldwide, New Haven, CT, was selected to host the Ninth Special Olympics World Games. Accordingly, in July 1995, 6,700 athletes from every State in the Union and from 125 nations around the world will travel to Connecticut to demonstrate that they have the desire, courage, and the skills to compete in world class competition.

The half-million spectators who come to watch will enjoy one of the most exciting and inspiring experiences of a lifetime. They will see outstanding athletic competition in the true Olympic spirit.

The bill I am introducing today would authorize the issuance of 800,000 limited-edition \$1 silver coins, which will be emblematic of the 1995 Special Olympic World Games. Funds raised through the sale of the coins will be used to provide a world class sporting event for athletes with mental retardation and to demonstrate to a global audience the extraordinary talents, dedication, and courage of persons with mental retardation.

I am joined today by a number of our colleagues who enthusiastically support the Special Olympics movement. President Clinton is equally supportive of the 1995 Special Olympics World Games, and he recently agreed to honor this world class sporting event by serving as its honorary chairman.

My good friend and former colleague, Governor Lowell Weicker, serves as the chairman of the 1995 Special Olympics World Games Organizing Committee in Connecticut.

It is estimated that the games will attract a half-million spectators, 45,000 volunteers, and 1,500 representatives from national and international media. Tens of millions of people will view the worldwide television coverage of this event.

The opening ceremonies alone will probably have an audience of 90,000 persons and be televised on a major network. We are estimating that several heads of state and First Ladies, as well as 20 to 30 Ambassadors will be present when President Clinton officially opens the games.

The excitement and splendor of these games will extend well beyond the competition on the field. The worlds of science, diplomacy, art, culture, and entertainment will unite in a celebration of the spirit of Special Olympics and achievements of persons with mental retardation.

The games organizing committee has begun collaborating with the United

Nations and with leading scholars at Yale University to ensure that the message of these games is heard and studied by the world's leading policy-makers, educators, and scientists. Their plans call for an international symposium at the United Nations focusing on the policy and programming issues facing people with mental retardation all over the world.

Mr. President, an event of this magnitude requires substantial organization and planning. It also needs significant financial resources. The cost-neutral bill that I am introducing today would raise up to \$8 million to help underwrite the cost of staging the 1995 Special Olympics World Games.

The thousands of athletes who train for years to experience the excitement of international athletic competition deserve the opportunity to travel to New Haven for the change of a lifetime. The funds raised by the issuance of the coin authorized in this bill will help ensure that their dreams come true.

The coins issued pursuant to this bill would be subject to the provisions of section 5134 of title 31, United States Code, relating to the newly established numismatic public enterprise fund. The legislation explicitly stipulates that the minting and issuance of the coins authorized in this bill shall not result in any cost to the Federal Government.

Mr. President, I understand that in recent years there has been some question about the success of commemorative coins in the marketplace, so let me say a brief word about the 1995 Special Olympics World Games commemorative coin offering. First, our bill proposes a relatively small issue of a single coin. Second, the traditional marketplace of 2 million devoted coin collectors will be significantly expanded for this coin.

The Special Olympics movement is worldwide in scope. There are nearly 1 million Special Olympics athletes worldwide and nearly 450,000 in the United States alone. There are more than 1 million family members in the United States who are actively involved with Special Olympics; that number increases to 2 million active families worldwide. There are more than 500,000 Special Olympics volunteers and 250,000 coaches worldwide.

Families, volunteers, and supporters of the Special Olympics movement provide a tremendous market for consumer products advertised in connection with the 1995 games, including the first-ever Special Olympics coin.

Moreover, the 1995 Special Olympics World Games Organizing Committee has developed an aggressive marketing plan that will utilize the Special Olympics chapter structure in every State and in more than 120 countries around the world. Ads will be run during the network and cable broadcast coverage of the event, and the coins would be made available to the hundreds of

thousands of Special Olympics supporters who attend the Games.

I remind my colleagues that Special Olympics is a movement that represents 190 million people with mental retardation worldwide, so I am confident that there is a market for these coins.

Mr. President, I invite every Member of the Senate to share the sport, spirit, splendor of the 1995 Special Olympics World Games. I urge every one of my colleagues to support this legislation.

Mr. DOLE. Mr. President, I am pleased to join with Senator DODD in sponsoring this bill which authorizes the minting of coins to commemorate the 1995 Special Olympics World Games. Although the sales of these coins will provide important financial support for the Special Olympics, they have a much larger significance. In the past, the Treasury has issued coins for the Olympics and the World Cup, but this will be the first time for an international sports event featuring disabled athletes.

In my view, these coins are more evidence we live in a new age of disability. In 1990, Congress passed the Americans With Disabilities Act, determined to base our national disability policy on the principles of equal opportunity and full participation. Last July, to extend these principles to American foreign policy, I introduced, with strong bipartisan support, a bill which recognized for the first time that discrimination against the disabled is a human rights violation.

Mr. President, the Special Olympics helped forge this new age. As Sarge Shriver, chairman of the Special Olympics, wrote to me recently, "for 10,000 years persons with mental retardation have been hidden in jails or cooped up in institutions, or in some countries actually killed. In 1968 a private philanthropic movement was started by an American woman, and since then life for the 280 million human beings with mental retardation have been changed forever." Let me note that woman was, of course, Eunice Kennedy Shriver, Sarge's wife.

I am a longtime supporter of the Special Olympics. In June 1974 I spoke on the Senate floor about the Kansas Special Olympic Games, which I had just attended. And on July 1, 1995, I hope to join the 6,700 athletes with mental retardation from 125 countries, the special olympics team from Kansas, and 70,000 other spectators at the opening ceremonies of the 1995 Special Olympics at the Yale Bowl.

Mr. President, in closing let me note that there will be no net cost to the Government in minting these coins, lest anyone think we are forgetting our fiscal responsibilities. I urge my colleagues to join with me in supporting this bill.

Mr. LIEBERMAN. Mr. President, I am very pleased to cosponsor the 1995

Special Olympics World Games Commemorative Coin Act. Beginning on July 1, 1995, my home town of New Haven, CT, will have the privilege and the honor of hosting the 1995 summer games. This legislation, introduced by Senator DODD here in the Senate and by Congresswoman DELAURO in the House, is an excellent way to help raise funds for the event.

The Special Olympics provide an extraordinary opportunity for athletes with mental disabilities from around the globe to come together and share in the spirit and rewards of athletic competition. All over the world Special Olympics athletes compete year round in Special Olympics competitions. These events help disabled individuals strive to realize their full potential, and gain the sense of enjoyment and self-worth that comes from doing one's best.

Those athletes that reach the quadrennial world summer games will have the privilege of competing in a world class competition. Organizers of the summer games expect the event to involve 6,700 athletes from over 120 countries, as well as 2,000 coaches, 15,000 families and friends, 45,000 volunteers, and half a million spectators. Tens of millions of people are expected to view television coverage of the games.

The potential benefits of the event are immeasurable. As we know from the winter Olympics now underway in Norway, Olympic competition benefits not only the athletes but all of those who participate. The dedication, courage, and spirit demonstrated by the Special Olympic athletes help break down the stigma and stereotypes associated with mental illness and remind all of us how important it is to build a society where individuals can live up to their full potential.

This bill will authorize the issuance of 800,000 limited edition \$1 silver coins bearing the Special Olympics emblem. Money raised through the sale of these coins will help fund the 1995 Special Olympic World Games. The coins will pay for themselves, so that the bill will not impose a net cost on the Federal Government.

I am pleased that President Clinton is the honorary chairman of the games, and that Connecticut Governor Lowell Weicker is chairing the games organizing committee in Connecticut. I commend Governor Weicker for his commitment to the games, and I look forward to working with him and with Senator DODD, Congresswoman DELAURO, and with our colleagues in Congress to help make the 1995 Special Olympic World Summer Games an event all Americans can participate in and be proud of.

By Mr. CHAFEE:

S. 1861. A bill to suspend temporarily the duty on certain pigments; to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

Mr. CHAFEE, Mr. President, today I am introducing legislation to grant temporary duty suspensions for the importation of several chemical products.

These products are colorants that are used in the coating, ink, and plastic industries; and they are particularly important because they are used to replace colorants that use heavy metals such as lead and cadmium.

Duty is placed on foreign products in order to prevent harm to U.S. companies producing the same product. However, in this case, none of the colorants in question is produced in the United States. That means that the granting of these duty suspensions should not affect any domestic chemical industry.

That also means that these particular duties serve solely as an added cost to those U.S. companies who need the products and must purchase them from foreign firms. We have one such company in my State, and it employs some 850 persons in a town with a population of just 31,000, making it the major employer. In this difficult economic time, the significant cost of these duties cannot be passed on to the company's customers. That means the company, faced with losing customers or cutting back internally, has no choice but to cut back to the bone internally. This kind of cost reduction effort inevitably threatens jobs.

Enactment of these duty suspensions will ensure that our domestic coating, ink, and plastics industry compete fairly with foreign competitors. Our foreign competitors do not have to pay the extra costs imposed by these duties. By paying these duties, our industry is placed at a competitive disadvantage.

The bill I am introducing today would grant duty suspensions through December 31, 1998. It is my hope that Congress soon will move to enact comprehensive duty suspension legislation that will include these provisions.

I ask unanimous consent that the legislation be printed in the RECORD.

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

S. 1861

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY DUTY SUSPENSION FOR CERTAIN PIGMENTS.

(A) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new headings:

9902.32.11	Hostaperm Yellow H4G (CAS No. 031837-42-; Pigment Yellow 151) (provided for in subheading 3204.17.50)	Free	No change	No change	On or before 12/31/98
9902.32.12	PV Fast Yellow H3R (CAS No. 074441-05-7; Pigment Yellow 181) (provided for in subheading 3204.17.30)	Free	No change	No change	On or before 12/31/98
9902.32.13	Hostaperm Yellow H3G (CAS No. 068134-22-5; Pigment Yellow 154) (provided for in subheading 3204.17.30)	Free	No change	No change	On or before 12/31/98
9902.32.14	Hostaperm Yellow H6G (CAS No. 035636-63-6; Pigment Yellow 175) (provided for in subheading 3204.17.30)	Free	No change	No change	On or before 12/31/98
9902.32.15	PV Fast Yellow HG (CAS No. 077804-81-0; Pigment Yellow 180) (provided for in subheading 3204.17.30)	Free	No change	No change	On or before 12/31/98
9902.32.16	PV Fast Yellow HGR (CAS No. 129423-54-7; Pigment Yellow 191) (provided for in subheading 3204.17.30)	Free	No change	No change	On or before 12/31/98
9902.32.17	PV Fast Red HF4B (CAS No. 059487-23-9; Pigment Red 187) (provided for in subheading 3204.17.30)	Free	No change	No change	On or before 12/31/98
9902.32.18	PV Red HG (CAS No. 043035-18-3; Pigment Red 247) (provided for in subheading 3204.17.30)	Free	No change	No change	On or before 12/31/98
9902.32.19	PV Red HB (CAS No. 043035-18-3; Pigment Red 247) (provided for in subheading 3204.17.30)	Free	No change	No change	On or before 12/31/98
9902.32.20	PV Fast Orange H4G-L (CAS No. 078245-94-0; Pigment Orange 72) (provided for in subheading 3204.17.30)	Free	No change	No change	On or before 12/31/98
9902.32.21	Permanent Yellow NCG-71 (CAS No. 005979-28-2; Pigment Yellow 16) (provided for in subheading 3204.17.10)	Free	No change	No change	On or before 12/31/98
9902.32.22	PV Carmine HF4C (CAS No. 051920-12-8; Pigment Red 185) (provided for in subheading 3204.17.10)	Free	No change	No change	On or before 12/31/98
9902.32.23	Novoperm Red HF28-01 (CAS No. 031778-10-6; Pigment Red 208) (provided for in subheading 3204.17.10)	Free	No change	No change	On or before 12/31/98

9902.32.24	Novoperm Red HF35 (CAS No. 061847-48-1; Pigment Red 188) (provided for in subheading 3204.17.10)	Free	No change	No change	On or before 12/31/98
9902.32.25	Novoperm Red HF35-70 (CAS No. 061847-48-1; Pigment Red 188) (provided for in subheading 3204.17.10)	Free	No change	No change	On or before 12/31/98

(b) **EFFECTIVE DATE.**—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

By Mr. McCONNELL:

S. 1862. A bill to repeal the public financing of and spending limits on Presidential election campaigns; to the Committee on Rules and Administration.

TAXPAYER-FUNDED PRESIDENTIAL CAMPAIGN SYSTEM REPEAL ACT

• Mr. McCONNELL. Mr. President, there is an annual poll on the Presidential system of taxpayer-funded spending limits called "the checkoff." In 1992, the checkoff rate was just over 17 percent, continuing the nose dive that has marked it since soon after its inception. The vast majority of the American people choose not to divert \$1 from the Treasury to prop up the Presidential system.

Five elections and three-quarters of a billion dollars later, the fund is nearly bankrupt.

Before the Senate Rules Committee in recent years, one nonpartisan witness after another has testified that the Presidential system of spending limits doesn't work as advertised. It limits neither spending nor special interests.

We have, in the current Presidential system, an expensive failure that Americans do not choose to support with taxes they have already paid. The Presidential system is a massive fraud that most Americans are not falling for anymore.

Taxpayer dollars that have been pumped into the Presidential system have not replaced special interests—they have merely augmented them. Spending has not been limited in the Presidential system—it has gone underground into "sewer" soft money.

The Presidential Election Campaign Fund and the system it props up is a disaster, riddled with special interest soft money—off the books, unlimited and undisclosed.

Virtually every reputable scholar who has studied the issue believes the Presidential system is a disaster. Among the most notable of these scholars is Michael Malbin of the Rockefeller Institute of Government who testified before the Senate Rules Committee in 1991:

In every presidential election since public funding, spending has gone up—with more and more of the money going off the books and underground. If people care enough about an election, they will look for ways to get involved. If they are big and well organized, and cannot contribute directly, then they will look at independent expenditures. Or delegate committees. Or registration and

get-out-the-vote. Or communicating with members. Or buying issue ads that publicize the position of an incumbent without directly advocating election or defeat. Or dozens of devices—some of which have not even been thought up.

Off-the-book activities like these have become more prominent in every election since 1976. Some of them can be regulated, but there is no way they can all be eliminated without running roughshod over the First Amendment. More importantly, all of these devices favor the well organized and the powerful over smaller participants. What the limits seem to be doing, in other words, is encouraging the powerful to engage in subterfuge and legal gamesmanship. It is giving them an incentive to increase their influence in ways that are poorly disclosed. As a cure for cynicism or corruption, this seems bizarre.

Mr. President, what is really bizarre is forcing taxpayers to pay for a proven disaster and proposing to expand it to include congressional races.

The Baltimore Sun published an editorial a couple of years ago reflecting taxpayer disdain for the fund, later reprinted in the Lexington, KY, Herald-Leader:

The overwhelming majority of taxpayers think campaign subsidies are a bad idea, period. More think so every year.

The public's support for public financing can be measured by the percentage of 1040 forms filed each year with \$1 or \$2 checked off for the presidential campaign fund. This is not an extra dollar or two of taxes, just an earmarking. It costs the filer nothing. Yet the percentage of those checking off has fallen every year since 1980 * * *

Why has public support declined? Perhaps because the public is learning that this subsidy has supplemented rather than replaced special interest money.

Mr. President, it is often said that regardless of what the objective scholars say, despite the clear rejection of the checkoff by our constituents, Americans actually support public funding in exchange for spending limits. Many Senators want taxpayers to pay for all congressional campaigns as well.

Yet over 80 percent of taxpayers choose not to check off \$1 from taxes already paid to go to the Presidential system. My constituents have resoundingly rejected the Presidential system of taxpayer financing. Only 10 percent of Kentuckians check off for that mess, to allocate \$1 from taxes already paid.

Mr. President, that's not a poll. That's reality.

There is no outpouring of support among Kentuckians, or residents of any other State, for an entitlement program to pay for congressional campaigns. They are instead screaming out that they do not want their tax dollars paying for anyone's campaign. Not ours. Not the President's. Not David Duke's. Not Lenora Fulani's. Not anybody's.

And certainly not a campaign that Lyndon LaRouche ran from his prison cell. Yet, Mr. LaRouche soon will receive Federal matching funds for the Presidential campaign he conducted while serving a 15-year sentence for fraud.

The taxpayer-funded Presidential system is a failed government program. Reformers had a dream in the 1970s which the Federal Election Campaign Act transformed into reality. A reality that has now turned into the taxpayers' nightmare. The fund's supporters had a utopian vision of a system cleansed of special interests, where money was not a concern for candidates. That was their dream two decades ago.

Time to stop dreaming, Mr. president. Time to wake up. The Presidential system is a disaster, taxpayers cannot afford it and they certainly do not support it.

Taxpayers sure are not clamoring for a taxpayer-financed congressional system. They do not want to pay for David Duke to further his agenda. They do not want to pay for Lenora Fulani to further her agenda. They do not want their tax dollars used to pay for furthering anyone's agenda.

Voters are telling us that it is time we furthered the taxpayers' agenda. Our first spending cut should be to end a politicians' entitlement program—the taxpayer-funded Presidential system.

To add a little historical perspective to this issue, let me add the following interesting footnote: former House Speaker Jim Wright made the following comment to a colleague who was opposed to the Presidential Fund during the debate over its creation in 1974: "Congress could repeal this law if it did not work out as we intend, at any time in the future."

Mr. President, it has been nearly 20 years since that debate. The Presidential Election Campaign Fund has failed. The legislation I am introducing would end it.●

By Mr. COHEN (for himself, Mr. DOLE, Mrs. KASSEBAUM, Mr. KOHL, Mr. LUGAR, Mr. THURMOND, Mr. GRASSLEY, Mr. WARNER, Mr. DOMENICI, Mr. CHAFE, Mr. BENNETT, and Mr. STEVENS):

S. 1863. A bill to amend title II of the Social Security Act to institute certain reforms relating to the provision of disability insurance benefits based on substance abuse and relating to representative payees, and for other purposes; to the Committee on Finance.

THE SOCIAL SECURITY DISABILITY AND REHABILITATION REFORM ACT OF 1994

• Mr. COHEN. Mr. President, today I am joining with Senators DOLE, KASSEBAUM, KOHL, LUGAR, THURMOND, GRASSLEY, WARNER, DOMENICI, CHAFFEE, BENNETT, and STEVENS in introducing legislation to stop the flow of millions of Federal dollars into the hands of illegal drug users, many of whom simply turn around and use the money to buy more drugs.

By reforming the Social Security disability programs, our legislation will encourage treatment for substance abusers, get tough on those who manipulate the system, and send the strong message that the Federal Government will no longer be handing out blank checks to drug dealers and addicts, and others who are not seriously trying to help themselves when rehabilitation is possible.

Under current law, drug addicts and alcoholics are eligible for supplemental security income [SSI] and Social Security disability [SSDI] benefits if they are not able to work and if their disability is expected to last more than 1 year.

Although the current law places conditions on drug addicts and alcoholics who receive benefits, a year-long investigation conducted by the minority staff of the Senate Special Committee on Aging and the General Accounting Office found that the current disability system is totally out of control. The laxity in the system not only wastes valuable tax dollars, but also undermines our war on violent crime and drug abuse and endangers the substance abusers themselves by giving them more money to fuel their addictions.

Currently, substance abusers are eligible for SSI benefits only if they receive appropriate treatment for their substance abuse, if treatment is available. Also, their benefits are supposed to be paid to a third party to protect the money from abuse.

Our investigation found, however, that these rules are rarely followed. Instead, the word on the street is that the Social Security disability programs are an easy source of cash for drugs and alcohol, and that once the Government checks start flowing, the Government hardly ever checks up to see if the addict is going to treatment—or to be sure that the benefits are not being used to buy more drugs.

The bottom line is that addicts are actually seeking out the disability programs to get money for their addictions.

If Willie Sutton was alive today, in addition to robbing banks, the probably would be tempted to apply for Social Security disability benefits—because that's where the money is.

The size of the problem is staggering. According to the GAO, at least 250,000 drug addicts and alcoholics are now receiving over \$1.4 billion in cash bene-

fits from the SSI and the Social Security disability insurance programs. However, only about 78,000 of these recipients—or less than one-third—are now required by the Social Security Administration to receive treatment for their addictions or to have someone else collect their checks on their behalf.

This means that no one is watching over \$1.1 billion in SSI and disability benefits being paid each year to over 170,000 drug addicts and alcoholics. No treatment is required and no guardian for the benefits is appointed. Instead, the cash benefits are freely available to feed their addictions.

The picture gets worse. Of the 78,000 substance abusers who are supposed to be watched by the SSA to be sure they are under tight controls, less than 10 percent were known by the Social Security Administration to be in treatment.

In other words, only about 3 percent of all drug addicts and alcoholics on the disability rolls are known to be in treatment for their substance abuse. The Federal Government does not have a clue whether the rest are in treatment or not—or where these dollars are going.

What is clear, however, is that tax dollars are being used to support illegal drug habits. Earlier this month, for example, a drug bust in Williamsport, PA netted at least 28 packets of cocaine, a cutting agent for mixing cocaine—and direct deposit receipts from Social Security disability checks. According to the local district attorney, two of the three suspects allegedly had been receiving Social Security benefits for their drug addictions, but were not in any treatment program.

The Federal Government's performance in this program has been disgraceful. Through last year, for example, the Social Security Administration had established programs to monitor treatment requirements for substance abuse recipients in only 18 States. While steps are now underway by the Social Security Administration to monitor addicts in many more States, these actions are long overdue.

Further, we found that some lump sum benefits—in some cases over \$20,000—are being paid to drug addicts and alcoholics, many of whom are spending the money on drugs or alcohol, resulting in dangerous consequences, or even death, to the claimants. Even when the benefits are paid to a third party, this money often finds its way back into the hands of the addicts—and into the local bar or drug houses.

For example, an SSI applicant was found to be disabled on the basis of his drug addiction, and then died of a lethal drug overdose purchased with his lump sum benefits from SSA.

Another addict used his \$19,000 lump sum benefit check to buy cocaine.

We have even found cases where the Federal Government is awarding disability benefits to drug addicts even when it knows first hand that the addict is dealing drugs or engaging in other criminal activity to sustain his or her habit.

To sum it up, the message of our disability program is:

Show us that you are a severe drug addict and the Government will pay you.

As long as you continue to shoot up or drink, the money keeps coming.

Then, even if you tell us that you are breaking the law to get your drugs, we'll still pay you.

And finally, once we start the checks, they will probably never stop coming.

At the same time that we are losing the war against violent crime and drug abuse, this is an outrageous message for the Federal Government to send.

Tragically, these lax policies not only drain the Federal Treasury, but also are detrimental to substance abusers themselves by rewarding addiction, and by discouraging and failing to provide necessary treatment.

Psychiatrists and drug abuse counselors have told us that the laxity in the current system violates the basic rules of drug and alcohol treatment: Never give cash to an addict, because it is like giving him or her the key to the medicine cabinet.

Studies show that giving cash to an addict greatly undermines treatment. For example, visits to a methadone treatment program dropped off sharply directly after the drug addicts received their disability checks. Other drug abuse treatment experts have told us that drug induced psychosis cases often increase at the end of the first week of the month, and that requests for treatment drop off during the first few days of the month. It is no coincidence that this is the same time that the SSI and disability checks arrive in the mail.

It is crucial that we fix this system which has run amok.

The legislation we are introducing today will go far in stopping the cash from flowing into the pockets of drug dealers and into the veins of drug addicts.

Specifically, the bill requires that any individual who receives disability benefits under the SSDI and SSI programs on the basis of substance abuse must undergo appropriate treatment for substance abuse if it is available; comply with the terms of treatment; and receive benefits through a qualified representative payee.

The bill sets up a strict disability review process for those who disability is based on substance abuse. Upon completion of first year of treatment the SSA will be required to review the case for continued disability and compliance with treatment requirements. If an individual fails to comply with treatment, benefits will be suspended.

At the end of 2 years of treatment, the individual is again reviewed. If substance abuse is no longer a basis for disability, no additional treatment is required.

In no event will disability payments be made on the basis of substance abuse for more than a cumulative period of 3 years. This termination will not affect any person receiving SSI/SSDI benefits made on the basis of other nonsubstance abuse medical impairments.

To address the need for more treatment of hard core addicts, the bill gives high priority to SSI and disability insurance substance abusers in programs supported through the substance abuse block grant.

To stop abuses in the payment of benefits to third parties, the bill requires representatives payees for substance abuse recipients to be Government agencies or other facilities, which will not be subject to coercion by the substance abuser.

The bill also requires that any lump sum benefit payable to a substance abuser in SSI and SSDI must be paid to a representative payee.

We also require the Secretary of Health and Human Services to designate an agency to refer and monitor treatment of individuals who receive benefits on the basis of substance abuse for each State within 1 year of enactment.

The bill further requires that any proceeds derived from criminal activity to support substance abuse shall be considered substantial gainful activity, thereby making that individual ineligible for benefits.

Finally, the bill includes tough measures to stop the manipulation of the disability program by addicts and others who want to cash in on the disability system. Specifically, the bill toughens penalties for fraudulent statements or misrepresentations made by applicants or recipients to obtain SSI or SSDI benefits, or by others who assist in such fraudulent acts. The Secretary of HHS is also given authority to exclude from all HHS health and disability programs any person who defrauds the disability system in order to receive or help someone else receive benefits.

Far from abandoning substance abusers, this proposal stresses treatment and rehabilitation, while closing the loopholes in the disability system which now invite abuse.

If we are serious about reducing illegal drug abuse and reforming our welfare system, we cannot ignore these wasteful, counterproductive practices in our Social Security disability system. Fighting crime is hard enough without supplying the other side with money for their drugs.

The proposal we are introducing today is an important step toward reforming the disability process into a

system that encourages rehabilitation for those who can and should recover from their addictions, rather than providing a lifelong—and life threatening—source of cash for drugs.●

ADDITIONAL COSPONSORS

S. 359

At the request of Mr. DECONCINI, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 359, a bill to require the Secretary of Treasury to mint coins in commemoration of the National Law Enforcement Officers Memorial, and for other purposes.

S. 455

At the request of Mr. HATFIELD, the names of the Senator from Alabama [Mr. HEFLIN], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Nevada [Mr. REID], and the Senator from New Hampshire [Mr. GREGG] were added as cosponsors of S. 455, a bill to amend title 31, United States Code, to increase Federal payments to units of general local government for entitlement lands, and for other purposes.

S. 984

At the request of Mr. SIMON, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of S. 984, a bill to prevent abuses of electronic monitoring in the workplace, and for other purposes.

S. 1040

At the request of Mr. BINGAMAN, the names of the Senator from Maryland [Ms. MIKULSKI] and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of S. 1040, a bill to support systemic improvement of education and the development of a technologically literate citizenry and internationally competitive work force by establishing a comprehensive system through which appropriate technology-enhanced curriculum, instruction, and administrative support resources and services, that support the National Education Goals and any national education standards that may be developed, are provided to schools throughout the United States.

S. 1677

At the request of Mr. HATFIELD, the names of the Senator from North Dakota [Mr. DORGAN], and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of S. 1677, a bill to prohibit United States military assistance and arms transfers to foreign governments that are undemocratic, do not adequately protect human rights, are engaged in acts of armed aggression, or are not fully participating in the United Nations Register of Conventional Arms.

S. 1690

At the request of Mr. DANFORTH, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from

Minnesota [Mr. DURENBERGER] were added as cosponsors of S. 1690, a bill to amend the Internal Revenue Code of 1986 to reform the rules regarding subchapter S corporations.

S. 1802

At the request of Mr. HOLLINGS, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 1802, a bill for the relief of Johnson Chestnut Whittaker.

S. 1848

At the request of Mr. DANFORTH, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 1848, a bill to provide for disclosure of the bumper impact capability of certain passenger motor vehicles and to require a 5-mile-per-hour bumper standard for such vehicles.

SENATE JOINT RESOLUTION 151

At the request of Mr. LIEBERMAN, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of Senate Joint Resolution 151, a joint resolution designating the week of April 10 through 16, 1994, as "Primary Immune Deficiency Awareness Week."

SENATE RESOLUTION 35

At the request of Mr. LAUTENBERG, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of Senate Resolution 35, a resolution expressing the sense of the Senate concerning systematic rape in the conflict in the former Socialist Federal Republic of Yugoslavia.

SENATE RESOLUTION 182—RELATIVE TO THE PONTIAN GREEKS

Mr. D'AMATO submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 182

Whereas the Pontian Greeks originally settled in northern Turkey in the late 19th and early 20th centuries to escape the ravages of war and since then have found themselves alternately both discriminated against as well as innocent victims of brutal wars;

Whereas the Pontian Greeks have been subject to severe discrimination and torture since the early 1900's due to their ethnic and cultural identity;

Whereas the Pontian Greeks have historically been denied their right to develop their own culture and study their history, first under the Ottoman Empire and later while under the Soviet Empire;

Whereas the Pontian Greeks are, in part, descendants of Greeks who were uprooted and forcibly resettled in Georgia in the 1930's by Stalin during collectivization drives out of fear of divided loyalties;

Whereas this population of 15,000 is now cut off from supply lines and distribution networks by both winter storms and a brutal civil war of a year-and-a-half;

Whereas both the battle-scarred Greek settlements and their refugee camps are located in the center of this savage war;

Whereas existing supplies are rapidly eroding, leaving Greeks on the brink of starvation and forced to endure a long winter without clothing, medicine, water, or electricity;

Whereas the remaining supplies of this small minority are subject to widespread looting;

Whereas many Greeks are forced to undertake a dangerous sealift in order to emigrate to Greece out of a desperate attempt to escape this dire situation;

Whereas the Pontian Greeks face certain death without outside assistance: Now, therefore, be it

Resolved that the United States should take the lead in organizing international humanitarian efforts to aid this destitute population.

Mr. D'AMATO. Mr. President, I rise today to call attention to the desperate plight of the Pontian Greeks stranded in the Republic of Georgia.

The Pontian Greeks, stranded in the ravaged Republic of Georgia, have long been the victim of oppressive empires. The Pontians were the frequent targets of state discrimination and torture while they lived under the Ottoman Empire. Their lot did not improve once they were taken into the Soviet Empire where many became the innocent victims of Stalin's brutal collectivization drives. Stalin, fearing their lack of loyalty to the Soviet Union, forced these proud people into far off regions, depriving them of liberty.

Some Pontian Greeks originally emigrated to the Crimea in the late 19th century to avoid a state of almost continuous warfare, involving Turkey, Greece, and later Russia. Ironically, today the Pontian Greeks once again find themselves caught in the middle of the ravages of war in the strife-torn Republic of Georgia. Their refugee camps are located in the center of the civil war, leaving many women and children in the path of the destruction.

To worsen this desperate plight, the onslaught of severe winter storms has worked to compound the problems of this starving people. The supply lines and distribution networks to this population of 15,000 Greeks have been cut-off, leaving the people with rapidly eroding supplies that are frequently the subject of looting. In attempts at mere survival, the Pontians are struggling to endure a long, bitter winter with little food, clothing, medicine, water, or electricity.

These brave people, left destitute and subjected to starvation, are being left to die. Occasionally they attempt to make a long sealift back to their Greek homeland. This arduous journey is not without peril, and Greece is struggling to assist in this exodus. Despite recent airlifts to aid the Pontians, the threat to them has not receded and the effort must be continued.

Make no mistake about it, many of the Pontian Greeks will not survive this long winter without outside assistance. Because of this, I am calling on the United States to take the lead in humanitarian efforts in order to insure that a sufficient quantity of supplies arrives quickly enough to save this starving population. The United States must recognize the desperate situation of our Greek friends who have been innocent victims of both brutal wars and regimes for far too long.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 1:45 p.m. on Wednesday, February 23, 1994, in closed session, to receive a briefing on Bosnia and other current military operations.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BAUCUS. 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 Wednesday, February 23, beginning at 10 a.m. to conduct a markup on the committee print of the interstate banking and branching bill.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to conduct a hearing on S. 1822, the Communications Act of 1994, on February 23, 1994, beginning at 9:30 a.m.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., February 23, 1994, to consider pending nominations.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, February 23, to consider the Graham substitute amendment to S. 1114, the Water Pollution Prevention and Control Act of 1994.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:45 a.m., February 23, 1994, to receive testimony on the Department of Energy's fiscal year 1995 budget request.

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

COMMITTEE ON FINANCE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Commit-

tee on Finance be permitted to meet today at 10 a.m. to hear testimony from OMB Director Leon Panetta on the subject of the administration's budget proposals.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Wednesday, February 23, 1994, at 10:15 a.m. to hold a hearing with Secretary of State Christopher regarding a foreign policy overview and budgetary resources.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee for authority to meet on Wednesday, February 23, for a hearing on the legislation: H.R. 3400, Government Reform and Savings Act, at 10 a.m., in SD-342 Dirksen.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Wednesday, February 23, at 2 p.m. for a hearing on the nomination of Rafael Diaz, to be Associate Judge, Superior Court of the District of Columbia.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet on February 23, 1994, at 9:15 a.m., for an executive session to consider S. 1040, the Technology for Education Act of 1993; S. 1020, the Workers Technology Skill Development Act; and the nominations of Bernard E. Anderson to be Assistant Secretary for Employment Standards at the Department of Labor; Margaret A. Browning to be a member of the National Labor Relations Board; Charles I. Cohen to be a member of the National Labor Relations Board; and Frederick L. Feinstein to be general counsel of the National Labor Relations Board.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. BAUCUS. Mr. President, The Committee on Veterans' Affairs would like to request unanimous consent to hold an oversight hearing on programs and services for homeless veterans at 10 a.m. on Wednesday, February 23, 1994. The hearing will be held in room 418 of the Russell Senate Office Building.

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

THE SUBCOMMITTEE ON COALITION DEFENSE AND
REINFORCING FORCES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Coalition Defense and Reinforcing Forces of the Committee on Armed Services and the Subcommittee on European Affairs of the Committee on Foreign Relations be authorized to meet on Wednesday, February 23, 1994, at 2 p.m., in open session to continue to receive testimony on the future of NATO.

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

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on European Affairs of the Committee on Foreign Relations, jointly with the Armed Services' Subcommittee on Coalition Defense and Reinforcing Forces, be authorized to meet during the session of the Senate on Wednesday, February 23, 1994, at 2 p.m., to hold a hearing on the future of NATO: The NATO summit and beyond.

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

SUBCOMMITTEE ON JUVENILE JUSTICE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Juvenile Justice, of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Wednesday, February 23, 1994, at 10:30 a.m., to hold a hearing on shaping our response to violent and demeaning imagery in popular music.

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

ADDITIONAL STATEMENTS

FORT SACKVILLE

• Mr. COATS. Mr. President, I rise today to commemorate the 215th anniversary of the capture of Fort Sackville, located on the present-day grounds of the George Rogers Clark National Historical Park, Vincennes, IN.

Fort Sackville enjoys a vibrant history that reflects the courage and perseverance of America's Revolutionary patriots. Built in 1777 and named after a British Government official, Fort Sackville was one of several forts built during the frontier settlement of Vincennes. The fort was captured from the British during the American Revolution by George Rogers Clark and his small force of frontiersmen.

On February 23, 1779, following an 18-day journey from Kaskaskia through the freezing waters of the flooded Illinois country, George Rogers Clark and his force of approximately 170 American and French frontiersmen arrived in Vincennes to capture Fort Sackville. Surrounding the fort, Clark was able to give the impression of having a much larger army. In addition, Clark ordered

tunneling operations around the fort to be used to plant explosive charges, thus convincing the British that they were no match for Clark's forces.

On February 25, 1779, British Lieutenant Governor Henry Hamilton led his troops out of Fort Sackville and surrendered the fort to Clark and his forces. Although Clark was unable to capture Detroit, his military successes prevented the British from driving the Americans from the Trans-Appalachian frontier. Thanks to Clark's achievements, the British relinquished a large tract of land west of the Appalachians, which later became the States of Indiana, Ohio, Illinois, Michigan, Wisconsin, and eastern Minnesota.

On the anniversary of the capture of Fort Sackville, it is important to recognize the contribution of George Rogers Clark and his troops to the cause of liberty. Their sacrifice and courage in resisting the British forces helped to build America's heartland, and I appreciate the opportunity to honor these patriots today. •

TRIBUTE TO REV. DR. JAMES
DEMETRIADES

• Mr. LIEBERMAN. Mr. President, I rise before you today to honor one of Connecticut's finest community leaders. Rev. Dr. James Demetriades retired on December 31, 1993, ending over 30 years of service and dedication to God, his parish, and community. Beginning as a lay preacher of the Greek Orthodox community in Constantinople, Turkey, Reverend Demetriades became the dean of the St. George Greek Orthodox in Hartford, CT, in 1964.

During his tenure at St. George Greek Orthodox Church, Father James became an important community and statewide leader, rising to the position of vicar general of the Greek Orthodox parishes in the State of Connecticut. He has also served as chaplain for the Connecticut State Police and as ecumenical officer representing the Greek Orthodox Archdiocese. Father James also received a Ph.D. in philosophy of religion from the Hartford Seminary Foundation in 1972.

These are truly difficult times in our Nation today and it is our family and friends, combined with our churches that can help make these challenges easier to bear. Throughout his life Rev. Dr. James Demetriades has helped those around him with their struggles and has been a leader and inspirational model for all those he has come in contact with. He is to be commended for his lifelong service to the Hartford community. •

FOR HUMANITY'S SAKE

• Mr. SIMON. Mr. President, the recent anti-Semitic remarks made on a college campus in New Jersey have received a great deal of attention. Rac-

ism, in whatever form it takes, should be attacked, and, unfortunately, it too often has not been attacked.

While certain leaders in the African-American community have been recognized for their statements, less attention has come from many others who are less visible, who have stood up.

I subscribe to the Chicago Defender, a newspaper that particularly serves the African-American community in the Chicago area. Recently, Walter Lowe, the editorial page editor of that newspaper, had a column titled "For Humanity's Sake, We Must Oppose Anti-Semitism."

It was the kind of solid statement about what we should stand for as a people that deserves more attention.

I am grateful to him for standing up. I am old enough to recall very well in the civil rights struggle that the white community generally most vocal in assisting that effort was not Lutheran, as I am, nor many other denominations, but the Jewish community. With the possible exemption of the Quakers and the Mennonites, in terms of percentages, the Jewish community probably stood up more than any other group.

I ask to insert Walter Lee Lowe's column in the RECORD at this point.

The column follows:

[From the Chicago-Defender]

FOR HUMANITY'S SAKE WE MUST OPPOSE
ANTI-SEMITISM

(By Walter Lee Lowe)

I really don't think anyone would be jumping to conclusions in reasoning that the vandalism that damaged five Jewish organizations in the Rogers Park section of Chicago on the morning of Friday, Jan. 28, was a result of anti-Semitism. The arson and other injuries to the edifices were enough to anger any person who believes in equality, mutual respect, fair play and human decency.

It is truly unfortunate that there are individuals who are willing to expend their energy bringing destruction to others and their properties. Anti-Semitism is one of the most reprehensible practices in human history. There are countless instances in the past where Jews were the victims of wholesale intimidation, injury and genocidal slaughter.

These things must not be permitted to recur. They have already claimed the lives of too many children and adults who were innocent of crimes but were assaulted just because of their religion. Such actions are, in the real world of the global village, socially wrong and totally immoral. They border on lunacy, no matter how educated or socially prominent the perpetrator happens to be. That is just one of the many reasons why people of good conscience must vigorously oppose anti-Semitism.

It is also a very humanitarian reason for taking a stand against such bigotry.

There is also a wholesomely selfish reason why decent people should oppose anti-Semitism: the same fury, force, hatred and violence that claims the lives and property of Semites can also be directed against others just because of their religion, race, sex, age, height, weight, creed, etc. Jews and other Semites should not be harassed, attacked or otherwise bothered. But that truth is also applicable to Moslems, Christians, Bahai's, Hindus, Buddhists, Jehovah Witnesses, any

other members of the world's religions or atheists.

All deserve to live without the threat of violence hanging over their or their loved ones' heads. People who feel that it is all right to use bigoted words, practices and even violence against Jews and other Semites would be devastated if the same abusive behavior was unfurled against them because of their beliefs, race, gender, creed or other non-important characteristics. A person who sneaks through the night and firebombs a Jewish building for what it represents, is not only anti-Semitic but a coward. That type of mentality claimed countless lives of Black people during the period of lynching which occurred during and after the Reconstruction Period. It is also the type of cowardice that permitted various people in European countries to institute government-sponsored pogroms against Jews.

These pogroms allowed non-Jewish individuals and government officials to invade Jewish ghettos, destroy property, rape women, murder children and adults and confiscate their hard-earned money.

There is nothing wrong with disagreeing with Jews on various issues. There is nothing wrong with arguing a given point with a Jew. People disagree. People argue. Not only is such non-violent interaction very human but it can also be very healthy. Jews, African Americans, women, and other groups who have been historically persecuted just because they are who they are, do not for the most part, expect special favors or special treatment from the world.

They simply want to be treated like human beings. That is not too much to ask.●

FLORIDA LAW RELATED EDUCATION ASSOCIATION

● Mr. GRAHAM. Mr. President, as a Senator from the great State of Florida, I rise today to recognize a unique group from my home State, the Florida Law Related Education Association.

Every day, schools throughout Florida welcome new American citizens into their classrooms. These children know of the American dream and have now come to live it, but they don't fully understand it. With the help of great organizations like the Florida Law Related Education Association, these new young citizens, along with their peers, come to understand and appreciate the foundations of democracy set forth in the Declaration of Independence and the Constitution. The "We the People" program sponsored by the FLREA has taught students the joys of freedom and its responsibilities. Now more than ever, the importance of understanding our history is vital to the future of all Americans and to the future of the United States. This program plays an important role in the education of America's future leaders.

Through the dedicated efforts of volunteers, thousands of upper elementary, middle, and high school students participate in the "We the People" Bicentennial Competition. The program is based on the principles embodied in the Declaration of Independence and introduces students to the philosophi-

cal ideas of our Founding Fathers, the historical background of the Philadelphia Convention, and the issues and debates upon which our Constitution is based. In this program, students learn how our Government is organized and how it protects the rights and liberties of all citizens. Most importantly, students learn the responsibilities that accompany the rights of citizenship in a democracy.

By continuing the tradition of debating fundamental issues, this group pledges to the world that freedom and justice will prevail. By instilling in our youth an appreciation for liberty, they help ensure liberty for generations to come.

Those dedicated volunteers who preserve the history of our ancestors and their ideas are: Theresa Bryant, Steve Byrne, Gene Cain, Karen Cloud, Miriam DePool, John Doyle, James Elliott, Karen Miles-English, Charles Fleming, Connie Hankins, Paul Hanson, George Jeandheur, Sheila Keller, Steve Kovacs, Sharon Ledbetter, Christa Lira, Bill Massolio, Karin Moore, Judy Nugent, Annette Boyd Pitts, Suzanne Prior, Louis Roos, Clint Rouse, Cynthia Ryan, Patricia Segrest, Kathy Steiner, Dr. Theron Trimble, and Paul Trojac. They deserve much appreciation from the residents of Florida.

"We the People" helps to direct our youth to be responsible leaders in the future. I am honored to have this group recognized by the U.S. Senate and am grateful to these dedicated coordinators for their contributions to the development of Florida's children into informed and educated citizens.●

SWEARING IN OF DR. JOHN H. ZIRSCHY TO BE PRINCIPAL DEPUTY ASSISTANT SECRETARY OF THE ARMY, CIVIL WORKS

● Mr. CHAFEE. Mr. President, I am proud to report that yesterday, February 22, 1994, Dr. John H. Zirschy was sworn in to be the Principal Deputy Assistant Secretary of the Army for Civil Works.

As a Presidential appointee to this position, Dr. Zirschy will provide executive direction and leadership to the Army Corps of Engineers civil works program. Dr. Zirschy's responsibilities also will include program representation, and congressional testimony. Additionally, he will be asked to serve as the Acting Assistant Secretary of the Army for Civil Works until that position is filled by the President.

Prior to his appointment as Principal Deputy, John served as a professional staff member of the Senate Committee on Environment and Public Works. Before joining our committee staff, he was Senator JEFFORDS' environmental adviser. Dr. Zirschy performed most admirably in both of these assignments and the Senate profited from his expertise and dedication. He will bring to

the Army Corps of Engineers an impressive breadth of professional and academic experiences which will prove valuable, as they have in his previous posts.

I am pleased to have had the opportunity to work with Dr. Zirschy while he was serving with the U.S. Senate and strongly support the administration's decision to appoint him. I look forward to working with him in his new capacity.●

CAN WE STOP TV VIOLENCE?

● Mr. SIMON. Mr. President, one of my favorite columnists is William Raspberry. One of the weaknesses we have in life is that we tend to like the people we agree with, and, with rare exceptions, I agree with Bill Raspberry. He offers insight, as well as being a good journalist, and he has a heart and shows it, as well as having common sense.

Recently, he had a column on TV violence that puts forward the common-sense reality that we have to face, and we are gradually facing, now in our society.

I ask to insert the Bill Raspberry column in the RECORD at this point.

The column follows:

[From the Annapolis (MD) Capital, Feb. 7, 1994]

TV VIOLENCE IS HARMFUL—BUT CAN WE STOP IT?

(By William Raspberry)

ATLANTA.—"In my field of psychology, there's a lot of ambiguity," Arnold P. Goldstein admits. "But after a while, there's enough research to say we have a fact."

This, he says, is a fact: Television violence begets real-world violence.

Goldstein, director of the Center for Research on Aggression at Syracuse University, is here as the featured consultant at a two-day conference on school violence. He has made a major sideline of instructing professionals—this time members of the National Association of School Psychologists—in ways of reducing violence. His books on teaching social skills to anti-social youth—"skill streaming," he calls it—are respected across the nation.

But he believes his work would be a good deal easier if television weren't so doggedly violent.

"There's just no question of the effect of television," he tells me. "Literally hundreds of studies all point to this conclusion. The only people who seriously question the link—like the tobacco industry questioning the link between cigarette smoking and cancer—are the TV people themselves, and even many of them are coming around."

Goldstein lists three main categories of effects: The aggression effect, the victim effect and the bystander effect.

The first includes so-called copycat violence. "There are 188 separate studies, involving 244,000 viewers, showing that a substantial number of viewers will become more aggressive, more violent after watching violent TV shows. Younger children are affected more than older ones, boys more than girls. In terms of types of show, the violently erotic are the worst."

He said studies show that there is more copying of violent acts when the violence is

justified or rewarded in the script, when it involves how-to specifics and when it is shown as relatively painless, or when victims of violence are shown quickly recovering from their injuries.

The "victim effect" principally involves an "increased level of fearfulness about the world in general," according to Goldstein. "What troubles me most, though, is the bystander effect. You know, the Kitty Genovese syndrome. Televised violence increases the degree of callousness and indifference to actual violence. People who watch TV violence become less helping toward the victims of violence and display more tolerance for higher and higher levels of aggression."

Most of us know—or have strongly suspected—what Goldstein's analysis of reams of studies demonstrates. Television knows it, too. The question is what to do about it.

For Goldstein the answer is something short of official censorship but "something beyond the tips-to-parents advice—sitting with your children, talking about the violence, monitoring their viewing, that sort of thing." But he doesn't know just what.

I don't either. The violence-content labeling recently adopted by the industry (following a major public outcry and congressional hearings) is a help, but principally for at-home parents of small children. Older children, including "latchkey kids" who baby-sit themselves until their parents get home, won't bother with the labels—except, perhaps, as a guide to which are the really cool shows.

Various channel-blocking devices could be helpful in locking out, say, certain cable channels. But what parent would take the time to check each day's listing and block out specific objectionable shows (assuming it was clear which shows were objectionable and assuming there were machines capable of such selective blocking)?

And who, in households where parents can't tape tonight's "Jeopardy" show without help from the kids, would program those machines? ("OK, Mom, I've got it set so it'll only get PBS and the Gospel Hour. You and Dad have a nice evening.")

The violent influence cited by Goldstein—he says there are, on average, eight violent acts per prime-time hour on television—may be beyond the means of technology to control.

Indeed, it's hard to see what, within the confines of the First Amendment, might control it. The most frequently mentioned alternative is a boycott of sponsors of worst-offending programs. But there are two problems with that.

First, many cable shows (including some of the raunchiest and most gratuitously violent on television) are unsponsored.

And second the reason TV operators keep bringing us this stuff that is scaring us, numbing us and, yes, killing us is that they are privy to our dirty little secret:

We want it. ●

TOUGHLOVE

● Mr. DURENBERGER. Mr. President, I rise today to honor the Toughlove Parent Support Groups of Minnesota. This entire month of February is being observed as Toughlove Programs Against Violence Month. And it is important that we take time this month to pay tribute to the work of this organization.

Toughlove is a self-help organization dedicated to helping families in crisis

as a result of children who are in trouble in school, at home, and in their communities.

Many of these young people have problems with drugs and/or alcohol, their sexuality, suicide, gangs, cults, and the expanding violence in and around their lives.

Toughlove Parent Support Groups have been active in Minnesota for 8 years. Their work heightened our awareness of the importance of communities joining together to combat the virus of violence that has become an epidemic in our Nation.

Toughlove declared February 14, Valentine's Day, 1994 as a day against violence. Mr. President, let us continue to make every day of 1994 a day when we, as a nation, promise to oppose violence, and make every effort to end violence in the places we live and work. ●

KHARTOUM CHARACTER

● Mr. SIMON. Mr. President, there is much good news in Africa, and, unfortunately, it does not make the headlines.

Africa is moving steadily, if not dramatically, toward greater and greater democracy. But it goes in fits and starts and without consistency. Probably the most discouraging place in Africa today is Sudan.

It is discouraging because there are hundreds of thousands—perhaps over 1 million—who face severe malnutrition in the southern part of the country.

The government is oppressive, and despite assurances that the government gives me from time to time that they are moving in a more constructive direction, I have seen little evidence of it.

An article by Joshua Hammer, who heads Newsweek's Nairobi bureau, in the New Republic, gives something of the character of the situation in the capital city.

I do not suggest that the government alone is responsible for the difficulties in that country. Unfortunately, there is division among those who oppose the government in the south. That has added to the bloodshed and the loss of life and the lost opportunity to get food to desperate people who need it.

But if the government in Khartoum were to take a more tolerant attitude to those who may differ politically or religiously, Sudan could be one of the better examples of progress in Africa. Today it is the opposite.

At this point, I ask to insert into the RECORD the Joshua Hammer article.

The article follows:

[From the New Republic, Feb. 7, 1994]

KHARTOUM CHARACTER: A VISIT WITH SUDAN'S DESPOT

(By Joshua Hammer)

Muhammad Bashari steered his battered yellow taxi along the bank of the White Nile, peering nervously into the rearview mirror. "Do you see anyone behind us?" he asked. He

sped through the near empty streets of Khartoum, passing white-robed herdsmen and their goats. We were going to interview a leading oppositionist, and Muhammad feared surveillance. Earlier, he had spotted two plainclothesmen watching us in the lobby of the Khartoum Hilton; that was when he handed me the name of his friend at the U.S. Embassy. "He got me out of jail last time after only eight days." Muhammad said.

I met Muhammad my first evening in Khartoum, an arid city of palm trees and minarets at the confluence of the White and Blue Niles—the crossroads of Africa and Arabia. I had come to investigate reports that the National Islamic Front, Sudan's ruling party, was covertly sponsoring international terrorism charges that led to its being placed on the State Department's black list last August. But I became even more intrigued by the transformation of the once democratic Sudanese society wrought by the NIF. In just four years, they've banned political parties, shut down the press, tortured thousands of oppositionists in "ghost houses"—unmarked residences hidden away on Khartoum's outskirts—and carried out Koranic, or sharia, law with a vengeance. This process has not only destroyed the economy and forfeited Western development aid, but has instilled fear and loathing in much of the population.

Muhammad was no exception. A paunchy, pleasant-faced attorney in his 40s, he quit the bar after the NIF seized power in a military coup in 1989. He said it was difficult to work in a legal system packed with Islamic zealots—and he realized that he could make a bundle as a \$150-per-day guide for Western journalists. The decision had cost him. He had been investigated, followed and interrogated by the police; I thought it prudent not to use his real name in this article. As we drove through Khartoum, looking for black market gasoline at \$7 a gallon, he vented his frustration. "The NIF cleans the streets—but most of all they clean out stomachs," he said.

Khartoum has indeed been drained of its natural, African vitality. Liquor, nightclubs, Western movies and discotheques are all banned. (I spent many disgruntled evenings at the Hilton's Sunset Lounge, drinking "favorite cocktails and after-dinner drinks" like guava and lime juice.) State-run T.V. airs little but Islamic conferences and footage of government soldiers in southern Sudan. About the only entertainment that the NIF permits is soccer. Muhammad and I watched Khartoum play Port Sudan at Khartoum stadium. Some 25,000 men (women aren't allowed) cheered wildly and munched sunflower seeds, savoring a cathartic escape from government control. "Some NIF people want to ban football, too," Muhammad told me. "But they know if they did that the people would rise against them. They would be finished."

All Sudanese office workers are now obliged to join the Popular Defense Force, an Islamic paramilitary group. Everywhere here you see men and women clad in coffee-colored uniforms, chanting Islamic slogans ("God is great! We are ready for the enemy!") as they jog through the streets. I accompanied one group of bank worker "volunteers" to a dirt field by the confluence of the Niles. Panting Arabs with hefty guts performed a two-hour regimen of exercises alongside jet-black Dinka tribesmen from the Christian south. Employees looked away when I asked what would happen if they refused to participate. (One man whispered they would lose their jobs.) "We want the

roots to grow deep and change the manner of the people," the bank's chairman, a leading member of the NIF, told me. "We want to rebuild the culture according to Islamic principles."

The principal architect of the NIF's revolution, party chairman Hassan al-Turabi, speaks perfect idiomatic English punctuated by weirdly disarming little giggles. Clad in a white turban and traditional white robe known as the jelabia, Turabi sipped tea and spoke about how Sudan had "created an inspiring example for the whole world." I asked him about the Sudanese martial arts expert who had attacked and nearly killed him in 1992 at Ottawa's airport. The assassination attempt reportedly terrified Turabi, who now is said to sleep in a different house nearly every night. Turabi just giggled. "A black belt in karate and he couldn't even kill me with four blows," he said. "It made a symbol of Islam. Now I am famous all over the world." Turabi denied the existence of ghost houses, claimed the economy was booming and said the cutoff of aid was good because it rid the country of Western dependence.

My last morning in Khartoum, we drove to meet Muhammad Ibrahim Nugud, a distinguished attorney and leading anti-government politician who spent two years in jail between 1989 and 1991. We wound through sandy back alleys to evade the cops. Nugud is watched round-the-clock, but nobody was visible outside his walled compound this day. "They've taken their morning tea break," Nugud said. He had been up all night coordinating defense strategy for an imminent treason trial of top opposition members. He looked bleary-eyed and depressed. "Everybody knows the lies, the phony success stories," he said. "But we are filled with fear." My guide dropped me at the airport an hour later, still uncertain whether our expedition had jeopardized his safety. "Wish me luck," he said. Then he drove away, finished—for now—with his dangerous game.●

TRIBUTE TO DEBORAH STARR O'HARA

● Mr. SHELBY. Mr. President, today I am pleased to recognize the achievements of one of Alabama's finest educators, Mrs. Deborah Starr O'Hara, recipient of the 1993 Presidential Award for excellence in science and mathematics teaching.

Mrs. O'Hara is a resident of Alabaster, AL, and a graduate of the University of Alabama at Birmingham. She has taught at Shelby County High School for 7 years, and is currently working toward a master's degree in mathematics.

During her career as an educator, Mrs. O'Hara has exemplified educational excellence in Alabama schools. Through her creative classroom leadership, Mrs. O'Hara has enriched the educational foundation of many of Alabama's young people. In addition to her commitment in the classroom, Mrs. O'Hara has participated in numerous continuing education and enrichment programs. She has also presented workshops statewide on educational methods and the future of secondary education.

Among Mrs. O'Hara's other honors are her memberships with the National

Association of Student Activity Advisers, the Shelby County Education Association, the Alabama Education Association, the National Education Association, and the National Council of Teachers of Mathematics. She has also participated in Project A.S.S.E.T., an innovative statewide program of interactive learning.

In April, Mrs. O'Hara will join with outstanding educators from across the country to be honored here in Washington with the Presidential Award for excellence in science and mathematics. Her dedication exemplifies the type of superb educational leadership that we need to ensure prosperity in our children's future, and it should remind us of the need for a continuing commitment to excellence in public education in America. I extend my sincerest congratulations to Mrs. O'Hara and wish her continued success in the future.●

A TRIBUTE TO NEW YORK NEIGHBORHOOD SELF-HELP GROUPS

● Mr. D'AMATO. Mr. President, I rise today to pay tribute to three exceptional New York neighborhood self-help groups that are revitalizing Harlem, Brooklyn, and Rochester. Each of these groups worked in partnership with a major New York financial services institution and for this reason were honored by the social compact in conjunction with the 1993 outstanding community investment awards competition, which brings national attention to outstanding partnership-based strategies that are strengthening disadvantaged neighborhoods. The honorees are: the Harlem Restoration Project, in partnership with Chase Manhattan Community Development Corp.; Coalition of North East Associations, in partnership with Chase Manhattan Bank in Rochester; and Mutual Housing Association of New York, in partnership with Chemical Bank in Brooklyn.

These partnerships used very similar strategies in each of their diverse communities; namely, the acquisition and rehabilitation of existing properties. The Harlem Restoration Project serves the neighborhood in west Harlem, where there is a great number of old, abandoned or neglected buildings, making the housing supply perilously inadequate. The project currently manages 11 large apartment buildings under the authority of the city of New York, and is being honored for its rehabilitation of the property at 270 Nicholas Avenue. By replacing the building's roof, installing a boiler, and a new plumbing system, 76 apartments were restored and 100 percent occupancy maintained, insuring that there would be one less abandoned building in west Harlem. The Chase Community Development Corp. was an invaluable partner, providing \$474,410 in loans to the Harlem Restoration Project for

mortgage and construction costs. The New York City Department of Housing Preservation and Development also joined this partnership to completely cover costs.

The Chase Corp. was also honored for its work in Rochester with Coalition for North East Associations [CONEA]. CONEA serves the Upper Falls area of Rochester, and rehabilitated a run-down drug house located on the neighborhood's most violent commercial strip, turning it into CONEA's new office space and low-income housing. The two adjacent lots are also being used to building a community center. This achievement impacts the community in two ways: It rids the neighborhood of a crackhouse and locates CONEA in the heart of the neighborhood, close to schools and other community groups. Chase Manhattan of Rochester donated construction materials, a \$1,000 grant to cover interest payments on the building and a \$30,000 line of credit, which allowed the project to be completed within a year.

Finally, Mutual Housing Association of New York [MHANY], which serves the east New York, Bushwick, and Crown Heights neighborhoods of Brooklyn, is being honored with Chemical Bank for its ongoing process of acquisition and rehabilitation of small buildings. These neighborhoods are some of the most socially and economically distressed communities in New York City, characterized by widespread poverty, crime, drug abuse, and small abandoned buildings. MHANY's rehabilitation program has resulted in the complete renovation of 55 units that are now occupied by low-income families. Chemical Bank provided a \$200,000 recoverable grant through the non-profit intermediary Consumer Farmer Foundation, which was used to acquire the various MHANY buildings.

The successes of these projects bear witness to the fact that demolition or simply ignoring the problem are not the only ways to react to urban blight. The social compact seeks out the most innovative and effective examples of affordable housing, community, and/or economic strategies that are carried out by partnerships between financial services institutions and neighborhood-based nonprofit organizations. MHANY, CONEA, the Harlem Restoration Project, Chemical Bank, and Chase Manhattan Corp. deserve the commendation of being chosen as 3 of the 16 honoree partnerships recognized in this nationwide competition for proving that the economic use of existing resources can benefit an entire community.●

THE 100TH ANNIVERSARY OF THE UKRAINIAN NATIONAL ASSOCIATION

● Mr. BRADLEY. Mr. President, on February 22, the Ukrainian National

Association celebrated its 100th birthday.

The Ukrainian National Association was founded on February 22, 1894, as a fraternal insurance organization to meet the financial needs of the growing Ukrainian immigrant community in the United States. Over the course of a century, it has developed into much, much more. With 370 lodges in the United States and Canada, the UNA provides its members with a wide range of educational, cultural, social, and charitable benefits. The UNA publishes two newspapers—*Svoboda*, the oldest Ukrainian-language daily in the world, and the English-language *Ukrainian Weekly*—and has financed numerous books on Ukraine.

During the many dark years when Ukraine was under foreign domination, the UNA helped keep alive the flame of Ukraine's culture and traditions. Now that Ukraine is free, the UNA can look to a second century of service as an essential link between North Americans of Ukrainian descent and their homeland.●

SYRIA AND THE UNITED STATES

● Mr. D'AMATO. Mr. President, I rise today to discuss Syria and the role it is playing in the Middle East peace process.

A short time ago, some of my colleagues and I wrote to President Clinton explaining our views on Syria, and our fears that Syria's continued efforts at destabilization of the region will prevent a comprehensive peace settlement. We cautioned that there should be no effort by the United States to remove Syria from the list of countries that the State Department identifies as supporting terrorism. We also advised that Syria's role in narcotics production and distribution was also of very serious concern.

These issues, along with the President's recent meeting with President Asad of Syria cause me great concern. This Senator, for one, has always been wary of Asad, whose contempt for freedom and the cause of peace has never been in question. I feel that he is an extremely dangerous and crafty tyrant, who remains a danger to be constantly monitored and not appeased—I repeat, not appeased—as other administrations have done.

In response to our letter, the President responded that he has no intention of removing Syria from the terrorism list, and that Syria must make further progress on the narcotics issue. These are two important issues of concern in regard to Syria, and I hope that the administration does not forget this commitment.

Hafiz al-Asad is not Saddam Hussein. He will not make the same errors. Because of that, he cannot simply be ignored or coddled. If either is done, the effect will be disastrous.

Mr. President, I ask that the text of the President's letter to me be included in the RECORD following my remarks.

The letter follows:

THE WHITE HOUSE,

Washington, DC, February 18, 1994.

Hon. ALFONSE D'AMATO,
U.S. Senate,
Washington, DC.

DEAR SENATOR D'AMATO: I appreciated receiving the letter from you and your colleagues on policy toward Syria.

I do not view relations with Syria solely through the prism of the peace process. However, I am committed to doing everything possible to achieve a comprehensive and lasting peace in the Middle East. Such a peace can bolster Israel's security, grant it normalized relations with all its neighbors and offer a new future of hope and prosperity for all the peoples of the region. Peace between Israel and Syria will also assist our efforts to strike a blow at terrorist organizations because a Syrian commitment to peace with Israel will require an end to support for organizations committed to Israel's destruction. My decision to meet with President Asad was intended to help advance these goals. Our private discussions in Geneva and President Asad's public expression of Syria's "strategic decision" for "normal peaceful relations" with Israel helped lay the groundwork for substantive progress in direct Syrian-Israeli negotiations now underway in Washington.

I remain determined to bring about an end to state supported terrorism. There is no intention of removing Syria from the list of states which support terrorism until such time as it ends its support for terrorist organizations. Similarly, further progress must be made by Syria in addressing our narcotics production and trafficking concerns before any change in our present position can be made. I made clear our concern regarding these and other issues, including human rights and the Arab boycott, in my meeting with President Asad. We have agreed to establish a bilateral exchange under the direction of Foreign Minister Shara and Secretary Christopher to ensure that there is a detailed and sustained effort to have Syria address these issues.

With respect to the presence of Syrian forces in Lebanon, I reaffirmed to President Asad our support for full implementation of the Taif Accord and for a sovereign and independent Lebanon free of all foreign forces. It is my belief that progress in the peace process is also the best means of achieving this goal.

I appreciate receiving your views on this issue. With best wishes,

Sincerely,

BILL CLINTON.●

UKRAINIAN NATIONAL ASSOCIATION'S 100TH YEAR ANNIVERSARY

● Mr. SARBANES. Mr. President, I rise today to offer my congratulations to the Ukrainian National Association [UNA] for its first 100-year anniversary of dedicated service to the Ukrainian-American community.

The UNA was established on February 22, 1894, with 13 branches around the country, following the creation of *Svoboda*, the first Ukrainian-American newspaper in the United States which celebrated its first centennial last

year. With a membership of nearly 66,000, the UNA has expanded during its first century to a total of 370 chapters or lodges in 27 States and 7 Provinces of Canada. Over the years, the UNA has provided a wide range of services to its members, including the granting of over \$120,000 in annual scholarships, the sponsorship of programs promoting educational and cultural traditions, and extending assistance to Ukrainian refugees and victims of natural disasters.

Indeed, the UNA has devoted itself to supporting its membership through difficult times, such as the catastrophic famine of the 1930's which claimed the lives of millions, and preserving the community's identity with its traditions and heritage, which contribute to the rich cultural diversity of our country. To be sure, I am certain that my colleagues would agree that such diversity remains a source of tremendous strength for our Nation. In fact, we in the State of Maryland are fortunate to have an active and thriving Ukrainian-American community.

In keeping with our Nation's highest principles, the UNA also has reflected the commitment of Ukrainian-Americans to basic democratic values in the form of years of struggle for freedom and independence for Ukraine. Last month marked the 76th commemoration of the Ukrainian Act of Union, approved by the Rada in January 1918, during a period of hope and inspiration for the Ukrainian people. Unfortunately, this dream of independence only proved illusory and short lived until recently. With the implosion of the Soviet Union and the objectives of a long struggle finally realized, the UNA continues to extend support to an independent sovereign Ukraine by helping it secure democratic and free-market institutions.

In 1990, the UNA established a private fund to help address the needs of the newly independent country. Working with the U.S. Government and other private organizations, the fund has facilitated the printing and delivery of educational publications including school textbooks and dictionaries, and the establishment of an independent publishing house. In addition, since 1992, the UNA has collaborated successfully with other groups in sending nearly 90 English teachers to 40 cities in Ukraine under the so-called Teaching English in Ukraine program.

Mr. President, I join my colleagues in this centennial celebration of the Ukrainian National Association's contributions to the Ukrainian-American communities of North America and Ukraine.●

THE PRESIDENT'S ENVIRONMENTAL YOUTH AWARD

● Mr. SIMON. Mr. President, I would like to commend the achievements of

Thomas R. Pfeifer of Schaumburg, IL. Thomas was 1 of 10 recipients recently honored with the President's Environmental Youth Award for 1993.

Thomas received the award for his efforts to return the woodland area at the Spring Valley Nature Center in Schaumburg to its original state. Thomas organized volunteers to remove weeds and underbrush at the site as well as replant trees and flowers.

In addition, Thomas coordinated a successful ecology fair at his local school. At this fair, Thomas provided information concerning wetlands, recycling, the effects of cigarette smoke, and other environmental issues.

Mr. President, I am encouraged by the extraordinary efforts of young people like Thomas Pfeifer. It is good to see that younger generations are making a commitment to environmental preservation. I congratulate Thomas and hope he will continue his good work.●

CHILD SAFETY EDUCATIONAL PROGRAMS

● Mr. DECONCINI. Mr. President, I rise today to address an area of education which I believe requires more national attention and support. Recent tragedies have served as grim reminders that the protection of our children from abduction, abuse, and exploitation must be a priority not just in families but in communities, law enforcement agencies, and educational institutions. The recent, tragic abductions of Polly Klaas in California and Sara Wood in New York and similar incidents elsewhere have rightfully thrust the heart-wrenching horrors of child victimization to the forefront of media coverage, legislative agendas, educational institutions, and our Nation's conscience.

The most recent Department of Justice national annual estimates taken in 1988 indicate that there were 114,600 attempted abductions of children by nonfamily members, 450,700 runaways, and 438,200 children who were lost, injured or otherwise missing. These statistics do not paint the whole picture of child victimization since they do not scratch the surface of child abuse and molestation. An FBI Law Enforcement Bulletin reports that "like rape, child molestation is one of the most under-reported crimes, only 1 to 10 percent are ever disclosed."

Law enforcement agencies serve as our primary resource in the investigation of crimes against children and play an integral role in some areas of prevention. Law enforcement's tireless efforts in protecting our children should be commended and strongly supported and the importance of their role in preventing and resolving these tragic cases must not be understated. The responsibility of child victimization prevention, however, also lies with

families and educational institutions. Children must be armed with the knowledge they need to stay safe and our education system must make a commitment to provide comprehensive child safety education programs in our schools and other child group settings.

The challenging task of developing a unique personal safety curriculum for children was undertaken by the National Center for Missing and Exploited Children and the Adam Walsh Child Resource Centers in the mid-1980's through grants and cooperation from the private sector. The result of this joint effort was the introduction in 1988 of a comprehensive child safety program for children from kindergarten through grade six called Kids & Company Together for Safety. I, along with many of my colleagues from both sides of the aisle, including Senators BIDEN, THURMOND, SIMON, MCCONNELL, METZENBAUM, AND D'AMATO, have long been supporters of the efforts of the National Center for Missing and Exploited Children, the mission of which is to assist in national efforts to locate and recover missing children and raise public awareness about ways to prevent child abduction, molestation and exploitation. The center's success, with private sector assistance, in developing and distributing an effective, comprehensive child safety curriculum should be applauded. Since 1992 alone, the nationally recognized and critically acclaimed Kids & Company curriculum has been taught in over 4,000 classrooms in 34 States. Kids & Company has been endorsed by the National Education Association, National School Boards Association, National Association of Secondary School Principals, The National Children's Advocacy Center, American Association of School Administrators, and the Boys and Girls Clubs of America.

Just as we have combined the efforts of law enforcement with education in the battle against drugs and violence in our schools through programs such as Drug Abuse Resistance Education [DARE], and Gang Resistance Education and Training [GREAT], so too must we marshal our efforts in attacking the problem of child victimization. In fact, self-protection training provided through the DARE program directly contributed to the recent, successful escape by a 12-year-old girl in Massachusetts from the attempted abduction by a suspected serial killer who was subsequently apprehended.

Mr. President, the time has come to encourage, urge, and support the use of child safety education programs in our schools. Costs are minimal and are frequently handled through private sector grants and assistance. Kids & Company has not only taught children ways to avoid the risks of abuse, abduction and physical harm, it has also helped to stop it. In the six States where the curriculum was initially piloted, dozens of

school children came forward to disclose their own abuse and requested intervention in stopping it. Kids & Company provides children with skills, information, self-confidence and support, enhances self-esteem and helps prevent abduction and abuse. It provides information and materials to assist teachers and parents in instructing children and properly handling reports of abuse.

Kids & Company has been heralded by a wide spectrum of educators, psychologists, child protection workers, lawyers, administrators, parents, and community leaders. Surveys conducted on child safety programs found that the most effective programs were those given over a period of years and involve parents in the process. Many programs which involve one-time instruction have been deemed inadequate and limited in scope. Comprehensive, constructive, long-term education involving parents and teachers will play a vital role in combatting crimes against children and Kids & Company serves as an excellent standard.

Effective child safety programs such as Kids & Company, are available for little or no cost. It is incumbent upon all of us to make our communities aware of effective programs, urge their use and encourage companies, associations, and clubs to assist in acquiring these programs for our schools and institutions which serve our children. I commend the National Center for Missing and Exploited Children and their private sector partners for their efforts in developing the comprehensive child safety program, Kids & Company, and facilitating its distribution to so many schools and children throughout the Nation.

I intend to encourage the support and assistance by the private sector in promoting child safety education in my home State of Arizona and I urge all of my colleagues to initiate and support similar efforts in their respective States.●

THE EFFECT OF A POSITIVE TELEVISION MESSAGE

● Mr. SIMON. Mr. President, today I rise to commend Charles S. Dutton and the Fox Television Network for a recent episode on the television program "Roc" which took a stand against kids and guns. In a January episode, entitled "Terence Got His Gun," the show tackled the issue of gangs and children who own and use guns to protect themselves. At the end of the show, Mr. Dutton made a direct appeal to the television audience urging parents to better supervise their children.

A phone call to a radio station in Phoenix, AZ, demonstrates the forcefulness of Mr. Dutton's message. Following the rebroadcast of the "Terence" episode, a mother told the radio station that her son came to her and

gave her his gun after seeing the television program. She did not even know that her son had carried a weapon.

This story reminds us all of the powerful effect of television and the positive role it can play in our society. I congratulate Mr. Dutton and Fox for their efforts and encourage them to continue to use the television medium to address tough social issues.●

ILLITERACY

● Mr. SIMON. Mr. President, the Chicago Tribune recently ran a moving and informative article by E. Annie Proulx, "X Marks the Shame of Illiteracy."

We need to see that all Americans have the opportunity to learn to read and write, and that those who do not read and write well have the opportunity to improve their skills.

I recommend this article to my colleagues and ask that the full text be inserted in the RECORD.

The article follows:

X MARKS THE SHAME OF ILLITERACY

(By E. Annie Proulx)

For years, I tried to learn something of my father's family, whose hyphenated French-Canadian/Franco-American/Native American/New England history was buried in darkness. There were faint gleams here and there, fragments of stories.

The most impenetrable blackness hid my great-grandmother who died around 1925. All my father remembered was that she had a sour disposition and a mysterious trunk that was always locked. Beyond that, nothing: no photograph, no diary, no letters nor postcards, no favorite recipes, no handkerchief with an initial embroidered in the corner. Not even her name was fixed; on her children's birth certificates it rolled like mercury through variant forms and spellings. No one knew where she had been born or where she was buried. When she died she disappeared utterly. There was no calling her back. It amazed me that a life that extended into the 20th Century could leave so faint a trace.

One morning this spring I was notified by telephone that my first novel had received the P.E.N.-Faulkner Award. I was still walking on air when, the next day, the mail brought a photocopy of a document dated 1913. The document concerned by grandmother, then 18 years old, and her mother, the elusive woman with the locked trunk; it was the legal form giving parental permission for the minor daughter to marry. The mother's name was on the appropriate line—but in the town clerk's hand. To one side was a crooked, unsure X and above and below it the town clerk's had written "her/mark." X, her mark.

Until that moment it had never occurred to me that my great-grandmother had been illiterate. All at once I understood the grayed blur of her life, the crazy spellings of her name, for if you are illiterate, what do you know of spelling, even your own name? The only trace this woman left of her passage through life, save for progeny, was that labored X.

The juxtaposition of the literary award and my relative's illiteracy awakened me to the strange half-life that the millions of people in this country who cannot read are condemned to live.

In the late 20th Century, if you are an adult who cannot read or write, you are a lump of animate clay pushed from one incomprehensible situation to another. Books are as dumb as rocks, newspapers accusingly opaque; you have to satisfy the natural human hunger for stories with television, bar jokes and radio songs; your job, if you have one, is from the bottom rack and that's as much as you dare expect; you cannot read the home-care instructions the doctor writes out after your operation, nor can you read a vision chart; you can't pass a driver's test or puzzle out a note from your child's teacher; you cannot read bedtime stories to your children; since you cannot read a ballot and cannot make sense of the issues in local or national politics, you don't vote; you are the anxious nuisance traveler who keeps buttonholing other passengers about departure times because you cannot read the schedule; you go to restaurants that feature photographs of food, point and say, "Guess I'll have that."

You sweat blood over application forms—employment, credit, mortgage and loan, licenses, leases, building permits—and have to take along the spouse or work mate to fill in the answers. You're easy to push around because you don't know what rights you have.

Illiteracy marks you. And you know it. You are acutely, hotly ashamed and embarrassed, and the shame comes out sometimes as a hatred of books and education and smart-ass college types. You hide your dirty secret as long as you can. It may be for a lifetime. It was for my great-grandmother.

The Department of Education's major study of adult literacy in the United States released Sept. 8, and the similar report, released a week later, "Reading Report Card for the Nation and the States" that tested 140,000 students in 41 states, shoved some depressingly bleak facts in our faces. Half of adult Americans and roughly 30 percent of students are unable to stumble through the simplest sentences and arithmetic. They are—ugly label—functionally illiterate.

Liberal helpings of blame for this rampant American illiteracy are being heaped on the usual plates; lousy teachers and a push-'em-through-school attitude; crowded schools and wild, disruptive students; barrel-scrape federal funding; numbingly bureaucratic state education departments; lack of community support; reactionary legislators; know-nothing governors; uncaring parents who let their children watch television until their brains rot. The beam of media light rarely falls on the local programs and individuals who sit on the other side of the kitchen table showing nervous and defensive people the way into words, sentences, books and enlightenment.

There are hundreds of adult education and literacy programs in the United States, some fostered by corporations and employers, some by church or religious groups, by service organizations, non-profit groups, community colleges. Many are funded to some extent by federal and state money, most depend on financing from private and community sources as well as proceeds from bake sales, author readings, raffles and dances. Although the literacy problem is national in scope, the majority of programs teaching people how to read are small, unconnected, grassroots, each with its own agenda, teaching methods and selection of materials.

Most adult literacy programs start their students out with a private teacher in a one-on-one learning experience, often in the privacy of the student's kitchen (sometimes with all the shades pulled down) until there

is enough confidence to join other new readers in this, the most heady and empowering of human skills. Yet hundreds of thousands of people who cannot read never know that such programs exist.

My own rural state of Vermont, with an estimate 16,000 illiterate adults, is strapped for cash and recently cut funding to Adult Basic Education by \$100,000. On economic grounds—the common excuse—it chose not to participate in the federal Department of Education's literacy studies, the only uninvolved New England state. Yet the state has private, non-profit adult education organizations of quality and value. Staff members, hundreds of volunteers, business people and employers, rural communities, museums, local libraries, civic and service organizations, private individuals, writers, artists, bookstore owners are involved in the work of literacy, which extends from the first private, sweaty hours to discussion groups and classes, to attendance at public literacy events and involvement in the intellectual life of the community.

The Central Vermont group (there are others) has 250 volunteers; 81 percent of its \$710,000 1994 budget will go for direct services to 1,000 new readers. The state and federal governments provide 76 percent of the budget, town tax dollars add another 3 percent and the rest is raised from individual and corporate sources.

But contrast this small rural state's situation with that of Washington, D.C. In Washington, according to the non-profit, all-volunteer Washington Literacy Council, in existence for 30 years, there are 76,000 functionally illiterate adults. There are 400 volunteer tutors teaching adult new readers, and a waiting list of 45 students.

The shocker comes with the budget. The Washington Literacy Council functions—somehow—on an annual budget of \$50,000. Viveca Teuber, the executive director, had her own moment of truth with the fact of illiteracy. "I used to live on Capitol Hill, behind the Library of Congress," she said. "One day in a drug store a lady came up to me and asked me to read her a card—she wanted to buy a card for her husband. She said she'd forgotten her glasses. It didn't occur to me that she couldn't read. Then, a few weeks later, in a grocery store, a gentleman asked me to read the back of a medicine bottle. I thought, 'Why me?'" A few weeks later she became a volunteer at the Washington Literacy Council and began teaching people to read.

I wish my great-grandmother had had the chance to learn.●

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

The PRESIDING OFFICER (Mrs. MURRAY). Without objection, it is so ordered.

Mr. BAUCUS. Madam President, what is the pending business?

The PRESIDING OFFICER. The Senate is in morning business.

TRIBUTE TO BARBARA OSBORNE

Mr. BAUCUS. Madam President, it is with a profound sense of sadness that I

rise today to note the passing of a member of my staff, Barbara Osborne.

For 15 years, since I was first elected to the Senate, Barb served as my manager in my Great Falls office and before that, as I was running for the Senate, she and her husband Glen were trusted friends and supporters in the Great Falls community.

While Senate staff receive little public attention, it is people like Barb Osborne who help make this institution run. Throughout her service to the Senate, Barb was always there for me and always there for the people of her community.

Through and through, Barb was a team player. She had my respect, my deep respect, and the respect of every member of my staff. I can think of no one who had more respect than Barb Osborne. She was very much a part of that extended family known as the "Baucus office."

Above all else, Barb understood that public service really all boils down to one thing, and that is service: Service to people. She was a woman of tremendous kindness, of deep compassion, who treated every Montanan who called upon my office with courtesy and respect and kindness.

At the same time, the community of Great Falls could not have a greater advocate. She cared deeply about her community. I can tell you time and time again, she would talk to me, call me about matters very important to Great Falls. She helped make Great Falls a much better place.

On a personal note, I will always remember Barb for her great sense of humor and easygoing manner. Barb always had a smile, was always comfortable with people, always open to people, always gracious. I can see her now sitting in my office at her desk in Great Falls, on the phone with someone, meeting someone who came into my office, always there with an open hand to try to help.

She also spoke her mind. She was a westerner. I know, Madam President, as a westerner, you know that we in the Rocky Mountain West and the Pacific West are very proud of speaking our minds. She had deep common sense. She was simply somebody I enjoyed and everyone who knew her enjoyed spending time with her.

Along with Glen, Barb leaves behind a wonderful family of four children and five grandchildren. I extend to them, on behalf of myself, my wife Wanda, my son Zeno, and our whole office, our deep condolences. On behalf of myself and the thousands of Montanans Barb helped over the years, I can only say she will be very deeply missed.

Thank you, Madam President.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). Without objection, it is so ordered.

PRINTING OF SENATE DOCUMENT

Mr. BAUCUS. Madam President, I ask unanimous consent that the Senate amendment to H.R. 1804, "Goals 2000: Educate America Act," passed by the Senate on February 8, 1994, be printed as passed.

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

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—Titles I through IV of this Act may be cited as the "Goals 2000: Educate America Act".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Purpose.
- Sec. 3. Definitions.

TITLE I—NATIONAL EDUCATION GOALS

- Sec. 101. Purpose.
- Sec. 102. National education goals.

TITLE II—NATIONAL EDUCATION REFORM LEADERSHIP, STANDARDS, AND ASSESSMENTS

PART A—NATIONAL EDUCATION GOALS PANEL

- Sec. 201. Purpose.
- Sec. 202. National education goals panel.
- Sec. 203. Duties.
- Sec. 204. Powers of the goals panel.
- Sec. 205. Administrative provisions.
- Sec. 206. Director and staff; experts and consultants.
- Sec. 207. Early childhood assessment.

PART B—NATIONAL EDUCATION STANDARDS AND IMPROVEMENT COUNCIL

- Sec. 211. Purpose.
- Sec. 212. National Education Standards and Improvement Council.
- Sec. 213. Duties.
- Sec. 214. Annual reports.
- Sec. 215. Powers of the council.
- Sec. 216. Administrative provisions.
- Sec. 217. Director and staff; experts and consultants.
- Sec. 218. Opportunity-to-learn development grants.

PART C—LEADERSHIP IN EDUCATIONAL TECHNOLOGY

- Sec. 221. Purposes.
- Sec. 222. Federal leadership.
- Sec. 223. Office of Educational Technology.
- Sec. 224. Uses of funds.
- Sec. 225. Non-Federal share.
- Sec. 226. Office of Training Technology Transfer.

PART D—AUTHORIZATION OF APPROPRIATIONS

- Sec. 231. Authorization of appropriations.

TITLE III—STATE AND LOCAL EDUCATION SYSTEMIC IMPROVEMENT

- Sec. 301. Findings.
- Sec. 302. Purpose.
- Sec. 303. Authorization of appropriations.
- Sec. 304. Allotment of funds.
- Sec. 305. State applications.
- Sec. 306. State improvement plans.
- Sec. 307. Secretary's review of applications; payments.
- Sec. 308. State use of funds.

- Sec. 309. Subgrants for local reform and professional development.
- Sec. 310. Availability of information and training.
- Sec. 311. Waivers of statutory and regulatory requirements.
- Sec. 312. Progress reports.
- Sec. 313. National leadership.
- Sec. 314. Assistance to the outlying areas and to the Secretary of the Interior.
- Sec. 315. Clarification regarding State standards and assessments.
- Sec. 316. State planning for improving student achievement through integration of technology into the curriculum.

TITLE IV—MISCELLANEOUS

- Sec. 401. Public schools.
- Sec. 402. Construction.
- Sec. 403. Kalid Abdul Mohammed.
- Sec. 404. Prohibition on Federal mandates, direction, and control.
- Sec. 405. School prayer.
- Sec. 406. Daily silence for students.
- Sec. 407. Funding for the Individuals With Disabilities Education Act.
- Sec. 408. National Board for Professional Teaching Standards.
- Sec. 409. Forgiveness of certain overpayments.
- Sec. 410. Study of Goals 2000 and students with disabilities.
- Sec. 411. Mentoring, peer counseling and peer tutoring.
- Sec. 412. Content and performance standards.
- Sec. 413. State-sponsored higher education trust fund savings plan.
- Sec. 414. Amendments to summer youth employment and training program.
- Sec. 415. State and local government control of education.
- Sec. 416. Protection of pupils.
- Sec. 417. Contraceptive devices.
- Sec. 418. Educational agencies not denied funds for adopting constitutional policy relative to prayer in schools.

TITLE V—NATIONAL SKILL STANDARDS BOARD

- Sec. 501. Short title.
- Sec. 502. Purpose.
- Sec. 503. Establishment of National Board.
- Sec. 504. Functions of the National Board.
- Sec. 505. Deadlines.
- Sec. 506. Reports.
- Sec. 507. Authorization of appropriations.
- Sec. 508. Definitions.
- Sec. 509. Sunset provision.

TITLE VI—SAFE SCHOOLS

PART A—SAFE SCHOOLS PROGRAM

- Sec. 601. Short title; statement of purpose.
- Sec. 602. Safe schools program authorized.
- Sec. 603. Eligible applicants.
- Sec. 604. Applications and plans.
- Sec. 605. Use of funds.
- Sec. 606. National leadership.
- Sec. 607. National cooperative education statistics system.
- Sec. 608. Coordination of Federal assistance.
- Sec. 609. Effective date.

PART B—STATE LEADERSHIP ACTIVITIES TO PROMOTE SAFE SCHOOLS

- Sec. 621. State leadership activities to promote safe schools program.

TITLE VII—MIDNIGHT BASKETBALL LEAGUE TRAINING AND PARTNERSHIP

- Sec. 701. Short title.
- Sec. 702. Grants for midnight basketball league training and partnership programs.

Sec. 703. Public housing midnight basketball league programs.

TITLE VIII—YOUTH VIOLENCE IN SCHOOLS AND COMMUNITIES

Sec. 801. Purpose.
Sec. 802. Findings.
Sec. 803. Provisions.

TITLE IX—EDUCATIONAL RESEARCH AND IMPROVEMENT

Sec. 901. Short title.

PART A—OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT

Sec. 911. Repeal.
Sec. 912. Office of Educational Research and Improvement.
Sec. 913. Savings provisions.
Sec. 914. Field readers.

PART B—EDUCATIONAL IMPROVEMENT PROGRAMS

SUBPART 1—INTERNATIONAL EDUCATION PROGRAM

Sec. 921. International Education Program.
SUBPART 2—AMENDMENTS TO THE CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT

Sec. 931. National Occupational Information Coordinating Committee.

SUBPART 3—ELEMENTARY MATHEMATICS AND SCIENCE EQUIPMENT PROGRAM

Sec. 941. Short title.
Sec. 942. Statement of purpose.
Sec. 943. Program authorized.
Sec. 944. Allotments of funds.
Sec. 945. State application.
Sec. 946. Local application.
Sec. 947. Participation of private schools.
Sec. 948. Program requirements.
Sec. 949. Federal administration.
Sec. 950. Authorization of appropriations.

SUBPART 4—MEDIA INSTRUCTION

Sec. 951. Media instruction.

SUBPART 5—STAR SCHOOLS

Sec. 961. Star schools.

SUBPART 6—OFFICE OF COMPREHENSIVE SCHOOL HEALTH EDUCATION

Sec. 971. Office of Comprehensive School Health Education.

SUBPART 7—MINORITY-FOCUSED CIVICS EDUCATION

Sec. 981. Short title.
Sec. 982. Purposes.
Sec. 983. Grants authorized; authorization of appropriations.
Sec. 984. Definitions.
Sec. 985. Applications.

PART C—DEFINITIONS

Sec. 991. Definitions.

TITLE X—PARENTS AS TEACHERS

Sec. 1001. Findings.
Sec. 1002. Statement of purpose.
Sec. 1003. Definitions.
Sec. 1004. Program established.
Sec. 1005. Program requirements.
Sec. 1006. Special rules.
Sec. 1007. Parents As Teachers Centers.
Sec. 1008. Evaluations.
Sec. 1009. Application.
Sec. 1010. Payments and Federal share.
Sec. 1011. Authorization of appropriations.
Sec. 1012. Home instruction program for pre-school youngsters.

TITLE XI—GUN-FREE SCHOOLS

Sec. 1101. Short title.
Sec. 1102. Gun-free requirements in elementary and secondary schools.

TITLE XII—ENVIRONMENTAL TOBACCO SMOKE

Sec. 1201. Short title.
Sec. 1202. Findings.

Sec. 1203. Definitions.

Sec. 1204. Nonsmoking policy for children's services.

Sec. 1205. Technical assistance.
Sec. 1206. Federally funded programs.
Sec. 1207. Report by the Administrator.
Sec. 1208. Preemption.

SEC. 2. PURPOSE.

It is the purpose of this Act to provide a framework for meeting the National Education Goals described in title I of this Act by—

(1) promoting coherent, nationwide, systemic education reform;

(2) improving the quality of teaching and learning in the classroom;

(3) defining appropriate and coherent Federal, State, and local roles and responsibilities for education reform;

(4) establishing valid, reliable, and fair mechanisms for—

(A) building a broad national consensus on United States education reform;

(B) assisting in the development and certification of high-quality, internationally competitive content and student performance standards;

(C) assisting in the development and certification of opportunity to learn standards; and

(D) assisting in the development and certification of high-quality assessment measures that reflect the internationally competitive content and student performance standards;

(5) supporting new initiatives at the Federal, State, local, and school levels to provide equal educational opportunity for all students to meet high standards; and

(6) providing a framework for the reauthorization of all Federal education programs by—

(A) creating a vision of excellence and equity that will guide all Federal education and related programs;

(B) providing for the establishment of high-quality, internationally competitive content and student performance standards that all students, including disadvantaged students, students with diverse racial, ethnic, and cultural backgrounds, students with disabilities, students with limited-English proficiency, and academically talented students, will be expected to achieve;

(C) providing for the establishment of high quality, internationally competitive opportunity-to-learn standards that all States, local educational agencies, and schools should achieve;

(D) encouraging and enabling all State educational agencies and local educational agencies to develop comprehensive improvement plans that will provide a coherent framework for the implementation of reauthorized Federal education and related programs in an integrated fashion that effectively educates all children;

(E) providing resources to help individual schools, including schools serving students with high needs, develop and implement comprehensive improvement plans; and

(F) promoting the use of technology to enable all students to achieve the National Education Goals.

SEC. 3. DEFINITIONS.

As used in this Act (other than in titles V and IX)—

(1) the term "all children" means children from all backgrounds and circumstances, including disadvantaged children, children with diverse racial, ethnic, and cultural backgrounds, children with disabilities, children with limited-English proficiency, children who have dropped out of school, and academically talented children;

(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 "assessment" means the overall process and instrument used to measure student attainment of content standards, except that such term need not include the discrete items that comprise each assessment;

(4) the term "content standards" means broad descriptions of the knowledge and skills students should acquire in a particular subject area;

(5) the term "Governor" means the chief executive of the State;

(6) the term "intergenerational mentoring program" means a program that—

(A) matches adult mentors, with a particular emphasis on older mentors, with elementary and secondary school age children for the purposes of sharing experience and skills;

(B) is operated by a nonprofit organization or governmental agency;

(C) provides opportunities for older individuals to be involved in the design and operation of the program; and

(D) has established, written mechanisms for screening mentors, orienting mentors and proteges, matching mentors and proteges, and monitoring mentoring relationships;

(7) the terms "interoperable" and "interoperability" refers to the ability to easily exchange data with, and connect to, other hardware and software in order to provide the greatest accessibility for all students;

(8) the term "local educational agency" has the meaning given such term in section 1471(12) of the Elementary and Secondary Education Act of 1965, except that such term may include a public school council if such council is mandated by State law;

(9) the term "opportunity-to-learn standards" means the conditions of teaching and learning necessary for all students to have a fair opportunity to learn, including ways of measuring the extent to which such standards are being met;

(10) the term "outlying areas" means Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, Palau (until the effective date of the Compact of Free Association with the Government of Palau), and the Freely Associated States;

(11) the term "performance standards" means concrete examples and explicit definitions of what students have to know and be able to do to demonstrate that such students are proficient in the skills and knowledge framed by content standards;

(12) the term "public telecommunication entity" has the same meaning given to such term in section 397(12) of the Communications Act of 1934;

(13) the term "related services" includes the types of services described in section 602(17) of the Individuals with Disabilities Education Act;

(14) the term "school" means a public school that is under the authority of the State educational agency or a local educational agency or, for the purpose of carrying out section 314(b), a school that is operated or funded by the Bureau of Indian Affairs;

(15) the term "Secretary", unless otherwise specified, means the Secretary of Education;

(16) the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico;

(17) the term "State educational agency" has the same meaning given such term in section 1471(23) of the Elementary and Secondary Education Act of 1965; and

(18) 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 fiber optic transmission, computer, video and audio laser and CD-ROM disks, and video and audio tapes, or other technologies.

TITLE I—NATIONAL EDUCATION GOALS

SEC. 101. PURPOSE.

It is the purpose of this title to establish National Education Goals.

SEC. 102. NATIONAL EDUCATION GOALS.

The Congress declares the National Education Goals are as follows:

(1) SCHOOL READINESS.—

(A) GOAL.—By the year 2000, all children in America will start school ready to learn.

(B) OBJECTIVES.—The objectives for the goal described in subparagraph (A) are that—

(i) all children, including disadvantaged and disabled children, will have access to high-quality and developmentally appropriate preschool programs that help prepare children for school;

(ii) every parent in the United States will be a child's first teacher and devote time each day to helping such parent's preschool child learn, and parents will have access to the training and support parents need; and

(iii) children will receive the nutrition, physical activity experiences, and health care needed to arrive at school with healthy minds and bodies, and the number of low-birthweight babies will be significantly reduced through enhanced prenatal health systems.

(2) SCHOOL COMPLETION.—

(A) GOAL.—By the year 2000, the high school graduation rate will increase to at least 90 percent.

(B) OBJECTIVES.—The objectives for the goal described in subparagraph (A) are that—

(i) the Nation must dramatically reduce its high school dropout rate, and 75 percent of high school students who do drop out of school will successfully complete a high school degree or its equivalent; and

(ii) the gap in high school graduation rates between United States students from minority backgrounds and their nonminority counterparts will be eliminated.

(3) STUDENT ACHIEVEMENT AND CITIZENSHIP.—

(A) GOAL.—By the year 2000, United States students will leave grades 4, 8, and 12 having demonstrated competency over challenging subject matter including English, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography, and every school in the United States will ensure that all students learn to use their minds well, so students may be prepared for responsible citizenship, further learning, and productive employment in our Nation's modern economy.

(B) OBJECTIVES.—The objectives for the goal described in subparagraph (A) are that—

(i) the academic performance of elementary and secondary students will increase significantly in every quartile, and the distribution of minority students in each quartile will more closely reflect the student population as a whole;

(ii) the percentage of students who demonstrate the ability to reason, solve prob-

lems, apply knowledge, and write and communicate effectively will increase substantially;

(iii) all students will be involved in activities that promote and demonstrate good citizenship, good health, community service, and personal responsibility;

(iv) all students will have access to physical education and health education to ensure all students are healthy and fit;

(v) the percentage of students who are competent in more than one language will substantially increase; and

(vi) all students will be knowledgeable about the diverse heritage of our Nation and about the world community.

(4) MATHEMATICS AND SCIENCE.—

(A) GOAL.—By the year 2000, United States students will be first in the world in mathematics and science achievement.

(B) OBJECTIVES.—The objectives for the goal described in subparagraph (A) are that—

(i) mathematics and science education, including the metric system of measurement, will be strengthened throughout the educational system, especially in the early grades;

(ii) the number of teachers with a substantive background in mathematics and science will increase by 50 percent from the number of such teachers in 1992; and

(iii) the number of United States undergraduate and graduate students, especially women and minorities, who complete degrees in mathematics, science, and engineering will increase significantly.

(5) ADULT LITERACY AND LIFELONG LEARNING.—

(A) GOAL.—By the year 2000, every adult United States citizen will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

(B) OBJECTIVES.—The objectives for the goal described in subparagraph (A) are that—

(i) every major United States business will be involved in strengthening the connection between education and work;

(ii) all workers will have the opportunity to acquire the knowledge and skills, from basic to highly technical, needed to adapt to emerging new technologies, work methods, and markets through public and private educational, vocational, technical, workplace, or other programs;

(iii) the number of quality programs, including programs at libraries, that are designed to serve more effectively the needs of the growing number of part-time and mid-career students, will increase substantially;

(iv) the proportion of qualified students, especially minorities, who enter college, who complete at least 2 years of college, and who complete their degree programs, will increase substantially; and

(v) the proportion of college graduates who demonstrate an advanced ability to think critically, communicate effectively, and solve problems will increase substantially.

(6) SAFE, DISCIPLINED, AND ALCOHOL- AND DRUG-FREE SCHOOLS.—

(A) GOAL.—By the year 2000, every school in the United States will be free of drugs, firearms, alcohol, and violence and will offer a disciplined environment conducive to learning.

(B) OBJECTIVES.—The objectives for the goal described in subparagraph (A) are that—

(i) every school will implement a firm and fair policy on use, possession, and distribution of drugs and alcohol;

(ii) parents, businesses, governmental and community organizations will work together

to ensure that schools provide a healthy environment and are a safe haven for all children;

(iii) every school district will develop a sequential, comprehensive kindergarten through twelfth grade drug and alcohol prevention education program;

(iv) drug and alcohol curriculum should be taught as an integral part of sequential, comprehensive health education;

(v) community-based teams should be organized to provide students and teachers with needed support; and

(vi) every school should work to eliminate sexual harassment.

(7) PARENTAL PARTICIPATION.—

(A) GOAL.—By the year 2000, every school will promote partnerships that will increase parental involvement and participation in promoting the social, emotional and academic growth of children.

(B) OBJECTIVES.—The objectives for the goal established under subparagraph (A) are that—

(i) every State will develop policies to assist local schools and school districts to establish programs for increasing partnerships that respond to the varying needs of parents and the home, including parents of children who are disadvantaged or bilingual, or parents of children with disabilities;

(ii) every school will actively engage parents and families in a partnership which supports the academic work of children at home and shared educational decisionmaking at school; and

(iii) parents and families will help to ensure that schools are adequately supported and will hold schools and teachers to high standards of accountability.

(8) TEACHER EDUCATION AND PROFESSIONAL DEVELOPMENT.—

(A) GOAL.—By the year 2000, the Nation's teaching force will have access to programs for the continued improvement of their professional skills and the opportunity to acquire the knowledge and skills needed to instruct and prepare all American students for the next century.

(B) OBJECTIVES.—The objectives for the goal established under subparagraph (A) are that—

(i) all teachers will have access to preservice teacher education and continuing professional development activities that will provide such teachers with the knowledge and skills needed to teach to an increasingly diverse student population with a variety of educational, social, and health needs;

(ii) all teachers will have continuing opportunities to acquire additional knowledge and skills needed to teach challenging subject matter and to use emerging new methods, forms of assessment, and technologies;

(iii) States and school districts will create integrated strategies to attract, recruit, prepare, retrain, and support the continued professional development of teachers, administrators, and other educators, so that there is a highly talented work force of professional educators to teach challenging subject matter; and

(iv) partnerships will be established, whenever possible, among local educational agencies, institutions of higher education, parents, and local labor, business, and professional associations to provide and support programs for the professional development of educators.

TITLE II—NATIONAL EDUCATION REFORM LEADERSHIP, STANDARDS, AND ASSESSMENTS

PART A—NATIONAL EDUCATION GOALS PANEL

SEC. 201. PURPOSE.

It is the purpose of this part to establish a bipartisan mechanism for—

- (1) building a national consensus for education improvement;
- (2) reporting on progress toward achieving the National Education Goals;
- (3) periodically reviewing the goals and objectives described in title I and recommending adjustments to such goals and objectives, as needed, in order to guarantee education reform that continues to provide guidance for quality, world class education for all students; and
- (4) reviewing and approving the voluntary national content standards, voluntary national student performance standards and voluntary national opportunity-to-learn standards certified by the National Education Standards and Improvement Council, as well as the criteria for the certification of such standards, and the criteria for the certification of State assessments or systems of assessments certified by such Council.

SEC. 202. NATIONAL EDUCATION GOALS PANEL.

(a) **ESTABLISHMENT.**—There is established in the executive branch a National Education Goals Panel (hereafter in this title referred to as the "Goals Panel").

(b) **COMPOSITION.**—The Goals Panel shall be composed of 18 members (hereafter in this part referred to as "members"), including—

- (1) two members appointed by the President;
- (2) eight members who are Governors, 3 of whom shall be from the same political party as the President and 5 of whom shall be of the opposite political party of the President, appointed by the Chairperson and Vice Chairperson of the National Governors' Association, with the Chairperson and Vice Chairperson each appointing representatives of such Chairperson's or Vice Chairperson's respective political party, in consultation with each other;
- (3) four Members of the Congress, of whom—

(A) one member shall be appointed by the Majority Leader of the Senate from among the Members of the Senate;

(B) one member shall be appointed by the Minority Leader of the Senate from among the Members of the Senate;

(C) one member shall be appointed by the Majority Leader of the House of Representatives from among the Members of the House of Representatives; and

(D) one member shall be appointed by the Minority Leader of the House of Representatives from among the Members of the House of Representatives; and

(4) four members of State legislatures appointed by the President of the National Conference of State Legislatures, of whom 2 shall be of the same political party as the President of the United States.

(c) **SPECIAL APPOINTMENT RULES.**—

(1) **IN GENERAL.**—The members appointed pursuant to subsection (b)(2) shall be appointed as follows:

(A) If the Chairperson of the National Governors' Association is from the same political party as the President, the Chairperson shall appoint 3 individuals and the Vice Chairperson of such association shall appoint 5 individuals.

(B) If the Chairperson of the National Governors' Association is from the opposite political party as the President, the Chair-

person shall appoint 5 individuals and the Vice Chairperson of such association shall appoint 3 individuals.

(2) **SPECIAL RULE.**—If the National Governors' Association has appointed a panel that meets the requirements of subsections (b) and (c), except for the requirements of paragraph (4) of subsection (b), prior to the date of enactment of this Act, then the members serving on such panel shall be deemed to be in compliance with the provisions of such subsections and shall not be required to be reappointed pursuant to such subsections.

(d) **TERMS.**—The terms of service of members shall be as follows:

(1) **PRESIDENTIAL APPOINTEES.**—Members appointed under subsection (b)(1) shall serve at the pleasure of the President.

(2) **GOVERNORS.**—Members appointed under paragraph (2) of subsection (b) shall serve a 2-year term, except that the initial appointments under such paragraph shall be made to ensure staggered terms with one-half of such members' terms concluding every 2 years.

(3) **CONGRESSIONAL APPOINTEES AND STATE LEGISLATORS.**—Members appointed under paragraphs (3) and (4) of subsection (b) shall serve for 2-year terms.

(e) **DATE OF APPOINTMENT.**—The initial members shall be appointed not later than 60 days after the date of enactment of this Act.

(f) **INITIATION.**—The Goals Panel may begin to carry out its duties under this part when 10 members of the Goals Panel have been appointed.

(g) **VACANCIES.**—A vacancy on the Goals Panel shall not affect the powers of the Goals Panel, but shall be filled in the same manner as the original appointment.

(h) **TRAVEL.**—Each member may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for each day the member is engaged in the performance of duties for the Goals Panel away from the home or regular place of business of the member.

(i) **CHAIRPERSON.**—

(1) **IN GENERAL.**—The members shall select a Chairperson from among the members described in paragraph (2) of subsection (b).

(2) **TERM AND POLITICAL AFFILIATION.**—The Chairperson of the Goals Panel shall serve a 1-year term and shall alternate between political parties.

SEC. 203. DUTIES.

(a) **IN GENERAL.**—The Goals Panel shall—

(1) report on the progress the Nation and the States are making toward achieving the National Education Goals described in title I, including issuing an annual national report card;

(2) submit to the President nominations for appointment to the National Education Standards and Improvement Council in accordance with subsections (b) and (c) of section 212;

(3) review and approve (or explain why approval is withheld) the—

(A) criteria developed by the National Education Standards and Improvement Council for the certification of content and student performance standards, assessments or systems of assessments, and opportunity-to-learn standards; and

(B) voluntary national content standards, voluntary national student performance standards and voluntary national opportunity to learn standards certified by such Council;

(4) report on promising or effective actions being taken at the national, State, and local levels, and in the public and private sectors, to achieve the National Education Goals; and

(5) help build a nationwide, bipartisan consensus for the reforms necessary to achieve the National Education Goals.

(b) **NATIONAL REPORT CARD.**—

(1) **IN GENERAL.**—The Goals Panel shall annually prepare and submit to the President, the Secretary, the appropriate committees of the Congress, and the Governor of each State a national report card that shall—

(A) report on the progress of the United States toward achieving the National Education Goals; and

(B) identify actions that should be taken by Federal, State, and local governments to enhance progress toward achieving the National Education Goals.

(2) **FORM; DATA.**—National report cards shall be presented in a form, and include data, that is understandable to parents and the general public.

SEC. 204. POWERS OF THE GOALS PANEL.

(a) **HEARINGS.**—

(1) **IN GENERAL.**—The Goals Panel shall, for the purpose of carrying out this part, conduct such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Goals Panel considers appropriate.

(2) **REPRESENTATION.**—In carrying out this part, the Goals Panel shall conduct hearings to receive reports, views, and analyses of a broad spectrum of experts and the public on the establishment of voluntary national content, voluntary national student performance standards, voluntary national opportunity-to-learn standards, and State assessments or systems of assessments described in section 213(e).

(b) **INFORMATION.**—The Goals Panel may secure directly from any department or agency of the Federal Government information necessary to enable the Goals Panel to carry out this part. Upon request of the Chairperson of the Goals Panel, the head of any such department or agency shall furnish such information to the Goals Panel to the extent permitted by law.

(c) **POSTAL SERVICES.**—The Goals Panel may use the United States mail in the same manner and under the same conditions as departments and agencies of the Federal Government.

(d) **GIFTS; USE OF FACILITIES.**—The Goals Panel may—

(1) accept, administer, and utilize gifts or donations of services, money, or property, whether real or personal, tangible or intangible; and

(2) use the research, equipment, services, and facilities of any department, agency or instrumentality of the Federal Government, or of any State or political subdivision thereof with the consent of such department, agency, instrumentality, State or subdivision, respectively.

(e) **ADMINISTRATIVE ARRANGEMENTS AND SUPPORT.**—

(1) **IN GENERAL.**—The Secretary shall provide to the Goals Panel, on a reimbursable basis, such administrative support services as the Goals Panel may request.

(2) **CONTRACTS AND OTHER ARRANGEMENTS.**—The Secretary shall, to the extent appropriate, and on a reimbursable basis, make contracts and other arrangements that are requested by the Goals Panel to help the Goals Panel compile and analyze data or carry out other functions necessary to the performance of the Goals Panel's responsibilities.

SEC. 205. ADMINISTRATIVE PROVISIONS.

(a) **MEETINGS.**—The Goals Panel shall meet on a regular basis, as necessary, at the call of the Chairperson of the Goals Panel or a majority of the members of the Goals Panel.

(b) **QUORUM.**—A majority of the members shall constitute a quorum for the transaction of business.

(c) **VOTING AND FINAL DECISIONS.**—

(1) **IN GENERAL.**—No individual may vote, or exercise any of the duties or powers of a member of the Goals Panel, by proxy.

(2) **FINAL DECISIONS.**—

(A) In making final decisions of the Goals Panel with respect to the exercise of its duties and powers the Goals Panel shall operate on the principle of consensus among the members of the Goals Panel.

(B) If a vote of the membership of the Goals Panel is required to reach a final decision with respect to the exercise of its duties and powers, then such final decision shall be made by a three-fourths vote of the members of the Goals Panel who are present and voting.

(d) **PUBLIC ACCESS.**—The Goals Panel shall ensure public access to the proceedings of the Goals Panel (other than proceedings, or portions of proceedings, relating to internal personnel and management matters) and shall make available to the public, at reasonable cost, transcripts of such proceedings.

SEC. 206. DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.

(a) **DIRECTOR.**—The Chairperson of the Goals Panel, without regard to the provisions of title 5, United States Code, relating to the appointment and compensation of officers or employees of the United States, shall appoint a Director to be paid at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule.

(b) **APPOINTMENT AND PAY OF EMPLOYEES.**—

(1) **IN GENERAL.**—(A) The Director may appoint not more than 4 additional employees to serve as staff to the Goals Panel without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(B) The employees appointed under subparagraph (A) may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, but shall not be paid a rate that exceeds the maximum rate of basic pay payable for GS-15 of the General Schedule.

(2) **ADDITIONAL EMPLOYEES.**—The Director may appoint additional employees to serve as staff to the Goals Panel in accordance with title 5, United States Code.

(c) **EXPERTS AND CONSULTANTS.**—The Goals Panel may procure temporary and intermittent services of experts and consultants under section 3109(b) of title 5, United States Code.

(d) **STAFF OF FEDERAL AGENCIES.**—Upon the request of the Goals Panel, the head of any department or agency of the United States may detail any of the personnel of such department to the Goals Panel to assist the Goals Panel in carrying out its responsibilities under this part.

SEC. 207. EARLY CHILDHOOD ASSESSMENT.

(a) **IN GENERAL.**—The Goals Panel shall support the work of its Resource and Technical Planning Groups on School Readiness (hereafter in this subsection referred to as the "Groups") to improve the methods of assessing the readiness of all children for school.

(b) **ACTIVITIES.**—The Groups shall—

(1) develop a model of elements of school readiness that address a broad range of early childhood developmental needs, including the needs of children with disabilities;

(2) create clear guidelines regarding the nature, functions, and uses of early childhood assessments, including norm-referenced

assessments and assessment formats that are appropriate for use in culturally and linguistically diverse communities, based on model elements of school readiness;

(3) monitor and evaluate early childhood assessments, including the ability of existing assessments to provide valid information on the readiness of children for school; and

(4) monitor and report on the long-term collection of data on the status of young children to improve policy and practice, including the need for new sources of data necessary to assess the broad range of early childhood developmental needs.

(c) **ADVICE.**—The Groups shall advise and assist the Congress, the Secretary, the Goals Panel, and others regarding how to improve the assessment of young children and how such assessments can improve services to children.

(d) **REPORT.**—The Goals Panel shall provide reports on the work of the Groups to the Congress, the Secretary, and the public.

PART B—NATIONAL EDUCATION STANDARDS AND IMPROVEMENT COUNCIL

SEC. 211. PURPOSE.

It is the purpose of this part to establish a mechanism to—

(1) certify voluntary national content standards and voluntary national student performance standards that define what all students should know and be able to do;

(2) certify challenging State content standards and challenging State student performance standards submitted by States on a voluntary basis, if such standards are comparable in rigor and quality to the voluntary national content standards and voluntary national student performance standards certified by the National Education Standards and Improvement Council;

(3) certify voluntary national opportunity-to-learn standards that describe the conditions of teaching and learning necessary for all students to have a fair opportunity to achieve the knowledge and skills described in the voluntary national content standards and the voluntary national student performance standards certified by the National Education Standards and Improvement Council;

(4) certify comprehensive State opportunity-to-learn standards submitted by States on a voluntary basis that—

(A) describe the conditions of teaching and learning necessary for all students to have a fair opportunity to learn; and

(B) address the elements described in section 213(c)(3); and

(5) certify assessments or systems of assessments submitted by States or groups of States on a voluntary basis, if such assessments or systems—

(A) are aligned with and support State content standards certified by such Council; and

(B) are valid, reliable, and fair when used for their intended purposes.

SEC. 212. NATIONAL EDUCATION STANDARDS AND IMPROVEMENT COUNCIL.

(a) **ESTABLISHMENT.**—There is established in the executive branch a National Education Standards and Improvement Council (hereafter in this part referred to as the "Council").

(b) **COMPOSITION.**—The Council shall be composed of 19 members (hereafter in this part referred to as "members") appointed by the President from nominations submitted by the Goals Panel.

(c) **QUALIFICATIONS.**—

(1) **IN GENERAL.**—The members of the Council shall include—

(A) five professional educators appointed from among elementary and secondary class-

room teachers, preschool educators, related services personnel, and other school-based professionals, State or local educational agency administrators, or other educators;

(B) four representatives of business and industry or postsecondary educational institutions, including at least 1 representative of business and industry who is also a member of the National Skill Standards Board established pursuant to title V;

(C) five representatives of the public, appointed from among representatives of advocacy, civil rights, and disability groups, parents, civic leaders, tribal governments, or State or local education policymakers (including members of State or local school boards); and

(D) five education experts, appointed from among experts in measurement and assessment, curriculum, school finance and equity, or school reform.

(2) **NOMINATIONS.**—The Goals Panel shall submit to the President at least 15 nominations for each of the 4 categories of appointment described in subparagraphs (A) through (D) of paragraph (1).

(3) **REPRESENTATION.**—To the extent feasible, the membership of the Council shall—

(A) be geographically representative of the United States and reflect the diversity of the United States with respect to race, ethnicity, gender and disability characteristics; and

(B) include persons from each of the 4 categories described in subparagraphs (A) through (D) of paragraph (1) who have expertise in the education of subgroups of students who are at risk of school failure.

(d) **TERMS.**—

(1) **IN GENERAL.**—Members shall be appointed for 3-year terms, with no member serving more than 2 consecutive terms.

(2) **INITIAL TERMS.**—The President shall establish initial terms for members of 1, 2, or 3 years in order to establish a rotation in which one-third of the members are selected each year.

(e) **DATE OF APPOINTMENT.**—The initial members shall be appointed not later than 120 days after the date of enactment of this Act.

(f) **INITIATION.**—The Council shall begin to carry out the duties of the Council under this part when all 19 members have been appointed.

(g) **RETENTION.**—In order to retain an appointment to the Council, a member shall attend at least two-thirds of the scheduled meetings, and hearings when appropriate, of the Council in any given year.

(h) **VACANCY.**—A vacancy on the Council shall not affect the powers of the Council, but shall be filled in the same manner as the original appointment.

(i) **COMPENSATION.**—Members who are not regular full-time employees of the United States, while attending meetings or hearings of the Council, may be provided compensation at a rate fixed by the Secretary, but not exceeding the maximum rate of basic pay payable for GS-15 of the General Schedule.

(j) **TRAVEL.**—Each member of the Council may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for each day the member is engaged in the performance of duties for the Council away from the home or regular place of business of the member.

(k) **OFFICERS.**—The members shall select officers of the Council from among the members. The officers of the Council shall serve for 1-year terms.

(l) **CONFLICT OF INTEREST.**—No member, staff, expert, or consultant assisting the Council shall be appointed to the Council—

(1) if such member, staff, expert, or consultant has a fiduciary interest in an educational assessment; and

(2) unless such member, staff, expert, or consultant agrees that such member, staff, expert, or consultant, respectively, will not obtain such an interest for a period of 2 years from the date of termination of such member's service on the Council.

SEC. 213. DUTIES.

(a) VOLUNTARY NATIONAL CONTENT STANDARDS; VOLUNTARY NATIONAL STUDENT PERFORMANCE STANDARDS.—

(1) IN GENERAL.—The Council, upon recommendation from a working group on voluntary national content standards, shall—

(A) identify areas in which voluntary national content standards need to be developed;

(B) certify voluntary national content standards and voluntary national student performance standards that define what all students should know and be able to do; and

(C) forward such voluntary national content standards and voluntary national student performance standards to the Goals Panel for approval.

(2) CRITERIA.—(A) The Council, upon recommendation from a working group on voluntary national content standards and voluntary national student performance standards, shall—

(i) identify and develop criteria to be used for certifying the voluntary national content standards and voluntary national student performance standards; and

(ii) before applying such criteria, forward such criteria to the Goals Panel for approval.

(B) The criteria developed by the Council shall address—

(i) the extent to which the proposed standards are internationally competitive and comparable to the best standards in the world;

(ii) the extent to which the proposed voluntary national content standards and voluntary national student performance standards reflect the best available knowledge about how all students learn and about how a content area can be most effectively taught;

(iii) the extent to which the proposed voluntary national content standards and voluntary national student performance standards have been developed through an open and public process that provides for input and involvement of all relevant parties, including teachers, related services personnel, and other professional educators, employers and postsecondary education institutions, curriculum and subject matter specialists, parents, secondary school students, and the public; and

(iv) other factors that the Council deems appropriate.

(C) In developing the criteria, the Council shall work with entities that are developing, or have already developed, content standards, and any other entities that the Council deems appropriate, to identify appropriate certification criteria.

(b) VOLUNTARY STATE CONTENT STANDARDS; VOLUNTARY STATE STUDENT PERFORMANCE STANDARDS.—The Council may certify challenging State content standards and challenging State student performance standards presented on a voluntary basis by a State or group of States, if such standards are comparable in rigor and quality to the voluntary national content standards and voluntary national student performance standards certified by the Council.

(c) VOLUNTARY NATIONAL OPPORTUNITY-TO-LEARN STANDARDS.—

(1) IN GENERAL.—The Council, upon recommendation from a working group on voluntary national opportunity-to-learn standards, shall certify exemplary, voluntary national opportunity-to-learn standards that will establish a basis for providing all students a fair opportunity to achieve the knowledge and skills described in the voluntary national content standards certified by the Council. In carrying out the preceding sentence the Council and the working group are authorized to consider proposals for voluntary national opportunity-to-learn standards from groups other than those that receive grants under section 218.

(2) REQUIREMENT.—The voluntary national opportunity-to-learn standards shall be sufficiently general to be used by any State without unduly restricting State and local prerogatives regarding instructional methods to be employed.

(3) ELEMENTS ADDRESSED.—The voluntary national opportunity-to-learn standards certified by the Council shall address—

(A) the quality and availability of curricula, instructional materials, and technologies;

(B) the capability of teachers to provide high-quality instruction to meet diverse learning needs in each content area;

(C) the extent to which teachers and administrators have ready and continuing access to professional development, including the best knowledge about teaching, learning, and school improvement;

(D) the extent to which curriculum, instructional practices, and assessments are aligned to content standards;

(E) the extent to which school facilities provide a safe and secure environment for learning and instruction and have the requisite libraries, laboratories, and other resources necessary to provide an opportunity to learn; and

(F) other factors that the Council deems appropriate to ensure that all students receive a fair opportunity to achieve the knowledge and skills described in the voluntary national content standards and the voluntary national student performance standards certified by the Council.

(4) ADDITIONAL DUTIES.—In carrying out this subsection, the Council shall—

(A) identify what other countries with rigorous content standards do to—

(i) provide their children with opportunities to learn;

(ii) prepare their teachers; and

(iii) provide continuing professional development opportunities for their teachers; and

(B) develop criteria to be used for certifying the voluntary national opportunity-to-learn standards and, before applying such criteria, forward such criteria to the Goals Panel for approval.

(5) RECOMMENDATIONS AND COORDINATION.—The Council shall assist in the development of the voluntary national opportunity-to-learn standards by—

(A) making recommendations to the Secretary regarding priorities and selection criteria for each grant awarded under section 218; and

(B) coordinating with each consortium receiving a grant under section 218 to ensure that the opportunity-to-learn standards the consortium develops for all students are of high quality and are consistent with the criteria developed by the Council for the certification of such standards.

(6) APPROVAL.—The Council shall forward the voluntary national opportunity-to-learn standards that the Council certifies to the Goals Panel for approval.

(d) VOLUNTARY STATE OPPORTUNITY-TO-LEARN STANDARDS.—The Council may certify comprehensive State opportunity-to-learn standards presented on a voluntary basis by a State that—

(1) describe the conditions of teaching and learning necessary for all students to have a fair opportunity to learn; and

(2) address the elements described in section 213(c)(3).

(e) ASSESSMENTS.—

(1) IN GENERAL.—(A) The Council shall certify, for a period not to exceed 5 years, an assessment of a single subject area or a system of assessments involving several subject areas presented on a voluntary basis by a State or group of States if such assessment or system of assessments—

(i) is aligned with such State's or group of States' challenging State content standards certified by the Council;

(ii) involves multiple measures of student performance; and

(iii) provides for—

(I) the participation of all students with diverse learning needs in such assessment or system; and

(II) the adaptations and accommodations necessary to permit such participation.

(B) Assessments or systems of assessments shall be certified for the purpose of—

(i) exemplifying for students, parents, and teachers the kinds and levels of achievement that should be expected, including the identification of student performance standards;

(ii) improving classroom instruction and improving the learning outcomes for all students;

(iii) informing students, parents, and teachers about student progress toward such standards;

(iv) measuring and motivating individual students, schools, districts, States, and the Nation to improve educational performance; and

(v) assisting education policymakers in making decisions about education programs.

(2) IMPLEMENTATION.—(A)(i) The Council shall develop, and not sooner than 3 years nor later than 4 years after the date of enactment of this Act, begin utilizing, criteria for the certification of an assessment or a system of assessments in accordance with this subsection.

(ii) The Council shall not certify an assessment or system of assessments for a period of 3 years beginning on the date of enactment of this Act, if such assessment or system will be used to make decisions regarding graduation, grade promotion, or retention of students.

(iii) Before utilizing the criteria described in clause (i), the Council shall forward such criteria to the Goals Panel for approval.

(B) The certification criteria described in this paragraph shall address the extent to which an assessment or a system of assessments—

(i) is aligned with a State's or a group of States' challenging State content standards, if such State or group has challenging State content standards that have been certified by the Council; and

(ii) will support effective curriculum and instruction;

(iii) is to be used for a purpose for which such assessment or system is valid, reliable, fair, and free of discrimination; and

(iv) includes all students, especially students with disabilities or with limited-English proficiency.

(C) In determining appropriate certification criteria under this paragraph, the Council shall—

(i) consider standards and criteria being developed by other national organizations and recent research on assessment;

(ii) recommend needed research;

(iii) encourage the development and field testing of assessments or systems of assessments; and

(iv) provide a public forum for discussing, debating, and building consensus for the criteria to be used for the certification of assessments or systems of assessments.

(D) Prior to determining the certification criteria described in this paragraph, the Council shall take public comment on its proposed certification criteria.

(F) PERFORMANCE OF DUTIES.—In carrying out its responsibilities under this title, the Council shall—

(1) work with Federal and non-Federal departments, agencies, or organizations that are conducting research, studies, or demonstration projects to determine internationally competitive education standards and assessments, and may establish subject matter and other panels to advise the Council on particular content, student performance, and opportunity-to-learn standards and on assessments or systems of assessments;

(2) establish cooperative arrangements with the National Skill Standards Board to promote the coordination of the development of content and student performance standards under this title with the development of skill standards described in title V;

(3) recommend studies to the Secretary that are necessary to carry out the Council's responsibilities;

(4) inform the public about what constitutes high quality, internationally competitive, content, student performance, and opportunity-to-learn standards, and assessments or systems of assessments;

(5) on a regular basis, review and update criteria for certifying content, student performance, and opportunity-to-learn standards, and assessments or systems of assessments; and

(6) periodically recertify, as appropriate, the voluntary national content standards, the voluntary national student performance standards, and the voluntary national opportunity-to-learn standards.

(g) CONSTRUCTION.—Nothing in this Act shall be construed to—

(1) require any State to have standards certified pursuant to subsection (b) or (d) in order to participate in any Federal program; or

(2) create a legally enforceable right for any person against a State, local educational agency, or school based on a standard or assessment certified by the Council or the criteria developed by the Council for such certification.

SEC. 214. ANNUAL REPORTS.

Not later than 1 year after the date the Council concludes its first meeting, and each year thereafter, the Council shall prepare and submit a report regarding its work to the President, the Secretary, the appropriate committees of the Congress, the Governor of each State, and the Goals Panel.

SEC. 215. POWERS OF THE COUNCIL.

(a) HEARINGS.—

(1) IN GENERAL.—The Council shall, for the purpose of carrying out its responsibilities, conduct such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Council considers appropriate.

(2) LOCATION.—In carrying out this part, the Council shall conduct public hearings in different geographic areas of the United States, both urban and rural, to receive the

reports, views, and analyses of a broad spectrum of experts and the public on the establishment of voluntary national content standards, voluntary national student performance standards, voluntary national opportunity-to-learn standards, and assessments or systems of assessments described in section 213(e).

(b) INFORMATION.—The Council may secure directly from any department or agency of the Federal Government information necessary to enable the Council to carry out this part. Upon request of the Chairperson of the Council, the head of such department or agency shall furnish such information to the Council to the extent permitted by law.

(c) POSTAL SERVICES.—The Council may use the United States mail in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS; USE OF FACILITIES.—The Council may—

(1) accept, administer, and utilize gifts or donations of services, money, or property, whether real or personal, tangible or intangible; and

(2) use the research, equipment, services, and facilities of any department, agency, or instrumentality of the United States, or of any State or political subdivision thereof with the consent of such department, agency, instrumentality, State or subdivision, respectively.

(e) ADMINISTRATIVE ARRANGEMENTS AND SUPPORT.—

(1) IN GENERAL.—The Secretary shall provide to the Council, on a reimbursable basis, such administrative support services as the Council may request.

(2) CONTRACTS AND OTHER ARRANGEMENTS.—The Secretary, to the extent appropriate and on a reimbursable basis, shall enter into contracts and other arrangements that are requested by the Council to help the Council compile and analyze data or carry out other functions necessary to the performance of the Council's responsibilities.

SEC. 216. ADMINISTRATIVE PROVISIONS.

(a) MEETINGS.—The Council shall meet on a regular basis, as necessary, at the call of the Chairperson of the Council or a majority of its members.

(b) QUORUM.—A majority of the members shall constitute a quorum for the transaction of business.

(c) VOTING.—The Council shall take all action of the Council by a majority vote of the total membership of the Council, ensuring the right of the minority to issue written views. No individual may vote or exercise any of the powers of a member by proxy.

(d) PUBLIC ACCESS.—The Council shall ensure public access to its proceedings (other than proceedings, or portions of proceedings, relating to internal personnel and management matters) and shall make available to the public, at reasonable cost, transcripts of such proceedings.

SEC. 217. DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.

(a) DIRECTOR.—The Chairperson of the Council, without regard to the provisions of title 5, United States Code, relating to the appointment and compensation of officers or employees of the United States, shall appoint a Director to be paid at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule.

(b) APPOINTMENT AND PAY OF EMPLOYEES.—

(1) IN GENERAL.—(A) The Director may appoint not more than 4 additional employees to serve as staff to the Council without regard to the provisions of title 5, United

States Code, governing appointments in the competitive service.

(B) The employees appointed under subparagraph (A) may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, but shall not be paid a rate that exceeds the maximum rate of basic pay payable for GS-15 of the General Schedule.

(2) ADDITIONAL EMPLOYEES.—The Director may appoint additional employees to serve as staff of the Council consistent with title 5, United States Code.

(c) EXPERTS AND CONSULTANTS.—The Council may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(d) STAFF OF FEDERAL AGENCIES.—Upon the request of the Council, the head of any department or agency of the Federal Government may detail any of the personnel of such department or agency to the Council to assist the Council in carrying out its duties under this part.

SEC. 218. OPPORTUNITY-TO-LEARN DEVELOPMENT GRANTS.

(a) OPPORTUNITY-TO-LEARN DEVELOPMENT GRANTS.—

(1) IN GENERAL.—The Secretary is authorized to award more than one grant, on a competitive basis, to consortia of individuals and organizations to enable such consortia to develop voluntary national opportunity-to-learn standards, and a listing of model programs for use, on a voluntary basis, by States in—

(A) assessing the capacity and performance of individual schools; and

(B) developing appropriate actions to be taken in the event that the schools fail to achieve such standards.

(2) COMPOSITION OF CONSORTIUM.—To the extent possible, each consortium described in paragraph (1) shall include the participation of—

(A) Governors (other than Governors serving on the Goals Panel);

(B) chief State school officers;

(C) teachers, especially teachers involved in the development of content standards, and related services personnel;

(D) principals;

(E) superintendents;

(F) State and local school board members;

(G) curriculum and school reform experts;

(H) parents;

(I) State legislators;

(J) representatives of businesses;

(K) representatives of higher education;

(L) representatives of regional accrediting associations;

(M) representatives of advocacy groups; and

(N) secondary school students.

(b) APPLICATIONS.—Each consortium that desires to receive a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

(c) AWARD CONSIDERATION.—In establishing priorities and selection criteria for awarding more than one grant under this section, the Secretary shall give serious consideration to the recommendations made by the Council pursuant to section 213(c)(5)(A).

PART C—LEADERSHIP IN EDUCATIONAL TECHNOLOGY

SEC. 221. PURPOSES.

It is the purpose of this part to promote achievement of the National Education Goals and—

(1) to provide leadership at the Federal level, through the Department of Education,

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 at the State and local level;

(B) to coordinate educational technology activities 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 and administrators regarding the integration of technology into instruction and administration;

(7) to promote the effective uses of technology in existing Federal education programs, such as chapter 1 of title I of the Elementary and Secondary Education Act of 1965 and vocational education programs; and

(8) to monitor, and disseminate information regarding, advancements in technology to encourage the development of effective educational uses of technology.

SEC. 222. 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 part, the Secretary, in consultation with the Office of Science and Technology Policy, the National Science Foundation, the Department of Commerce, the Department of Energy, the National Aeronautics and Space Administration, and other appropriate Federal departments or agencies, may carry out activities designed to achieve the purposes of this part.

(2) TRANSFER OF FUNDS.—For the purpose of carrying out coordinated or joint activities to achieve the purposes of this part, the Secretary may accept funds from, and 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 this Act, 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 part.

(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 educational applications of technology, representatives of a distance learning consortia, representatives of telecommunications partnerships receiving assistance under the Star Schools Program Assistance 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 part, including—

(A) how the Secretary will encourage the effective use of technology to provide all students the opportunity to achieve challenging State content standards and challenging State student performance standards, especially through programs administered by the Department of Education;

(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 Aeronautics and Space Administration, the National Science Foundation, 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 concentration 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; and

(v) 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 utilize the outcomes of the evaluation undertaken pursuant to section 908 of the Star Schools Program Assistance Act to promote the purposes of this part; and

(G) the Secretary's long-range measurable goals and objectives relating to the purposes of this part.

(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 316.

SEC. 223. OFFICE OF EDUCATIONAL TECHNOLOGY.

(a) AMENDMENT TO THE DEPARTMENT OF EDUCATION ORGANIZATION ACT.—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 EDUCATIONAL TECHNOLOGY

"SEC. 216. There shall be in the Department of Education an Office of Educational Technology, to be administered by the Director of Educational Technology. The Director of Educational Technology shall report directly to the Secretary and shall perform such additional functions as the Secretary may prescribe. Such Office shall be established in accordance with section 405A of the General Education Provisions Act."

(b) AMENDMENT TO THE GENERAL EDUCATION PROVISIONS ACT.—Part A of the General Education Provisions Act (20 U.S.C. 1221c et seq.) is amended by inserting after section 405 the following new section:

"SEC. 405A. OFFICE OF EDUCATIONAL TECHNOLOGY.

"(a) ESTABLISHMENT.—The Secretary shall establish an Office of Educational Technology (hereafter in this section referred to as the 'Office').

"(b) FUNCTIONS OF THE OFFICE.—The Director of the Office of Educational Technology (hereafter in this section referred to as the 'Director'), through the Office, shall—

"(1) in support of the overall national technology policy and in consultation with other Federal departments or agencies which the Director determines appropriate, provide leadership to the Nation in the use of technology to promote achievement of the National Education Goals and to increase opportunities for all students to achieve challenging State content and challenging State student performance standards;

"(2) review all programs and training functions administered by the Department and recommend policies in order to promote increased use of technology and technology planning throughout all such programs and functions;

"(3) review all relevant programs supported by the Department to ensure that such programs are coordinated with and support the national long-range technology plan developed pursuant to this Act; and

"(4) perform such additional functions as the Secretary may require.

"(c) PERSONNEL.—The Director is authorized to select, appoint, and employ such officers and employees as may be necessary to carry out the functions of the Office, subject to the provisions of title 5, United States Code (governing appointments in the competitive service), and the provisions of chapter 51 and subchapter III of chapter 53 of such title (relating to classification and General Schedule pay rates.

"(d) EXPERTS AND CONSULTANTS.—The Secretary may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code."

(c) COMPENSATION OF THE DIRECTOR.—Section 5315 of title 5, United States Code, is amended by adding at the end the following: "Director of the Office of Educational Technology."

SEC. 224. USES OF FUNDS.

(a) IN GENERAL.—The Secretary shall use funds appropriated pursuant to the authority of section 231(d) for activities designed to carry out the purpose of this part, including—

(1) providing assistance to technical assistance providers to enable such providers to improve substantially the services such pro-

viders offer to educators regarding the educational uses of technology, including professional development;

(2) consulting with representatives of industry, elementary and secondary education, higher education, and appropriate experts in technology and the educational applications of technology, in carrying out the activities assisted under this part;

(3) research on, and the development of, guidelines to facilitate maximum interoperability, efficiency and easy exchange of data for effective use of technology in education;

(4) research on, and the development of, educational applications of the most advanced and newly emerging technologies;

(5) 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;

(6) 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, challenging State content standards and challenging State student performance standards;

(7) the development, demonstration, and evaluation of model strategies for preparing teachers and other personnel to use technology effectively to improve teaching and learning;

(8) the development of model programs that demonstrate the educational effectiveness of technology in urban and rural areas and economically distressed communities;

(9) 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;

(10) a biannual 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 and local governments may rely for decision-making 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;

(11) conferences on, and dissemination of information regarding, the uses of technology in education;

(12) the development of model strategies to promote gender equity in the use of technology;

(13) encouraging collaboration between the Department of Education and other Federal agencies in the development, implementation, evaluation and funding of applications of technology for education, as appropriate; and

(14) such other activities as the Secretary determines will meet the purposes of this part.

(b) SPECIAL RULES.—

(1) IN GENERAL.—The Secretary shall carry out the activities described in subsection (a) directly or by grant or contract.

(2) GRANTS AND CONTRACTS.—Each grant or contract under this part shall be awarded—

(A) on a competitive basis; and

(B) pursuant to a peer review process.

SEC. 225. NON-FEDERAL SHARE.

(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary may require any recipient of a grant or contract under this part 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.

(b) INCREASE.—The Secretary may increase the non-Federal share that is required of a recipient of a grant or contract under this part after the first year such recipient receives funds under such grant or contract.

(c) 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 part.

SEC. 226. OFFICE OF TRAINING TECHNOLOGY TRANSFER.

(a) TRANSFER.—

(1) IN GENERAL.—The Office of Training Technology Transfer as established under section 6103 of the Training Technology Transfer Act of 1988 (20 U.S.C. 5093) is transferred to the Office of Educational Technology.

(2) TECHNICAL AMENDMENT.—The first sentence of section 6103(a) of the Training Technology Transfer Act of 1988 (20 U.S.C. 5093(a)) is amended by striking "Office of Educational Research and Improvement" and inserting "Office of Educational Technology".

(b) AUTHORIZATION OF APPROPRIATIONS.—The Training Technology Transfer Act of 1988 (20 U.S.C. 5091 et seq.) is amended by adding at the end the following new section: "SEC. 6108. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated \$3,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out this chapter."

PART D—AUTHORIZATION OF APPROPRIATIONS

SEC. 231. AUTHORIZATION OF APPROPRIATIONS.

(a) NATIONAL EDUCATION GOALS PANEL.—There are authorized to be appropriated \$3,000,000 for fiscal year 1994, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out part A.

(b) NATIONAL EDUCATION STANDARDS AND IMPROVEMENT COUNCIL.—There are authorized to be appropriated \$3,000,000 for fiscal year 1994, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out part B.

(c) OPPORTUNITY-TO-LEARN DEVELOPMENT GRANTS.—There are authorized to be appropriated \$1,000,000 for fiscal year 1994, and such sums as may be necessary for fiscal year 1995, to carry out section 219.

(d) LEADERSHIP IN EDUCATIONAL TECHNOLOGY.—There are authorized to be appropriated \$5,000,000 for the fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998, to carry out part C.

TITLE III—STATE AND LOCAL EDUCATION SYSTEMIC IMPROVEMENT

SEC. 301. FINDINGS.

The Congress finds that—

(1) all students can learn to high standards and must realize their potential if the United States is to prosper;

(2) the reforms in education from 1977 through 1992 have achieved some good results, but such reform efforts often have been limited to a few schools or to a single part of the educational system;

(3) leadership must come from teachers, related services personnel, principals, and parents in individual schools, and from policymakers at the local, State, tribal, and national levels, in order for lasting improvements in student performance to occur;

(4) simultaneous top-down and bottom-up education reform is necessary to spur creative and innovative approaches by individual schools to help all students achieve internationally competitive standards;

(5) strategies must be developed by communities and States to support the revitalization of all local public schools by fundamentally changing the entire system of public education through comprehensive, coherent, and coordinated improvement;

(6) parents, teachers and other local educators, and business, community, and tribal leaders, must be involved in developing system-wide improvement strategies that reflect the needs of their individual communities;

(7) all students are entitled to teaching practices that are in accordance with accepted standards of professional practice and that hold the greatest promise of improving student performance;

(8) all students are entitled to participate in a broad and challenging curriculum and to have access to resources sufficient to address other education needs;

(9) State and local education improvement efforts must incorporate strategies for providing students and families with coordinated access to appropriate social services, health care, nutrition, early childhood education, and child care to remove preventable barriers to learning and enhance school readiness for all students;

(10) States and local educational agencies, working together, must immediately set about developing and implementing such system-wide improvement strategies if our Nation is to educate all children to meet their full potential and achieve the National Education Goals described in title I;

(11) State and local systemic improvement strategies must provide all students with effective mechanisms and appropriate paths to the work force as well as to higher education;

(12) businesses should be encouraged—

(A) to enter into partnerships with schools;

(B) to provide information and guidance to schools based on the needs of area businesses for properly educated graduates in general and on the need for particular workplace skills that the schools may provide;

(C) to provide necessary education and training materials and support; and

(D) to continue the lifelong learning process throughout the employment years of an individual;

(13) the appropriate and innovative use of technology, including distance learning, can be very effective in helping to provide all students with the opportunity to learn and meet high standards;

(14) Federal funds should be targeted to support State and local initiatives, and to leverage State and local resources for designing and implementing system-wide education improvement plans; and

(15) quality education management services are being utilized by local educational agencies and schools through contractual agreements between local educational agencies or schools and such businesses.

SEC. 302. PURPOSE.

It is the purpose of this title to—

(1) improve the quality of education for all students by supporting a long-term, broad-based effort to provide coherent and coordinated improvements in the system of education throughout our Nation at the State and local levels;

(2) provide new authorities and funding for our Nation's school systems;

(3) not replace or reduce funding for existing Federal education programs; and

(4) ensure that no State or local educational agency will reduce its funding for education or for education reform on account of receiving any funds under this title.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated \$400,000,000 for the fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998, to carry out this title.

SEC. 304. ALLOTMENT OF FUNDS.

(a) RESERVATIONS OF FUNDS.—From funds appropriated pursuant to the authority of section 303 in each fiscal year, the Secretary—

(1) shall reserve a total of 1 percent to provide assistance, in amounts determined by the Secretary—

(A) to the outlying areas;

(B) to the Secretary of the Interior to benefit Indian students in schools operated or funded by the Bureau of Indian Affairs; and

(C) to the Alaska Federation of Natives in cooperation with the Alaska Native Education Council to benefit Alaska Native students; and

(2) may reserve a total of not more than 4 percent for—

(A) national leadership activities under subsections (a), (b) and (d) of section 313; and

(B) the costs of peer review of State improvement plans and applications under this title.

(b) STATE ALLOTMENTS.—From the amount appropriated under section 303 and not reserved under subsection (a) in each fiscal year the Secretary shall make allotments to State educational agencies as follows:

(1) 50 percent of such amount shall be allocated in accordance with the relative amounts each State would have received under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 for the preceding fiscal year if funds under such chapter in such preceding fiscal year were not reserved for the outlying areas.

(2) 50 percent of such amount shall be allocated in accordance with the relative amounts each State would have received under part A of chapter 2 of title I of the Elementary and Secondary Education Act of 1965 for the preceding fiscal year if funds under such chapter in such preceding fiscal year were not reserved for the outlying areas.

(c) REALLOTMENTS.—If the Secretary determines that any amount of a State educational agency's allotment for any fiscal year under subsection (b) will not be needed for such fiscal year by the State, the Secretary shall reallocate such amount to other State educational agencies that need additional funds, in such manner as the Secretary determines is appropriate.

(d) MAINTENANCE OF EFFORT.—Each recipient of funds under this title, in utilizing the proceeds of an allotment received under this title, shall maintain the expenditures of such recipient for the activities assisted under this title at a level equal to not less than the level of such expenditures maintained by such recipient for the fiscal year preceding the fiscal year for which such allotment is received, except that provisions of this section shall not apply in any fiscal year in which the amount appropriated to carry out this title is less than the amount appropriated to carry out this title in the preceding fiscal year.

(e) SUPPLEMENT NOT SUPPLANT.—Each recipient of funds under this title, may use the proceeds of an allotment received under this

title only so as 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 activities assisted under this title.

SEC. 305. STATE APPLICATIONS.

(a) APPLICATION.—

(1) IN GENERAL.—Each State educational agency that desires to receive an allotment under this title shall submit an application to the Secretary at such time and in such manner as the Secretary may determine.

(2) ADDITIONAL INFORMATION.—In addition to the information described in subsections (b) and (c), each such application shall include—

(A) an assurance that the State educational agency will cooperate with the Secretary in carrying out the Secretary's responsibilities under section 313, and will comply with reasonable requests of the Secretary for data related to the State's progress in developing and implementing its State improvement plan under this title;

(B) an assurance that State law provides adequate authority to carry out each component of the State's improvement plan developed, or to be developed, under section 306, or that such authority will be sought; and

(C) such other assurances and information as the Secretary may require.

(b) FIRST YEAR.—A State educational agency's application for the first year of assistance under this title shall—

(1) describe the process by which the State educational agency will develop a school improvement plan that meets the requirements of section 306; and

(2) describe how the State educational agency will use funds received under this title for such year, including how such agency will make subgrants to local educational agencies in accordance with section 309(a), and how such agency will use funds received under this title for education preservice programs and professional development activities in accordance with section 309(b).

(c) SUBSEQUENT YEARS.—A State educational agency's application for the second year of assistance under this title shall—

(1) cover the second through fifth years of the State's participation;

(2) include a copy of the State's improvement plan that meets the requirements of section 306, or if the State improvement plan is not complete, a statement of the steps the State will take to complete the plan and a schedule for doing so; and

(3) include an explanation of how the State educational agency will use funds received under this title, including how such agency will make subgrants to local educational agencies in accordance with section 309(a), and how such agency will use such funds received under this title for education preservice programs and professional development activities in accordance with section 309(b).

SEC. 306. STATE IMPROVEMENT PLANS.

(a) BASIC SCOPE OF PLAN.—Any State educational agency that desires to receive an allotment under this title after its first year of participation shall develop and implement a State improvement plan for the improvement of elementary and secondary education in the State.

(b) PLAN DEVELOPMENT.—

(1) IN GENERAL.—A State improvement plan under this title shall be developed by a broad-based State panel in cooperation with the State educational agency and the Governor. The panel shall include—

(A) the Governor and the chief State school officer, or their designees;

(B) the chairperson of the State board of education and the chairpersons of the appropriate authorizing committees of the State legislature, or their designees;

(C) school teachers, related services personnel, principals, and administrators who have successfully improved student performance; and

(D) representatives of teachers' organizations, organizations serving young children, parents, secondary school students, business and labor leaders, community-based organizations of demonstrated effectiveness, institutions of higher education, private, nonprofit elementary and secondary schools, local boards of education, State and local officials, tribal agencies, as appropriate, and others.

(2) APPOINTMENT.—The Governor and the chief State school officer shall each appoint half the members of the panel and shall jointly select the Chairperson of the panel and the representative of a private, nonprofit elementary and secondary school described in paragraph (1)(D).

(3) REPRESENTATION.—The membership of the panel shall be geographically representative of the State and reflect the diversity of the population of the State with regard to race, ethnicity, gender and disability characteristics.

(4) CONSULTATION.—The panel shall consult the Governor, the chief State school officer, the State board of education, and relevant committees of the State legislature in developing the State improvement plan.

(5) OUTREACH.—The panel shall be responsible for conducting a statewide, grassroots outreach process, including conducting public hearings, to involve educators, related services personnel, parents, local officials, tribal government officials, as appropriate, individuals representing private nonprofit elementary and secondary schools, community and business leaders, citizens, children's advocates, secondary school students, and others with a stake in the success of students and their education system, and who are representative of the diversity of the State and the State's student population, including students of limited-English proficiency, American Indian, Alaska Native, and Native Hawaiian students, and students with disabilities, in the development of the State improvement plan and in a continuing dialogue regarding the need for and nature of challenging standards for students and local and State responsibilities for helping all students achieve such standards in order to assure that the development and implementation of the State improvement plan reflects local needs and experiences and does not result in a significant increase in paperwork for teachers.

(6) PROCEDURE AND APPROVAL.—The panel shall develop a State improvement plan, provide opportunity for public comment, and submit such plan to the State educational agency for approval.

(7) SUBMISSION.—The State educational agency shall submit the original State improvement plan developed by the panel and the State improvement plan modified by such agency, together with an explanation of any changes made by such agency to the plan developed by the panel, to the Secretary for approval.

(8) MATTERS NOT UNDER THE JURISDICTION OF THE STATE EDUCATIONAL AGENCY.—If any portion of a State improvement plan addresses matters that, under State or other applicable law, are not under the authority of the State educational agency, the State educational agency shall obtain the approval

of, or changes to, such portion, with an explanation thereof, from the Governor or other official responsible for that portion before submitting such plan to the Secretary.

(9) MONITORING; REVISIONS; REPORTING.—After approval of the State improvement plan by the Secretary, the panel shall be informed of progress on such plan by the State educational agency, and such agency, in close consultation with teachers, principals, administrators, advocates and parents in local educational agencies and schools receiving funds under this title, shall monitor the implementation and operation of such plan. The panel shall review such plan, and based on the progress described in the preceding sentence, determine if revisions to such plan are appropriate and necessary. The panel shall periodically report such determination to the public.

(c) TEACHING, LEARNING, STANDARDS, AND ASSESSMENTS.—Each State improvement plan shall establish strategies for meeting the National Education Goals described in title I by improving teaching and learning and students' mastery of basic and advanced skills to achieve a higher level of learning and academic accomplishment in English, math, science, United States history, geography, foreign languages and the arts, civics, government, economics, physics, and other core curricula, and such strategies shall involve broad-based and ongoing classroom teacher input, such as—

(1) a process for developing or adopting challenging State content standards and challenging State student performance standards for all students;

(2) a process for providing assistance and support to local educational agencies and schools to strengthen the capacity and responsibility of such agencies and schools to provide all of their students the opportunity to meet challenging State content standards and challenging State student performance standards;

(3) a process for developing or recommending instructional materials and technology to support and assist local educational agencies and schools to provide all of their students the opportunity to meet the challenging State content standards and challenging State student performance standards;

(4) a process for developing and implementing a valid, fair, nondiscriminatory, and reliable assessment or system of assessments—

(A) which assessment or system shall—

(i) be aligned with such State's content standards;

(ii) involve multiple measures of student performance;

(iii) provide for—

(I) the participation of all students with diverse learning needs in such assessment or system; and

(II) the adaptations and accommodations necessary to permit such participation;

(iv) be consistent with relevant, nationally recognized professional and technical standards for such assessment or system;

(v) be capable of providing coherent information about student attainments relative to the State content standards; and

(vi) support effective curriculum and instruction; and

(B) which process shall provide for monitoring the implementation of such assessment, system or set and the impact of such assessment, system or set on improved instruction for all students; and

(5) a process for improving the State's system of teacher and school administrator preparation and licensure, and of continuing professional development programs, includ-

ing the use of technology at both the State and local levels, so that all teachers, related services personnel, and administrators develop the subject matter and pedagogical expertise needed to prepare all students to meet the challenging standards described in paragraph (1).

(d) OPPORTUNITY-TO-LEARN STRATEGIES.—Each State improvement plan shall establish strategies for providing all students with an opportunity to learn.

(e) ACCOUNTABILITY AND MANAGEMENT.—Each State plan shall establish strategies for improved accountability and management of the education system of the State.

(f) PARENTAL AND COMMUNITY SUPPORT AND INVOLVEMENT.—Each State improvement plan shall describe comprehensive strategies to involve communities, including community representatives such as parents, businesses, institutions of higher education, libraries, cultural institutions, employment and training agencies, health and human service agencies, intergenerational mentoring programs, and other public and private nonprofit agencies that provide nonsectarian social services, health care, child care, early childhood education, and nutrition to students, in helping all students meet the challenging State standards.

(g) MAKING THE IMPROVEMENTS SYSTEM-WIDE.—In order to help provide all students throughout the State the opportunity to meet challenging State content standards and challenging State student performance standards, each State improvement plan shall describe the various strategies for ensuring that all local educational agencies and schools within the State are involved in developing and implementing needed improvements within a specified period of time.

(h) PROMOTING BOTTOM-UP REFORM.—Each State improvement plan shall include strategies for ensuring that comprehensive, systemic reform is promoted from the bottom up in communities, local educational agencies, and schools, and is guided by coordination and facilitation from State leaders.

(i) BENCHMARKS AND TIMELINES.—Each State improvement plan shall include specific benchmarks of improved student performance and of progress in implementing such plan, and timelines against which the progress of the State in carrying out such plan, including the elements described in subsections (c) through (h), can be measured.

(j) PEER REVIEW AND SECRETARIAL APPROVAL.—

(1) IN GENERAL.—(A) The Secretary shall review, within a reasonable period of time, each State improvement plan prepared under this section, and each application submitted under section 305, through a peer review process involving the assistance and advice of State and local education policymakers, educators, classroom teachers, related services personnel, experts on educational innovation and improvement, parents, advocates, and other appropriate individuals. Such peer review process shall be representative of the diversity of the United States with regard to geography, race, ethnicity, gender and disability characteristics. Such peer review process shall include at least 1 site visit to each State.

(B) Notwithstanding the provisions of subparagraph (A), in the first year that a State educational agency submits an application for assistance under this title the Secretary shall not be required to—

(i) review such application through a peer review process; and

(ii) conduct a site visit.

(2) APPROVAL OF PLAN.—The Secretary shall approve a State improvement plan if—

(A) such plan is submitted to the Secretary not later than 2 years after the date the State educational agency receives its first allotment under section 304(b); and

(B) the Secretary determines, after considering the peer reviewers' comments, that such plan—

(i) reflects a widespread commitment within the State; and

(ii) holds reasonable promise of helping all students.

(3) DISAPPROVAL.—The Secretary shall not disapprove a State's plan, or any State application submitted under section 305, before offering the State—

(A) an opportunity to revise such plan or application; and

(B) a hearing.

(k) AMENDMENTS TO PLAN.—

(1) IN GENERAL.—Each State educational agency shall periodically review its State improvement plan and revise such plan, as appropriate, in accordance with the process described in subsection (b).

(2) REVIEW.—The Secretary shall review any major amendment to a State improvement plan and shall not disapprove any such amendment before offering a State educational agency—

(A) an opportunity to revise such amendment; and

(B) a hearing.

(l) PREEXISTING STATE PLANS AND PANELS.—

(1) IN GENERAL.—If a State has developed a comprehensive and systemic State improvement plan to help all students meet challenging State content standards and challenging State student performance standards, or any component of such plan, that meets the intent and purposes of section 302, the Secretary shall approve such plan or component notwithstanding that such plan was not developed in accordance with subsection (b), if—

(A) the Secretary determines that such approval would further the purposes of State systemic education improvement; and

(B) such plan ensures broad-based input from various education, political, community, and other appropriate representatives.

(2) SPECIAL RULE.—(A) If, before the date of enactment of this Act, a State has made substantial progress in developing a plan that meets the intent and purposes of section 302, but was developed by a panel that does not meet the requirements of paragraphs (1) through (3) of subsection (b), the Secretary shall, at the request of the Governor and the State educational agency, treat such panel as meeting such requirements for all purposes of this title if the Secretary determines that there has been substantial public and educator involvement in the development of such plan.

(B) If a State has not developed a State improvement plan but has an existing panel which such State would like to use for the purpose of developing such plan, then the Secretary shall, at the request of the Governor and the State educational agency, treat such panel as meeting the requirements of paragraphs (1) through (3) of subsection (b) for all purposes of this title if—

(i) the Secretary determines that such existing panel is serving a similar such purpose; and

(ii) the composition of such existing panel would ensure broad-based input from various education, political, community, and other appropriate representatives.

SEC. 307. SECRETARY'S REVIEW OF APPLICATIONS; PAYMENTS.

(a) FIRST YEAR.—The Secretary shall approve the State educational agency's initial

year application under section 305(b) if the Secretary determines that—

(1) such application meets the requirements of this title; and

(2) there is a substantial likelihood that the State will be able to develop and implement an education improvement plan that complies with section 306.

(b) **SECOND THROUGH FIFTH YEARS.**—The Secretary shall approve the State educational agency's renewal application under section 305(c)(1) in the second through fifth years of participation only if—

(1)(A) the Secretary has approved the State improvement plan under section 306(j); or

(B) the Secretary determines that the State has made substantial progress in developing its State improvement plan and will implement such plan not later than the end of the second year of participation; and

(2) the application meets the other requirements of this title.

(c) **PAYMENTS.**—For any fiscal year for which a State has an approved application under this title, the Secretary shall provide an allotment to the State educational agency in the amount determined under section 304(b).

SEC. 308. STATE USE OF FUNDS.

(a) **FIRST YEAR.**—In the first year for which a State educational agency receives an allotment under this title, such agency—

(1) if the amount appropriated pursuant to the authority of section 303 for such year is equal to or greater than \$200,000,000, shall use at least 75 percent of such allotted funds to award subgrants—

(A) to local educational agencies for the development or implementation of local improvement plans in accordance with section 309(a); and

(B) to improve educator and related services personnel preservice programs and for professional development activities consistent with the State improvement plan and in accordance with section 309(b);

(2) if the amount appropriated pursuant to the authority of section 303 for such year is equal to or greater than \$100,000,000, but less than \$200,000,000, shall use at least 50 percent of such allotted funds to award subgrants described in subparagraphs (A) and (B) of paragraph (1);

(3) if the amount appropriated pursuant to the authority of section 303 for such year is less than \$100,000,000, may use such allotted funds to award subgrants described in subparagraphs (A) and (B) of paragraph (1); and

(4) shall use any such allotted funds not used in accordance with paragraphs (1), (2), and (3) to develop, revise, expand, or implement a State improvement plan described in section 306.

(b) **SUCCEEDING YEARS.**—Each State educational agency that receives an allotment under this title for any year after the first year of participation shall—

(1) use at least 85 percent of such allotment funds in each such year to make subgrants—

(A) for the implementation of the State improvement plan and of local improvement plans in accordance with section 309(a); and

(B) to improve educator and related services personnel preservice programs and for professional development activities that are consistent with the State improvement plan in accordance with section 309(b); and

(2) shall use the remainder of such allotted funds for State activities designed to implement the State improvement plan, such as—

(A) supporting the development or adoption of challenging State content standards, challenging State student performance standards, comprehensive State opportunity-

to-learn standards, and assessment tools linked to the standards, including activities assisted—

(i) through consortia of States; or

(ii) with the assistance of the National Education Standards and Improvement Council established under part B of title II;

(B) supporting the implementation of high-performance management and organizational strategies, such as site-based management, shared decisionmaking, or quality management principles, to promote effective implementation of such plan;

(C) supporting the development and implementation, at the local educational agency and school building level, of improved human resource development systems for recruiting, selecting, mentoring, supporting, evaluating and rewarding educators;

(D) providing special attention to the needs of minority, disabled, and female students, including instructional programs and activities that encourage such students in elementary and secondary schools to aspire to enter and complete postsecondary education or training;

(E) supporting innovative and proven methods of enhancing a teacher's ability to identify student learning needs, and motivating students to develop higher order thinking skills, discipline, and creative resolution methods, including significantly reducing class size and promoting instruction in chess;

(F) supporting the development, at the State or local level, of performance-based accountability and incentive systems for schools;

(G) outreach to and training for parents, tribal officials, organizations serving young children, classroom teachers, related services personnel, and other educators, and the public, related to education improvement;

(H) providing technical assistance and other services to increase the capacity of local educational agencies and schools to develop and implement systemic local improvement plans, implement new assessments or systems of assessments described in the State improvement plan developed in accordance with section 306, and develop curricula consistent with the challenging State content standards and challenging State student performance standards;

(I) promoting mechanisms for increasing public school choice, including information and referral programs which provide parents information on available choices and other initiatives to promote the establishment of innovative new public schools, including magnet schools and charter schools;

(J) supporting activities relating to the planning of, start-up costs associated with, and evaluation of, projects under which local educational agencies or schools contract with private management organizations to reform a school;

(K) supporting intergenerational mentoring programs; and

(L) collecting and analyzing data; and

(M) supporting the development, at the State or local level, of school-based programs that restore discipline and reduce violence in schools and communities, such as community mobilization programs.

(c) **LIMIT ON ADMINISTRATIVE COSTS.**—A State educational agency that receives an allotment under this title in any fiscal year shall use not more than 4 percent of such allotment in such year, or \$100,000, whichever is greater, for administrative expenses, which administrative expenses shall not include the expenses related to the activities of the panel established under section 306(b)(1).

(d) **SPECIAL RULE.**—Any new public school established under this title—

(1) shall be nonsectarian;

(2) shall not be affiliated with a nonpublic sectarian school or religious institution; and

(3) shall operate under the authority of a State educational agency or local educational agency.

SEC. 309. SUBGRANTS FOR LOCAL REFORM AND PROFESSIONAL DEVELOPMENT.

(a) **SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.**—

(1) **IN GENERAL.**—(A) Each State educational agency, through a competitive process, shall make subgrants to local educational agencies to carry out the authorized activities described in paragraph (4).

(B) Each subgrant described in subparagraph (A) shall be for a project of sufficient duration and of sufficient size, scope, and quality to carry out the purpose of this title effectively.

(2) **APPLICATION REQUIRED.**—Each local educational agency desiring to receive a subgrant under this subsection shall submit an application to the State educational agency that—

(A) is developed by a broad-based panel, appointed by the local educational agency, that is representative of the diversity of the students and community to be served with regard to race, language, ethnicity, gender, disability and socioeconomic characteristics, and includes teachers, related services personnel, secondary school students, parents, school administrators, business representatives, early childhood educators, representatives of community-based organizations, and others, as appropriate, and is approved by the local educational agency, including any modifications the local educational agency deems appropriate;

(B) includes, in the application submitted for the second year of participation, a comprehensive local improvement plan for school district-wide education improvement, directed at enabling all students to meet high academic standards, including specific goals and benchmarks, and includes a strategy for—

(i) ensuring that all students have a fair opportunity to learn;

(ii) improving teaching and learning;

(iii) improving governance and management;

(iv) generating and maintaining parental and community involvement; and

(v) expanding improvements throughout the local educational agency;

(C) describes how the local educational agency will encourage and assist schools to develop and implement comprehensive school improvement plans that focus on helping all students meet high academic standards and that address each element of the local educational agency's local improvement plan described in subparagraph (B);

(D) describes how the local educational agency will implement specific programs aimed at ensuring improvements in school readiness and the ability of students to learn effectively at all grade levels by identifying the most pressing needs facing students and their families with regard to social services, health care, nutrition, and child care, and entering into partnerships with public and private nonprofit agencies to increase the access of students and families to coordinated nonsectarian services in a school setting or at a nearby site;

(E) describes how the subgrant funds will be used by the local educational agency, and the procedures to be used to make funds available to schools in accordance with paragraph (4)(A);

(F) identifies, with an explanation, any State or Federal requirements that the local educational agency believes impede educational improvement and that such agency requests be waived in accordance with section 311, which requests shall promptly be transmitted to the Secretary by the State educational agency; and

(G) contains such other information as the State educational agency may reasonably require.

(3) **MONITORING.**—The panel described in paragraph (2)(A), after approval of the local educational agency's application by the State educational agency, shall be informed of progress on such plan by the local educational agency, and the local educational agency shall monitor the implementation and effectiveness of the local improvement plan in close consultation with teachers, related services personnel, principals, administrators, and parents from schools receiving funds under this title, as well as assure that implementation of the local improvement plan does not result in a significant increase in paperwork for teachers. The panel shall review such plan and based on the progress described in the preceding sentence, determine if revisions to the local improvement plan should be recommended to the local educational agency. The panel shall periodically report such determination to the public.

(4) **AUTHORIZED ACTIVITIES.**—A local educational agency that receives a subgrant under this subsection—

(A) in the first year such agency receives the subgrant shall use—

(i) not more than 25 percent of the subgrant funds to develop a local improvement plan or for any local educational agency activities approved by the State educational agency that are reasonably related to carrying out the State or local improvement plans, including the establishment of innovative new public schools; and

(ii) not less than 75 percent of the subgrant funds to support individual school improvement initiatives related to providing all students in the school the opportunity to meet high academic standards; and

(B) in subsequent years, shall use the subgrant funds for any activities approved by the State educational agency that are reasonably related to carrying out the State or local improvement plans (including the establishment of innovative new public schools), except that at least 85 percent of such funds shall be made available to individual schools to develop and implement comprehensive school improvement plans designed to help all students meet high academic standards.

(b) **SUBGRANTS FOR PRESERVICE TEACHER EDUCATION AND PROFESSIONAL DEVELOPMENT ACTIVITIES.**—

(1) **IN GENERAL.**—(A) Each State educational agency, through a competitive, peer review process, shall make subgrants to a local educational agency, or a consortium consisting of local educational agencies, institutions of higher education, or nonprofit education organizations, or any combination thereof, in order to—

(i) improve preservice teacher and related services personnel education programs in accordance with the State improvement plan; and

(ii) support continuing, sustained professional development activities for educators in accordance with the State improvement plan.

(B) Each State educational agency awarding subgrants under subparagraph (A) shall

give priority to awarding such subgrants to—

(i) a local educational agency or consortium serving a greater number or percentage of disadvantaged students than the statewide average of such number or percentage; or

(ii) a consortium that has a demonstrated record of working with school districts, such as a consortium that—

(I) prepares and screens teacher interns in professional development school sites;

(II) focuses on upgrading teachers' knowledge of content areas; or

(III) targets preparation and continued professional development of teachers of students with limited-English proficiency and students with disabilities.

(C) In order to be eligible to receive a subgrant described in subparagraph (A), a consortium shall include at least 1 local educational agency.

(2) **APPLICATION.**—A local educational agency or consortium that desires to receive a subgrant under this subsection shall submit an application to the State educational agency that—

(A) describes how the local educational agency or consortium will use the subgrant to improve teacher preservice and school administrator education programs or to implement educator and related services personnel professional development activities in accordance with the State improvement plan;

(B) identifies the criteria to be used by the local educational agency or consortium to judge improvements in preservice education or the effects of professional development activities in accordance with the State improvement plan; and

(C) contains any other information that the State educational agency determines is appropriate.

(3) **AUTHORIZED ACTIVITIES.**—A recipient of a subgrant under this subsection shall use the subgrant funds for activities supporting—

(A) the improvement of preservice teacher education and school administrator programs so that such programs equip educators with the subject matter and pedagogical expertise necessary for preparing all students to meet challenging standards; or

(B) the development and implementation of new and improved forms of continuing and sustained professional development opportunities for teachers, related services personnel, principals, and other educators at the school or school district level that equip such individuals with such expertise, and with other knowledge and skills necessary for leading and participating in continuous education improvement.

(c) **SPECIAL AWARD RULES.**—

(1) **IN GENERAL.**—(A) Each State educational agency shall award at least 65 percent of subgrant funds under subsection (a) in each fiscal year to local educational agencies that have a greater percentage or number of disadvantaged children than the statewide average percentage or number for all local educational agencies in the State.

(B) At least 50 percent of the subgrant funds made available by a local educational agency to individual schools under subsection (a) in any fiscal year shall be made available to schools with a special need for assistance, as indicated by a high number or percentage of students from low-income families, low student achievement, or other similar criteria developed by the local educational agency.

(2) **WAIVER.**—The State educational agency may waive the requirement of paragraph (1)(A) if such agency does not receive a suffi-

cient number of applications from local educational agencies in the State to enable the State educational agency to comply with such requirement.

SEC. 310. AVAILABILITY OF INFORMATION AND TRAINING.

Proportionate to the number of children in a State or in a local educational agency who are enrolled in private elementary or secondary schools—

(1) a State educational agency or local educational agency which uses funds under this title to develop goals, challenging State content standards or challenging State student performance standards, curricular materials, and assessments or systems of assessments shall, upon request, make information related to such goals, standards, materials, and assessments or systems available to private schools; and

(2) a State educational agency or local educational agency which uses funds under this title for teacher and administrator training shall provide in the State improvement plan described in section 306 for the training of teachers and administrators in private schools located in the geographical area served by such agency.

SEC. 311. WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS.

(a) **WAIVER AUTHORITY.**—

(1) **IN GENERAL.**—Except as provided in subsection (c), the Secretary may waive any statutory or regulatory requirement applicable to any program or Act described in subsection (b) for a State educational agency, local educational agency, or school, if—

(A) and only to the extent that, the Secretary determines that such requirement impedes the ability of the State, or of a local educational agency or school in the State, to carry out the State or local improvement plan;

(B) the State educational agency has waived, or agrees to waive, similar requirements of State law;

(C) in the case of a statewide waiver, the State educational agency—

(i) provides all local educational agencies in the State with notice and an opportunity to comment on the State educational agency's proposal to seek a waiver; and

(ii) submits the local educational agencies' comments to the Secretary; and

(D) in the case of a local educational agency waiver, the local educational agency provides parents, community groups, and advocacy or civil rights groups with the opportunity to comment on the proposed waiver.

(2) **APPLICATION.**—(A)(i) To request a waiver, a local educational agency or school that receives funds under this Act, or a local educational agency or school that does not receive funds under this Act but is undertaking school reform efforts and has an education reform plan approved by the State, shall transmit an application for a waiver under this section to the State educational agency. The State educational agency then shall submit approved applications for a waiver under this section to the Secretary.

(ii) A State educational agency requesting a waiver under this section shall submit an application for such waiver to the Secretary.

(B) Each application submitted to the Secretary under subparagraph (A) shall—

(i) describe the purposes and overall expected outcomes of the request for a waiver and how progress for achieving such outcomes will be measured;

(ii) identify each Federal program to be involved in the request for a waiver and each Federal statutory or regulatory requirement to be waived;

(iii) describe each State and local requirement that will be waived; and

(iv) demonstrate that the State has made a commitment to waive related requirements pertaining to the State educational agency, local educational agency or school.

(3) **TIMELINESS.**—The Secretary shall act promptly on a waiver request and shall provide a written statement of the reasons for granting or denying such request.

(4) **DURATION.**—

(A) **IN GENERAL.**—Each waiver under this section may be for a period not to exceed 5 years.

(B) **EXTENSION.**—The Secretary may extend the period described in subparagraph (A) if the Secretary determines that the waiver has been effective in enabling the State or affected local educational agencies to carry out their reform plans.

(b) **INCLUDED PROGRAMS.**—The statutory or regulatory requirements subject to the waiver authority of this section are any such requirements under the following programs or Acts:

(1) Chapter 1 of title I of the Elementary and Secondary Education Act of 1965, including Even Start.

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

(3) The Dwight D. Eisenhower Mathematics and Science Education Act.

(4) The Emergency Immigrant Education Act of 1984.

(5) The Drug-Free Schools and Communities Act of 1986.

(6) The Carl D. Perkins Vocational and Applied Technology Education Act.

(c) **WAIVERS NOT AUTHORIZED.**—The Secretary may not waive any statutory or regulatory requirement of the programs or Acts described in subsection (b)—

(1) relating to—

(A) maintenance of effort;

(B) comparability of services;

(C) the equitable participation of students and professional staff in private schools;

(D) parental participation and involvement; and

(E) the distribution of funds to States or to local educational agencies; and

(2) unless the underlying purposes of the statutory requirements of each program or Act for which a waiver is granted continue to be met to the satisfaction of the Secretary.

(d) **TERMINATION OF WAIVERS.**—The Secretary shall periodically review the performance of any State, local educational agency, or school for which the Secretary has granted a waiver and shall terminate the waiver if the Secretary determines that the performance of the State, the local educational agency, or the school in the area affected by the waiver has been inadequate to justify a continuation of the waiver.

(e) **FLEXIBILITY DEMONSTRATION.**—

(1) **SHORT TITLE.**—This subsection may be cited as the "Education Flexibility Partnership Demonstration Act".

(2) **PROGRAM AUTHORIZED.**—

(A) **IN GENERAL.**—The Secretary shall carry out an education flexibility demonstration program under which the Secretary authorizes not more than 6 eligible States to waive any statutory or regulatory requirement applicable to any program or Act described in subsection (b), other than requirements described in subsection (c), for such eligible State or any local educational agency or school within such State.

(B) **AWARD RULE.**—In carrying out subparagraph (A), the Secretary shall select for par-

ticipation in the demonstration program described in subparagraph (A) three eligible States that each have a population of 3,500,000 or greater and three eligible States that each have a population of less than 3,500,000, determined in accordance with the most recent decennial census of the population performed by the Bureau of the Census.

(C) **DESIGNATION.**—Each eligible State participating in the demonstration program described in subparagraph (A) shall be known as an "Ed-Flex Partnership State".

(3) **ELIGIBLE STATE.**—For the purpose of this subsection the term "eligible State" means a State that—

(A) has developed a State improvement plan under section 306 that is approved by the Secretary; and

(B) waives State statutory or regulatory requirements relating to education while holding local educational agencies or schools within the State that are affected by such waivers accountable for the performance of the students who are affected by such waivers.

(4) **STATE APPLICATION.**—(A) Each eligible State desiring to participate in the education flexibility demonstration program under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall demonstrate that the eligible State has adopted an educational flexibility plan for such State that includes—

(i) a description of the process the eligible State will use to evaluate applications from local educational agencies or schools requesting waivers of—

(I) Federal statutory or regulatory requirements described in paragraph (2)(A); and

(II) State statutory or regulatory requirements relating to education; and

(ii) a detailed description of the State statutory and regulatory requirements relating to education that the eligible State will waive.

(B) The Secretary may approve an application described in subparagraph (A) only if the Secretary determines that such application demonstrates substantial promise of assisting the eligible State and affected local educational agencies and schools within such State in carrying out comprehensive educational reform and otherwise meeting the purposes of this Act, after considering—

(i) the comprehensiveness and quality of the educational flexibility plan described in subparagraph (A);

(ii) the ability of such plan to ensure accountability for the activities and goals described in such plan;

(iii) the significance of the State statutory or regulatory requirements relating to education that will be waived; and

(iv) the quality of the eligible State's process for approving applications for waivers of Federal statutory or regulatory requirements described in paragraph (2)(A) and for monitoring and evaluating the results of such waivers.

(5) **LOCAL APPLICATION.**—(A) Each local educational agency or school requesting a waiver of a Federal statutory or regulatory requirement described in paragraph (2)(A) and any relevant State statutory or regulatory requirement from an eligible State shall submit an application to such State at such time, in such manner, and containing such information as such State may reasonably require. Each such application shall—

(i) indicate each Federal program affected and the statutory or regulatory requirement that will be waived;

(ii) describe the purposes and overall expected outcomes of waiving each such requirement;

(iii) describe for each school year specific, measurable, educational goals for each local educational agency or school affected by the proposed waiver; and

(iv) explain why the waiver will assist the local educational agency or school in reaching such goals.

(B) An eligible State shall evaluate an application submitted under subparagraph (A) in accordance with the State's educational flexibility plan described in paragraph (4)(A).

(C) An eligible State shall not approve an application for a waiver under this paragraph unless—

(i) the local educational agency or school requesting such waiver has developed a local reform plan that is applicable to such agency or school, respectively; and

(ii) the waiver of Federal statutory or regulatory requirements described in paragraph (2)(A) will assist the local educational agency or school in reaching its educational goals.

(6) **MONITORING.**—Each eligible State participating in the demonstration program under this subsection shall annually monitor the activities of local educational agencies and schools receiving waivers under this subsection and shall submit an annual report regarding such monitoring to the Secretary.

(7) **DURATION OF FEDERAL WAIVERS.**—(A) The Secretary shall not approve the application of an eligible State under paragraph (4) for a period exceeding 5 years, except that the Secretary may extend such period if the Secretary determines that the eligible State's authority to grant waivers has been effective in enabling such State or affected local educational agencies or schools to carry out their local reform plans.

(B) The Secretary shall periodically review the performance of any eligible State granting waivers of Federal statutory or regulatory requirements described in paragraph (2)(A) and shall terminate such State's authority to grant such waivers if the Secretary determines, after notice and opportunity for hearing, that such State's performance has been inadequate to justify continuation of such authority.

(f) **RESULTS-ORIENTED ACCOUNTABILITY.**—In deciding whether to extend a request for a waiver under this section the Secretary shall review the progress of the State educational agency, local educational agency or school receiving a waiver to determine if such agency or school has made progress toward achieving the outcomes described in the application submitted pursuant to subsection (a)(2)(B)(i).

SEC. 312. PROGRESS REPORTS.

(a) **STATE REPORTS TO THE SECRETARY.**—Each State educational agency that receives an allotment under this title shall annually report to the Secretary—

(1) on the State's progress in meeting the State's goals and plans;

(2) on the State's proposed activities for the succeeding year; and

(3) in summary form, on the progress of local educational agencies in meeting local goals and plans.

(b) **SECRETARY'S REPORTS TO CONGRESS.**—By April 30, 1996, and every 2 years thereafter, the Secretary shall submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate describing—

(1) the activities assisted under, and outcomes of, grants or contracts under paragraph (2) of section 313(b), including—

(A) a description of the purpose, uses, and technical merit of assessments evaluated with funds awarded under such paragraph; and

(B) an analysis of the impact of such assessments on the performance of students, particularly students of different racial, gender, ethnic, or language groups and individuals with disabilities;

(2) the activities assisted under, and outcomes of, allotments under this title; and

(3) the effect of waivers granted under section 311, including—

(A) a listing of all State educational agencies, local educational agencies and schools seeking and receiving waivers;

(B) a summary of the State and Federal statutory or regulatory requirements that have been waived, including the number of waivers sought and granted under each such statutory or regulatory requirement;

(C) a summary of waivers that have been terminated, including a rationale for the terminations; and

(D) recommendations to the Congress regarding changes in statutory or regulatory requirements, particularly those actions that should be taken to overcome Federal statutory or regulatory impediments to education reform.

(c) TECHNICAL AND OTHER ASSISTANCE REGARDING SCHOOL FINANCE EQUITY.—

(1) TECHNICAL ASSISTANCE.—(A) From the national leadership funds reserved in section 304(a)(2)(A), the Secretary is authorized to make grants to, and enter into contracts and cooperative agreements with, State educational agencies and other public and private agencies, institutions, and organizations to provide technical assistance to State and local educational agencies to assist such agencies in achieving a greater degree of equity in the distribution of financial resources for education among local educational agencies in the State.

(B) A grant, contract or cooperative agreement under this subsection may support technical assistance activities, such as—

(i) the establishment and operation of a center or centers for the provision of technical assistance to State and local educational agencies;

(ii) the convening of conferences on equalization of resources within local educational agencies, within States, and among States; and

(iii) obtaining advice from experts in the field of school finance equalization.

(2) DATA.—Each State educational agency or local educational agency receiving assistance under the Elementary and Secondary Education Act of 1965 shall provide such data and information on school finance as the Secretary may require to carry out this subsection.

(3) MODELS.—The Secretary is authorized, directly or through grants, contracts, or cooperative agreements, to develop and disseminate models and materials useful to States in planning and implementing revisions of the school finance systems of such States.

SEC. 313. NATIONAL LEADERSHIP.

(a) TECHNICAL ASSISTANCE AND INTEGRATION OF STANDARDS.—From funds reserved in each fiscal year under section 304(a)(2)(A), the Secretary may, directly or through grants or contracts—

(1) provide technical assistance to States, local educational agencies, and tribal agencies developing or implementing school im-

provement plans, in a manner that ensures that such assistance is broadly available; or

(2) support model projects to integrate multiple content standards, if—

(A) such standards are certified by the National Education Standards and Improvement Council and approved by the National Goals Panel for different subject areas, in order to provide balanced and coherent instructional programs for all students; and

(B) such projects are appropriate for a wide range of diverse circumstances, localities (including both urban and rural communities), and populations.

(b) INNOVATIVE PROGRAMS; ASSESSMENT; EVALUATION.—From not more than 50 percent of the funds reserved in each fiscal year under section 304(a)(2)(A), the Secretary, directly or through grants or contracts, shall—

(1) provide urban and rural local educational agencies, schools, or consortia thereof, with assistance for innovative or experimental programs in systemic education reform that are not being undertaken through grants provided under section 309(a), giving special consideration or priority to local educational agencies, schools, or consortia thereof that serve large numbers or concentrations of economically disadvantaged students, including students of limited-English proficiency; or

(2) provide a State or local educational agency, nonprofit organization or consortium thereof with assistance to help defray the cost of developing, field testing and evaluating an assessment or system of assessments with a priority on grants or contracts for limited-English proficiency students or students with disabilities, if—

(A) such assessment or system—

(i) is to be used for some or all of the purposes described in section 213(e)(1)(B); and

(ii) is aligned to State content standards certified by the National Education Standards and Improvement Council; and

(B) such agency, organization or consortium—

(i) examines the validity, reliability, and fairness of such assessment or system, for the particular purposes for which such assessment or system was developed; and

(ii) devotes special attention to how such assessment or system treats all students, especially with regard to the race, gender, ethnicity, disability and language proficiency of such students.

(c) DATA AND DISSEMINATION.—The Secretary shall—

(1) gather data on, conduct research on, and evaluate systemic education improvement, including the programs authorized by this title; and

(2) disseminate research findings and other information on outstanding examples of systemic education improvement in States and local communities through existing dissemination systems within the Department of Education, including through publications, electronic and telecommunications mediums, conferences, and other means.

SEC. 314. ASSISTANCE TO THE OUTLYING AREAS AND TO THE SECRETARY OF THE INTERIOR.

(a) OUTLYING AREAS.—

(1) IN GENERAL.—Funds reserved for the outlying areas in each fiscal year under section 304(a)(1)(A) shall be made available to, and expended by, such areas, under such conditions and in such manner as the Secretary determines will best meet the purposes of this title.

(2) INAPPLICABILITY OF PUBLIC LAW 95-134.—The provisions of Public Law 95-134, permitting the consolidation of grants to the Insu-

lar Areas, shall not apply to funds received by such areas under this title.

(b) SECRETARY OF THE INTERIOR.—The funds reserved by the Secretary for the Secretary of the Interior under section 304(a)(1)(B) shall be made available to the Secretary of the Interior pursuant to an agreement between the Secretary and the Secretary of the Interior containing such terms and assurances, consistent with this title, as the Secretary determines will best achieve the purpose of this title.

(c) SECRETARY OF DEFENSE.—The Secretary shall consult with the Secretary of Defense to ensure that, to the extent practicable, the purposes of this title are applied to the Department of Defense schools.

SEC. 315. CLARIFICATION REGARDING STATE STANDARDS AND ASSESSMENTS.

Notwithstanding any other provision of this title, standards, assessments, and systems of assessments described in a State improvement plan submitted in accordance with section 306 shall not be required to be certified by the Council.

SEC. 316. STATE PLANNING FOR IMPROVING STUDENT ACHIEVEMENT THROUGH INTEGRATION OF TECHNOLOGY INTO THE CURRICULUM.

(a) PURPOSE.—It is the purpose of this section to assist each State to plan effectively for improved student learning in all schools through the use of technology as an integral part of the State improvement plan described in section 306.

(b) PROGRAM AUTHORIZED.—

(1) AUTHORITY.—The Secretary shall award grants in accordance with allocations under paragraph (2) to each State educational agency that, as part of its application under section 305, requests a grant to develop (or continue the development of), and submits as part of the State improvement plan described in section 306, a systemic statewide plan to increase the use of state-of-the-art technologies that enhance elementary and secondary student learning and staff development in support of the National Education Goals and challenging standards.

(2) FORMULA.—From the amount appropriated pursuant to the authority of subsection (f) in each fiscal year, each State educational agency with an application approved under section 305 shall receive a grant under paragraph (1) in such year in an amount determined on the same basis as allotments are made to State educational agencies under subsections (b) and (c) of section 304 for such year, except that each such State shall receive at least 1½ percent of the amount appropriated pursuant to such authority or \$75,000, whichever is greater.

(3) DURATION.—A State educational agency may receive assistance under this section for not more than 2 fiscal years.

(c) PLAN OBJECTIVES.—Each State educational agency shall use funds received under this section to develop and, if the Secretary has approved the systemic statewide plan, to implement such plan. Such plan shall have as its objectives—

(1) the promotion of higher student achievement through the use of technology in education;

(2) the participation of all schools and school districts in the State, especially those schools and districts with a high percentage of disadvantaged students;

(3) the development and implementation of a cost-effective, high-speed, statewide, interoperable, wide-area-communication educational technology support system for elementary and secondary schools within the State, particularly for such schools in rural areas; and

(4) the promotion of shared usage of equipment, facilities, and other technology resources by adult learners during after-school hours.

(d) **PLAN REQUIREMENTS.**—At a minimum, each systemic statewide plan shall—

(1) be developed by a task force that—

(A) includes among its members experts in the educational use of technology and representatives of the State panel described in section 306(b); and

(B) ensures that such plan is integrated into the State improvement plan described in section 306;

(2) be developed in collaboration with the Governor, representatives of the State legislature, the State board of education, institutions of higher education, appropriate State agencies, local educational agencies, public and private telecommunication entities, parents, public and school libraries, students, adult literacy providers, and leaders in the field of technology, through a process of statewide grassroots outreach to local educational agencies and schools in the State;

(3) identify and describe the requirements for introducing state-of-the-art technologies into the classroom and school library in order to enhance educational curricula, including the installation and ongoing maintenance of basic connections, hardware and the necessary support materials;

(4) describe how the application of advanced technologies in the schools will enhance student learning, provide greater access to individualized instruction, promote the strategies described in section 306(d), and help make progress toward the achievement of the National Education Goals;

(5) describe how the ongoing training of educational personnel will be provided;

(6) describe the resources necessary, and procedures, for providing ongoing technical assistance to carry out such plan;

(7) provide for the dissemination on a statewide basis of exemplary programs and practices relating to the use of technology in education;

(8) establish a funding estimate (including a statement of likely funding sources) and a schedule for the development and implementation of such plan;

(9) describe how the State educational agency will assess the impact of implementing such plan on student achievement and aggregate achievement for schools;

(10) describe how the State educational agency and local educational agencies in the State will coordinate and cooperate with business and industry, and with public and private telecommunications entities;

(11) describe how the State educational agency will promote the purchase of equipment by local educational agencies that, when placed in schools, will meet the highest possible level of interoperability and open system design;

(12) describe how the State educational agency will consider using existing telecommunications infrastructure and technology resources;

(13) describe how the State educational agency will apply the uses of technology to meet the needs of children from low-income families; and

(14) describe the process through which such plan will be reviewed and updated periodically.

(e) **REPORTS.**—Each State educational agency receiving a grant under this section shall submit a report to the Secretary within 1 year of the date such agency submits to the Secretary its systemic statewide plan under this section. Such report shall—

(1) describe the State's progress toward implementation of the provisions of such plan;

(2) describe any revisions to the State's long-range plans for technology;

(3) describe the extent to which resources provided pursuant to such plan are distributed among schools to promote the strategies described in section 306(d); and

(4) include any other information the Secretary deems appropriate.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$10,000,000 for fiscal year 1994, and such sums as may be necessary for fiscal year 1995, to carry out this section.

TITLE IV—MISCELLANEOUS

SEC. 401. PUBLIC SCHOOLS:

Except as provided in section 310, nothing in this Act shall be construed to authorize the use of funds under title III of this Act to directly or indirectly benefit any school other than a public school.

SEC. 402. CONSTRUCTION.

Nothing in this Act shall be construed—

(1) to supersede the provisions of section 103 of the Department of Education Organization Act;

(2) to require the teaching of values or the establishment of school-based clinics as a condition of receiving funds under this Act;

(3) to mandate limitations or class size for a State, local educational agency or school;

(4) to mandate a Federal teacher certification system for a State, local educational agency or school;

(5) to mandate teacher instructional practices for a State, local educational agency or school;

(6) to mandate equalized spending per pupil for a State, local educational agency or school;

(7) to mandate national school building standards for a State, local educational agency or school;

(8) to mandate curriculum content for a State, local educational agency or school; and

(9) to mandate any curriculum framework, instructional material, examination, assessment or system of assessments for private, religious, or home schools.

SEC. 403. KALID ABDUL MOHAMMED.

It is the sense of the Senate that the speech made by Mr. Khalid Abdul Mohammed at Kean College on November 29, 1993, was false, anti-Semitic, racist, divisive, repugnant and a disservice to all Americans and is therefore condemned.

SEC. 404. 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. 405. SCHOOL PRAYER.

No funds made available through the Department of Education under this Act, or any other Act, shall be available to any State or local educational agency which has a policy of denying, or which effectively prevents participation in, constitutionality protected prayer in public schools by individuals on a voluntary basis. Neither the United States nor any State nor any local educational agency shall require any person to participate in prayer or influence the form or content of any constitutionality protected prayer in such public schools.

SEC. 406. DAILY SILENCE FOR STUDENTS.

It is the sense of the Senate that local educational agencies should encourage a brief period of daily silence for students for the purpose of contemplating their aspirations; for considering what they hope and plan to accomplish that day; for considering how their own actions of that day will effect themselves and others around them, including their schoolmates, friends and families; for drawing strength from whatever personal, moral or religious beliefs or positive values they hold; and for such other introspection and reflection as will help them develop and prepare them for achieving the goals of this Act.

SEC. 407. FUNDING FOR THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

(a) The Senate finds that—

(1) the Individuals with Disabilities Education Act was established with the commitment of forty percent Federal funding but currently receives only eight percent Federal funding;

(2) this funding shortfall is particularly burdensome to school districts and schools in low-income areas which serve higher than average proportions of students with disabilities and have fewer local resources to contribute; and

(3) it would cost the Federal Government approximately \$10,000,000,000 each year to fully fund the Individuals with Disabilities Education Act.

(b) It is the sense of the Senate that the Federal Government should provide States and communities with adequate resources under the Individuals with Disabilities Education Act as soon as reasonably possible, through the reallocation of funds within the current budget monetary constraints.

SEC. 408. NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS.

Section 551 of the Higher Education Act of 1965 (20 U.S.C. 1107) is amended—

(1) in paragraph (1) of subsection (b), by striking "the Federal share of";

(2) in subparagraph (B) of subsection (e)(1), by striking "share of the cost of the activities of the Board is" and inserting "contributions described in subsection (f) are"; and

(3) by amending subsection (f) to read as follows:

"(f) **MATCHING FUNDS REQUIREMENT.**—

"(1) **IN GENERAL.**—The Secretary shall not provide financial assistance under this subpart to the Board unless the Board agrees to expend non-Federal contributions equal to \$1 for every \$1 of the Federal funds provided pursuant to such financial assistance.

"(2) **NON-FEDERAL CONTRIBUTIONS.**—The non-Federal contributions described in paragraph (1)—

"(A) may include all non-Federal funds raised by the Board on or after January 1, 1987; and

"(B) may be used for outreach, implementation, administration, operation, and other costs associated with the development and implementation of national teacher assessment and certification procedures under this subpart."

SEC. 409. FORGIVENESS OF CERTAIN OVERPAYMENTS.

(a) **IN GENERAL.**—Notwithstanding section 1401 of the Elementary and Secondary Education Act of 1965 or any other provision of law—

(1) the allocation of funds appropriated for fiscal year 1993 under the Department of Education Appropriations Act, 1993, to Colfax County, New Mexico under section 1005 of the Elementary and Secondary Education Act of 1965, and any other allocations

or grants for such fiscal year resulting from such allocation to such county under any program administered by the Secretary of Education, shall be deemed to be authorized by law; and

(2) in any program for which allocations are based on fiscal year 1993 allocations under section 1005 of such Act, the fiscal year 1993 allocations under such section deemed to be authorized by law in accordance with paragraph (1) shall be used.

(b) Notwithstanding subsection (a)(1) of this section, in carrying out section 1403(a) of the Elementary and Secondary Education Act of 1965 for fiscal year 1994, the amount allocated to Colfax County, New Mexico under section 1005 of such Act for fiscal year 1993 shall be deemed to be the amount that the Secretary determines would have been allocated under such section 1005 had the correct data been used for fiscal year 1993.

SEC. 410. STUDY OF GOALS 2000 AND STUDENTS WITH DISABILITIES.

(a) STUDY REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Education shall make appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study of the inclusion of children with disabilities in GOALS 2000 school reform activities.

(2) DEFINITION.—For purposes of this section, the term "children with disabilities" has the same meaning given such in the Individuals with Disabilities Education Act.

(b) STUDY COMPONENTS.—The study conducted under subsection (a) shall include—

(1) an evaluation of the National Education Goals and objectives, curriculum reforms, standards, and other programs and activities intended to achieve those goals;

(2) a review of the adequacy of assessments and measures used to gauge progress towards meeting National Education Goals and any national and State standards, and an examination of other methods or accommodations necessary or desirable to collect data on the educational progress of children with disabilities, and the costs of such methods and accommodations;

(3) an examination of what incentives or assistance might be provided to States to develop improvement plans that adequately address the needs of children with disabilities;

(4) the relation of Goals 2000 to other Federal laws governing or affecting the education of children with disabilities; and

(5) such other issues as the National Academy of Sciences considers appropriate.

(c) STUDY PANEL MEMBERSHIP.—Any panel constituted in furtherance of the study to be conducted under subsection (a) shall include consumer representatives.

(d) FINDINGS AND RECOMMENDATIONS.—The Secretary of Education shall request the National Academy of Sciences to submit an interim report of its findings and recommendations to the President and Congress not later than 12 months, and a final report not later than 24 months, from the date of the completion of procurement relating to the study.

(e) FUNDING.—From such accounts as the Secretary deems appropriate, the Secretary shall make available \$600,000 for fiscal year 1994, and such sums as may be necessary for fiscal year 1995, to carry out this section. Amounts made available under this subsection shall remain available until expended.

SEC. 411. MENTORING, PEER COUNSELING AND PEER TUTORING.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) Mentoring, peer counseling and peer tutoring programs provide role models for children and build self-esteem;

(2) Mentoring, peer counseling and peer tutoring programs promote learning and help students attain the necessary skills they need to excel academically;

(3) Mentoring, peer counseling, and peer tutoring programs provide healthy and safe alternatives to involvement in drugs, gangs or other violent activities; and

(4) Mentoring, peer counseling, and peer tutoring programs promote school, community and parental involvement in the livelihood and well-being of our children.

(b) SENSE OF THE CONGRESS.—Therefore, it is the Sense of the Congress that Federal education programs that provide assistance to elementary and secondary education students should include authorizations for establishing mentoring, peer counseling and peer tutoring programs.

SEC. 412. CONTENT AND PERFORMANCE STANDARDS.

It is the sense of the Senate that because high academic standards are the key to excellence for all students and a focus on results is an important direction for education reform, it is the sense of the Senate that States should develop their own content and performance standards in academic subject areas as an essential part of their State reform plan.

SEC. 413. STATE-SPONSORED HIGHER EDUCATION TRUST FUND SAVINGS PLAN.

It is the sense of the Senate that—

(1) individuals should be encouraged to save to meet the higher education costs of their children;

(2) an effective way to encourage those savings is through State-sponsored higher education trust fund savings plans; and

(3) an effective way for the Federal Government to assist such plans is to amend the Federal tax laws to provide that—

(A) no tax is imposed on the earnings on contributions to the plans if the earnings are used for higher education costs,

(B) State organizations sponsoring the plans are exempt from Federal taxation, and

(C) any charitable gift to the plans are tax-deductible and are distributed to recipients on a pro rata basis.

SEC. 414. AMENDMENTS TO SUMMER YOUTH EMPLOYMENT AND TRAINING PROGRAM.

(a) PROGRAM DESIGN.—

(1) ACADEMIC ENRICHMENT AUTHORIZED.—Paragraph (1) of section 253(a) of the Job Training Partnership Act is amended by inserting "academic enrichment" after "remedial education."

(2) REQUIRED SERVICES AND DESIGN.—

(A) Subsection (c) of such section 253 is amended by adding at the end the following new paragraphs:

"(3) BASIC EDUCATION AND PREEMPLOYMENT TRAINING.—The programs under this part shall provide, either directly or through arrangements with other programs, each of the following services to a participant where the assessment and the service strategy indicate such services are appropriate:

"(A) Basic and Remedial Education.

"(B) Preemployment and Work Maturity Skills Training.

"(4) INTEGRATION OF WORK AND LEARNING.—

"(A) WORK EXPERIENCE.—Work experience provided under this part, to the extent feasible, shall include contextual learning opportunities which integrate the development of general competencies with the development of academic skills.

"(B) CLASSROOM TRAINING.—Classroom training provided under this part shall, to

the extent feasible, include opportunities to apply knowledge and skills relating to academic subjects to the world of work."

(B) Section 253 of the Job Training Partnership Act is further amended by adding at the end the following new subsection:

"(e) EDUCATIONAL LINKAGES.—In conducting the program assisted under this part, service delivery areas shall establish linkages with the appropriate educational agencies responsible for service to participants. Such linkages shall include arrangements to ensure that there is a regular exchange of information relating to the progress, problems and needs of participants, including the results of assessments of the skill levels of participants."

(C) Section 254 of the Job Training Partnership Act is amended by adding at the end the following new subsection:

"(c) PROHIBITION ON PRIVATE ACTIONS.—Nothing in this part shall be construed to establish a right for a participant to bring an action to obtain services described in the assessment or service strategy developed under section 253(c)."

(b) TRANSFER OF FUNDS TO YEAR ROUND PROGRAM.—Section 256 of the Job Training Partnership Act is amended by striking "10 percent" and inserting "20 percent".

SEC. 415. STATE AND LOCAL GOVERNMENT CONTROL OF EDUCATION.

(a) FINDINGS.—

(1) Congress is interested in promoting State and local government reform efforts in education;

(2) In Public Law 96-88 the Congress found that education is fundamental to the development of individual citizens and the progress of the Nation;

(3) In Public Law 96-88 the Congress found that in our Federal system the responsibility for education is reserved respectively to the States and the local school systems and other instrumentalities of the States;

(4) In Public Law 96-88 the Congress declared the purpose of the Department of Education was to supplement and complement the efforts of States, the local school systems, and other instrumentalities of the States, the private sector, public and private educational institutions, public and private nonprofit educational research institutions, community based organizations, parents and schools to improve the quality of education;

(5) The establishment of the Department of Education, Congress intended to protect the rights of State and local governments and public and private educational institutions in the areas of educational policies and administration of programs and to strengthen and improve the control of such governments and institutions over their own educational programs and policies;

(6) Public Law 96-88 specified that the establishment of the Department of Education shall not increase the authority of the Federal Government over education or diminish the responsibility for education which is reserved to the States and local school systems and other instrumentalities of the States;

(7) Public Law 96-88 specified that no provision of a program administered by the Secretary or by any other officer of the Department shall be construed to authorize the Secretary or any such officer to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system, over any accrediting agency or association or over the selection or content of library resources, textbooks, or other instructional materials by any educational institution or school system, now therefore

(b) REAFFIRMATION.—The Congress agrees and reaffirms that the responsibility for control of education is reserved to the States and local school systems and other instrumentalities of the States and that no action shall be taken under the provisions of this Act by the Federal Government which would, directly or indirectly, impose standards or requirements of any kind through the promulgation of rules, regulations, provision of financial assistance and otherwise, which would reduce, modify, or undercut State and local responsibility for control of education.

SEC. 416. PROTECTION OF PUPILS.

Section 439 of the General Education Provisions Act is amended to read as follows:

"PROTECTION OF PUPIL RIGHTS

"SEC. 439. (a) All instructional materials, including teacher's manuals, films, tapes, or other supplementary material which will be used in connection with any survey, analysis, or evaluation as part of any applicable program shall be available for inspection by the parents or guardians of the children.

"(b) No student shall be required, as part of any applicable program, to submit to a survey, analysis, or evaluation that reveals information concerning:

- "(1) political affiliations;
 - "(2) mental and psychological problems potentially embarrassing to the student or his family;
 - "(3) sex behavior and attitudes;
 - "(4) illegal, anti-social, self-incriminating and demeaning behavior;
 - "(5) critical appraisals of other individuals with whom respondents have close family relationships;
 - "(6) legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers; or
 - "(7) income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program),
- without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of an unemancipated minor, without the prior written consent of the parent.

"(c) Educational agencies and institutions shall give parents and students effective notice of their rights under this section.

"(d) ENFORCEMENT.—The Secretary shall take such action as the Secretary determines appropriate to enforce this section, except that action to terminate assistance provided under an applicable program shall be taken only if the Secretary determines that—

- "(1) there has been a failure to comply with such section; and
- "(2) compliance with such section cannot be secured by voluntary means.

"(e) OFFICE AND REVIEW BOARD.—The Secretary shall establish or designate an office and review board within the Department of Education to investigate, process, review, and adjudicate violations of the rights established under this section."

SEC. 417. CONTRACEPTIVE DEVICES.

The Department of Health and Human Services and the Department of Education shall ensure that all federally funded programs which provide for the distribution of contraceptive devices to unemancipated minors develop procedures to encourage, to the extent practical, family participation in such programs.

SEC. 418. EDUCATIONAL AGENCIES NOT DENIED FUNDS FOR ADOPTING CONSTITUTIONAL POLICY RELATIVE TO PRAYER IN SCHOOLS.

Notwithstanding any other provision of this Act, no funds made available through the Department of Education under this Act, or any other Act, shall be denied to any State or local educational agency because it has adopted a constitutional policy relative to prayer in public school.

TITLE V—NATIONAL SKILL STANDARDS BOARD

SEC. 501. SHORT TITLE.

This title may be cited as the "National Skill Standards Act of 1994".

SEC. 502. PURPOSE.

It is the purpose of this title to establish a National Board to serve as a catalyst in stimulating the development and adoption of a voluntary national system of skill standards and of assessment and certification—

(1) that will serve as a cornerstone of the national strategy to enhance work force skills;

(2) that will result in increased productivity, economic growth, and American economic competitiveness; and

(3) that can be used, consistent with civil rights laws—

(A) by the Nation, to ensure the development of a high skills, high quality, high performance work force, including the most skilled front-line work force in the world;

(B) by industries, as a vehicle for informing training providers and prospective employees of skills necessary for employment;

(C) by employers, to assist in evaluating the skill levels of prospective employees and to assist in the training of current employees;

(D) by labor organizations, to enhance the employment security of workers by providing portable credentials and skills;

(E) by workers, to—

(i) obtain certifications of their skills to protect against dislocation;

(ii) pursue career advancement; and

(iii) enhance their ability to reenter the work force;

(F) by students and entry level workers, to determine the skill levels and competencies needed to be obtained in order to compete effectively for high wage jobs;

(G) by training providers and educators, to determine appropriate training services to be offered by the providers and educators;

(H) by Government, to evaluate whether publicly funded training assists participants to meet skill standards where such standards exist and thereby protect the integrity of public expenditures; and

(I) to facilitate linkages between other components of the work force investment strategy, including school-to-work transition and job training programs.

SEC. 503. ESTABLISHMENT OF NATIONAL BOARD.

(a) IN GENERAL.—There is established a National Skill Standards Board (hereafter referred to in this title as the "National Board").

(b) COMPOSITION.—

(1) IN GENERAL.—The National Board shall be composed of 28 members (appointed in accordance with paragraph (3)), of whom—

(A) one member shall be the Secretary of Labor;

(B) one member shall be the Secretary of Education;

(C) one member shall be the Secretary of Commerce;

(D) one member shall be the Chairperson of the National Education Standards and Improvement Council established pursuant to section 212(a);

(E) eight members shall be representatives of business (including representatives of small employers and representatives of large employers) selected from among individuals recommended by recognized national business organizations or trade associations;

(F) eight members shall be representatives of organized labor selected from among individuals recommended by recognized national labor federations; and

(G)(i) four members shall be certified human resource professionals;

(ii) three members shall be representatives of educational institutions (including vocational-technical institutions); and

(iii) one member shall be a representative of nongovernmental organizations with a demonstrated history of successfully protecting the rights of racial, ethnic or religious minorities, women, persons with disabilities, or older persons.

(2) SPECIAL REQUIREMENTS.—The members described in subparagraph (G) of paragraph (1) shall have expertise in the area of education and training. The members described in subparagraphs (E), (F), and (G) of paragraph (1) shall, in the aggregate, represent a broad cross-section of occupations and industries.

(3) APPOINTMENT.—The membership of the National Board shall be appointed as follows:

(A) Twelve members (four from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be appointed by the President.

(B) Six members (two from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be appointed by the Speaker of the House of Representatives. Of the members so appointed, three members (one from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be selected from recommendations made by the Majority Leader of the House of Representatives and three members (one from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be selected from recommendations made by the Minority Leader of the House of Representatives.

(C) Six members (two from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be appointed by the President pro tempore of the Senate. Of the members so appointed, three members (one from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be selected from recommendations made by the Majority Leader of the Senate and three members (one from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be selected from recommendations made by the Minority Leader of the Senate.

(4) EX OFFICIO NONVOTING MEMBERS.—The members of the National Board specified in subparagraphs (A), (B), (C), and (D) of paragraph (1) shall be ex officio, nonvoting members of the National Board.

(5) TERM.—Each member of the National Board appointed under subparagraph (E), (F), or (G) of paragraph (1) shall be appointed for a term of 4 years, except that of the initial members of the Board appointed under such subparagraphs—

(A) twelve members shall be appointed for a term of 3 years (four from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)), of whom—

(i) two from each such class shall be appointed in accordance with paragraph (3)(A);

(ii) one from each such class shall be appointed in accordance with paragraph (3)(B); and

(iii) one from each such class shall be appointed in accordance with paragraph (3)(C); and

(B) twelve members shall be appointed for a term of 4 years (four from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)), of whom—

(i) two from each such class shall be appointed in accordance with paragraph (3)(A);

(ii) one from each such class shall be appointed in accordance with paragraph (3)(B); and

(iii) one from each such class shall be appointed in accordance with paragraph (3)(C).

(6) VACANCIES.—Any vacancy in the National Board shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) CHAIRPERSON AND VICE CHAIRPERSONS.—

(1) CHAIRPERSON.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the National Board, by majority vote, shall elect a Chairperson once every 2 years from among the members of the National Board.

(B) INITIAL CHAIRPERSON.—The first Chairperson of the National Board shall be elected, by a majority vote of the National Board, from among the members who are representatives of business (as described in subparagraph (E) of subsection (b)(1)) and shall serve for a term of 2 years.

(2) VICE CHAIRPERSONS.—The National Board, by majority vote, shall annually elect 3 Vice Chairpersons (each representing a different class of the classes of members described in subparagraphs (E), (F), and (G) of subsection (b)(1) and each of whom shall serve for a term of 1 year) from among its members appointed under subsection (b)(3).

(d) COMPENSATION AND EXPENSES.—

(1) COMPENSATION.—Members of the National Board who are not full-time employees or officers of the Federal Government shall serve without compensation.

(2) EXPENSES.—The members of the National Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57, title 5, United States Code, while away from their homes or regular places of business in the performance of services for the National Board.

(e) EXECUTIVE DIRECTOR AND STAFF.—

(1) EXECUTIVE DIRECTOR.—The Chairperson of the National Board shall appoint an Executive Director who shall be compensated at a rate determined by the National Board not to exceed the rate of pay for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) STAFF.—The Executive Director may appoint and compensate such additional staff as may be necessary to enable the Board to perform its duties. The Executive Director may fix the compensation of the staff without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the staff may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(f) GIFTS.—The National Board is authorized, in carrying out this title, to accept and employ or dispose of in furtherance of the purposes of this title, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise, and to accept voluntary and uncompensated services notwithstanding the provisions of section 1342 of title 31, United States Code.

(g) AGENCY SUPPORT.—

(1) USE OF FACILITIES.—The National Board may use the research, equipment, services and facilities of any agency or instrumentality of the United States with the consent of such agency or instrumentality.

(2) STAFF OF FEDERAL AGENCIES.—Upon the request of the National Board, the head of any Federal agency of the United States may detail to the National Board, on a reimbursable basis, any of the personnel of such Federal agency to assist the National Board in carrying out this title. Such detail shall be without interruption or loss of civil service status or privilege.

(h) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the National Board may procure temporary and intermittent services of experts and consultants under section 3109(b) of title 5, United States Code.

(i) TERMINATION OF THE COMMISSION.—Section 14(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the termination of the National Board.

SEC. 504. FUNCTIONS OF THE NATIONAL BOARD.

(a) IDENTIFICATION OF OCCUPATIONS.—The National Board, after extensive public consultation, shall identify broad clusters of major occupations that involve one or more than one industry in the United States.

(b) ESTABLISHMENT OF VOLUNTARY PARTNERSHIPS TO DEVELOP STANDARDS.—

(1) IN GENERAL.—For each of the occupational clusters identified pursuant to subsection (a), the National Board shall encourage and facilitate the establishment of voluntary partnerships to develop a skill standards system in accordance with subsection (d).

(2) REPRESENTATIVES.—Such voluntary partnerships shall include the full and balanced participation of—

(A)(i) representatives of business (including representatives of large employers and representatives of small employers) who have expertise in the area of work force skill requirements, and who are recommended by national business organizations or trade associations representing employers in the occupation or industry for which a standard is being developed; and

(ii) representatives of trade associations that have received grants from the Department of Labor or the Department of Education to establish skill standards prior to the date of enactment of this title;

(B) employee representatives who—

(i) have expertise in the area of work force skill requirements; and

(ii) shall be—

(I) individuals recommended by recognized national labor organizations representing employees in the occupation or industry for which a standard is being developed; and

(II) such individuals who are nonmanagerial employees with significant experience and tenure in such occupation or industry as are appropriate given the nature and structure of employment in the occupation or industry; and

(C) representatives of—

(i) educational institutions;

(ii) community-based organizations;

(iii) State and local agencies with administrative control or direction over education or over employment and training;

(iv) other policy development organizations with expertise in the area of work force skill requirements; or

(v) nongovernmental organizations with a demonstrated history of successfully protecting the rights of racial, ethnic, or reli-

gious minorities, women, persons with disabilities, or older persons.

(3) EXPERTS.—The partnerships described in paragraph (2) may also include other individuals who are independent, qualified experts in their fields.

(c) RESEARCH, DISSEMINATION, AND COORDINATIONS.—In order to support the activities described in subsections (b) and (d), the National Board shall—

(1) conduct work force research relating to skill standards and make the results of such research available to the public, including the voluntary partnerships described in subsection (b);

(2) identify and maintain a catalog of skill standards used by other countries and by States and leading firms and industries in the United States;

(3) serve as a clearinghouse to facilitate the sharing of information on the development of skill standards and other relevant information among representatives of occupations and industries identified pursuant to subsection (a), and among education and training providers;

(4) develop a common nomenclature relating to skill standards;

(5) encourage the development and adoption of curricula and training materials, for attaining the skill standards endorsed pursuant to subsection (d), that provide for structured work experiences and related study programs leading to progressive levels of professional and technical certification;

(6) provide appropriate technical assistance to voluntary partnerships involved in the development of standards and systems described in subsection (b); and

(7) facilitate coordination among voluntary partnerships that meet the requirements of subsection (b)(2) in order to promote the development of a coherent national system of voluntary skill standards.

(d) ENDORSEMENT OF SKILL STANDARDS SYSTEMS.—

(1) IN GENERAL.—The National Board, after public review and comment, shall endorse skill standards systems relating to the occupational clusters identified pursuant to subsection (a) that—

(A) meet the requirements of paragraph (2);

(B) are submitted by voluntary partnerships that meet the requirements of subsection (b)(2); and

(C) meet additional objective criteria that are published by the National Board.

(2) COMPONENTS OF SYSTEM.—The skill standards systems endorsed pursuant to paragraph (1) shall have one or more of the following components:

(A) Voluntary skill standards, which—

(i) are formulated in such a manner that promotes the portability of credentials and facilitates worker mobility within an occupational cluster or industry and among industries;

(ii) are in a form that allows for regular updating to take into account advances in technology or other developments within the occupational cluster;

(iii) are not discriminatory with respect to race, color, religion, sex, national origin, ethnicity, age, or disability;

(iv) meet or exceed the highest applicable standards used in the United States, including apprenticeship standards registered under the Act of August 16, 1937 (commonly known as the "National Apprenticeship Act", 50 Stat. 664, chapter 663, 29 U.S.C. 50 et seq.); and

(v) have been developed after taking into account—

(I) relevant standards used in other countries and relevant international standards;

(II) voluntary national content standards and voluntary national student performance standards developed pursuant to section 213; and

(iii) the requirements of high performance work organizations.

(B) A voluntary system of assessment and certification of the attainment of skill standards developed pursuant to subparagraph (A), which—

(i) utilizes a variety of evaluation techniques, including, where appropriate, oral and written evaluations, portfolio assessments, and performance tests;

(ii) includes methods for establishing the validity and reliability of the assessment and certification system for the intended purposes of the system; and

(iii) has been developed after taking into account relevant methods of assessment and certification used in other countries.

(C) A system to disseminate information relating to the skill standards, and the assessment and certification systems, developed pursuant to this paragraph (including dissemination of information relating to civil rights laws relevant to the use of such standards and systems), and to promote use of such standards and systems by, entities such as institutions of higher education offering professional and technical education, labor organizations, trade and technical associations, and employers providing formalized training, and other organizations likely to benefit from such standards and systems.

(D) A system to evaluate the implementation and effectiveness of the skill standards, the assessment and certification systems, and the information dissemination systems, developed pursuant to this paragraph.

(E) A system to periodically revise and update the skill standards, and the assessment and certification systems, developed pursuant to this paragraph, which will take into account changes in standards in other countries.

(e) RELATIONSHIP WITH CIVIL RIGHTS LAWS.—

(1) IN GENERAL.—Nothing in this title shall be construed to modify or affect any Federal or State law prohibiting discrimination on the basis of race, color, religion, sex, national origin, ethnicity, age, or disability.

(2) EVIDENCE.—The endorsement or absence of an endorsement by the National Board of a skill standard, or assessment and certification system, endorsed under subsection (d) may not be used in any action or proceeding to establish that the use of a skill standard or assessment and certification system conforms or does not conform to the requirements of civil rights laws.

(f) COORDINATION.—The National Board shall establish cooperative arrangements with the National Education Standards and Improvement Council to promote the coordination of the development of skill standards under this section with the development of voluntary national content standards and voluntary national student performance standards in accordance with section 213.

(g) FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—(A) From funds appropriated pursuant to the authority of section 507, the Secretary of Labor may award grants and enter into contracts and cooperative arrangements (including awarding grants to, and entering into contracts and cooperative agreements with, voluntary partnerships in accordance with paragraph (2)) that are requested by the National Board for the purposes of carrying out this title.

(B) Each entity desiring a grant, contract or cooperative agreement under this title

shall submit an application to the National Board at such time, in such manner and accompanied by such information as the National Board may reasonably require.

(2) SPECIAL RULE REGARDING ASSISTANCE FOR VOLUNTARY PARTNERSHIPS.—The Secretary only shall award a grant to, or enter into a contract or cooperative agreement with, a voluntary partnership that meets the requirements of subsection (b)(2) for the development of skill standards systems in accordance with subsection (d).

(3) CRITERIA FOR BOARD CONSIDERATION.—Prior to each of the fiscal years 1994 through 1998, the National Board shall publish objective criteria for the National Board's consideration of applications submitted pursuant to paragraph (1)(B).

(4) RECOMMENDATIONS TO THE SECRETARY OF LABOR.—The National Board shall review each application received pursuant to paragraph (1)(B) in accordance with the objective criteria published pursuant to paragraph (3), and shall submit each such application to the Secretary of Labor accompanied by a recommendation by the National Board on whether or not the Secretary of Labor should award a grant to the applicant.

(5) LIMITATION ON USE OF FUNDS.—

(A) IN GENERAL.—Not more than 20 percent of the funds appropriated pursuant to the authority of section 507(a) for each fiscal year shall be used by the National Board for the costs of administration.

(B) STARTUP COSTS.—Notwithstanding subparagraph (A), in order to facilitate the establishment of the National Board, the limitation contained in subparagraph (A) shall not apply to funds appropriated pursuant to the authority of section 507(a) for fiscal year 1994.

(C) DEFINITION.—For purposes of this paragraph, the term "costs of administration" means costs relating to staff, supplies, equipment, space, and travel and per diem, costs of conducting meetings and conferences, and other related costs.

SEC. 505. DEADLINES.

Not later than December 31, 1996, the National Board shall—

(1) identify occupational clusters pursuant to section 504(a) representing a substantial portion of the work force; and

(2) promote the endorsement of an initial set of skill standards in accordance with section 504(d) for such clusters.

SEC. 506. REPORTS.

The National Board shall prepare and submit to the President and the Congress in each of the fiscal years 1994 through 1998, a report on the activities conducted under this title. Such report shall include information on the extent to which skill standards have been adopted by employers, training providers, and other entities, and on the effectiveness of such standards in accomplishing the purposes described in section 502.

SEC. 507. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title \$15,000,000 for fiscal year 1994 and such sums as may be necessary for each of fiscal years 1995 through 1998.

(b) AVAILABILITY.—Amounts appropriated pursuant to subsection (a) shall remain available until expended.

SEC. 508. DEFINITIONS.

As used in this title:

(1) COMMUNITY-BASED ORGANIZATIONS.—The term "community-based organizations" has the meaning given the term in section 4(5) of the Job Training Partnership Act (29 U.S.C. 1503(5)).

(2) EDUCATIONAL INSTITUTION.—The term "educational institution" means a high school, a vocational school, and an institution of higher education.

(3) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

(4) SKILL STANDARD.—The term "skill standard" means the level of knowledge and competence required to successfully perform work-related functions within an occupational cluster.

SEC. 509. SUNSET PROVISION.

(a) REPEAL.—This title is repealed on September 30, 1998.

(b) REVIEW OF REPEAL.—It is the sense of the Congress that the appropriate committees of the Congress should review the accomplishments of the National Board prior to the date of repeal described in subsection (a) in order to determine whether it is appropriate to extend the authorities provided under this title for a period beyond such date.

TITLE VI—SAFE SCHOOLS

PART A—SAFE SCHOOLS PROGRAM

SEC. 601. SHORT TITLE; STATEMENT OF PURPOSE.

(a) SHORT TITLE.—This part may be cited as the "Safe Schools Act of 1994".

(b) STATEMENT OF PURPOSE.—It is the purpose of this part to help local school systems achieve Goal Six of the National Education Goals, which provides that by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning, by ensuring that all schools are safe and free of violence.

SEC. 602. SAFE SCHOOLS PROGRAM AUTHORIZED.

(a) AUTHORITY.—

(1) IN GENERAL.—From funds appropriated pursuant to the authority of subsection (b)(1), the Secretary shall make competitive grants to eligible local educational agencies to enable such agencies to carry out projects and activities designed to achieve Goal Six of the National Education Goals by helping to ensure that all schools are safe and free of violence.

(2) GRANT DURATION AND AMOUNT.—Grants under this part may not exceed—

(A) two fiscal years in duration, except that the Secretary shall not award any new grants in fiscal year 1996 but may make payments pursuant to a 2-year grant which terminates in such fiscal year; and

(B) \$3,000,000 in any fiscal year.

(3) GEOGRAPHIC DISTRIBUTION.—To the extent practicable, grants under this title shall be awarded to eligible local educational agencies serving rural, as well as urban, areas.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated \$75,000,000 for fiscal year 1994, \$100,000,000 for fiscal year 1995, and such sums as may be necessary for fiscal year 1996, to carry out this part.

(2) RESERVATION.—The Secretary is authorized in each fiscal year to reserve not more than 10 percent of the amount appropriated pursuant to the authority of paragraph (1) to carry out national leadership activities described in section 606, of which 50 percent of such amount shall be available in such fiscal year to carry out the program described in section 606(b).

SEC. 603. ELIGIBLE APPLICANTS.

(a) IN GENERAL.—To be eligible to receive a grant under this part, a local educational

agency shall demonstrate in the application submitted pursuant to section 604(a) that such agency—

(1) serves an area in which there is a high rate of—

(A) homicides committed by persons between the ages 5 to 18, inclusive;

(B) referrals of youth to juvenile court;

(C) youth under the supervision of the courts;

(D) expulsions and suspension of students from school;

(E) referrals of youth, for disciplinary reasons, to alternative schools; or

(F) victimization of youth by violence, crime, or other forms of abuse; and

(2) has serious school crime, violence, and discipline problems, as indicated by other appropriate data.

(b) **PRIORITY.**—In awarding grants under this part, the Secretary shall give priority to a local educational agency that—

(1) receives assistance under section 1006 of the Elementary and Secondary Education Act of 1965 or meets the criteria described in clauses (i) and (ii) of section 1006(a)(1)(A) of such Act; and

(2) submits an application that assures a strong local commitment to the projects or activities assisted under this part, such as—

(A) the formation of partnerships among the local educational agency, a community-based organization, a nonprofit organization with a demonstrated commitment to or expertise in developing education programs or providing educational services to students or the public, a local law enforcement agency, or any combination thereof; and

(B) a high level of youth participation in such projects or activities.

(c) **DEFINITIONS.**—For the purpose of this part—

(1) the term "local educational agency" has the same meaning given to such term in section 1471(12) of the Elementary and Secondary Education Act of 1965; and

(2) the term "Secretary" means the Secretary of Education.

SEC. 604. APPLICATIONS AND PLANS.

(a) **APPLICATION.**—In order to receive a grant under this part, a local educational agency shall submit to the Secretary an application that includes—

(1) an assessment of the current violence and crime problems in the schools and community to be served by the grant;

(2) an assurance that the applicant has written policies regarding school safety, student discipline, and the appropriate handling of violent or disruptive acts;

(3) a description of the schools and communities to be served by the grant, the projects and activities to be carried out with grant funds, and how these projects and activities will help to reduce the current violence and crime problems in such schools and communities;

(4) if the local educational agency receives funds under Goals 2000: Educate America Act, an explanation of how projects and activities assisted under this part will be coordinated with and support such agency's comprehensive local improvement plan prepared under that Act;

(5) the applicant's plan to establish school-level advisory committees, which include faculty, parents, staff, and students, for each school to be served by the grant and a description of how each committee will assist in assessing that school's violence and discipline problems as well as in designing appropriate programs, policies, and practices to address those problems;

(6) the applicant's plan for collecting baseline and future data, by individual schools,

to monitor violence and discipline problems and to measure such applicant's progress in achieving the purpose of this part;

(7) an assurance that grant funds under this part will be used to supplement and not to supplant State and local funds that would, in the absence of funds under this part, be made available by the applicant for the purpose of this part;

(8) an assurance that the applicant will cooperate with, and provide assistance to, the Secretary in gathering statistics and other data the Secretary determines are necessary to assess the effectiveness of projects and activities assisted under this part or the extent of school violence and discipline problems throughout the Nation;

(9) an assurance that the local educational agency has a written policy that prohibits sexual contact between school personnel and a student; and

(10) such other information as the Secretary may require.

(b) **PLAN.**—In order to receive funds under this part for a second year, a grantee shall submit to the Secretary a comprehensive, long-term, school safety plan for reducing and preventing school violence and discipline problems. Such plan shall contain—

(1) a description of how the grantee will coordinate its school crime and violence prevention efforts with education, law-enforcement, judicial, health, social service, and other appropriate agencies and organizations serving the community; and

(2) in the case that the grantee receives funds under the Goals 2000: Educate America Act, an explanation of how the grantee's comprehensive plan under this subsection is consistent with and supports its comprehensive local improvement plan prepared under that Act, if such explanation differs from that provided in the grantee's application under that Act.

SEC. 605. USE OF FUNDS.

(a) **USE OF FUNDS.**—

(1) **IN GENERAL.**—A local educational agency shall use grant funds received under this part for one or more of the following activities:

(A) Identifying and assessing school violence and discipline problems, including coordinating needs assessment activities and education, law-enforcement, judicial, health, social service, and other appropriate agencies and organizations.

(B) Conducting school safety reviews or violence prevention reviews of programs, policies, practices, and facilities to determine what changes are needed to reduce or prevent violence and promote safety and discipline.

(C) Planning for comprehensive, long-term strategies for addressing and preventing school violence and discipline problems through the involvement and coordination of school programs with other education, law-enforcement, judicial, health, social service, and other appropriate agencies and organizations.

(D) Training school personnel in programs of demonstrated effectiveness in addressing violence, including violence prevention, conflict resolution, anger management, peer mediation, and identification of high-risk youth.

(E) Community education programs, including video- and technology-based projects, informing parents, businesses, local government, the media and other appropriate entities about—

(i) the local educational agency's plan to promote school safety and reduce and prevent school violence and discipline problems; and

(ii) the need for community support.

(F) Coordination of school-based activities designed to promote school safety and reduce or prevent school violence and discipline problems with related efforts of education, law-enforcement, judicial, health, social service, and other appropriate agencies and organizations.

(G) Developing and implementing violence prevention activities, including—

(i) conflict resolution and social skills development for students, teachers, aides, other school personnel, and parents;

(ii) disciplinary alternatives to expulsion and suspension of students who exhibit violent or anti-social behavior;

(iii) student-led activities such as peer mediation, peer counseling, and student courts; or

(iv) alternative after-school programs that provide safe havens for students, which may include cultural, recreational, and educational and instructional activities.

(H) Educating students and parents regarding the dangers of guns and other weapons and the consequences of their use.

(I) Developing and implementing innovative curricula to prevent violence in schools and training staff how to stop disruptive or violent behavior if such behavior occurs.

(J) 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.

(K) Counseling programs for victims and witnesses of school violence and crime.

(L) Minor remodeling to promote security and reduce the risk of violence, such as removing lockers, installing better lights, and upgrading locks.

(M) Acquiring and installing metal detectors and hiring security personnel.

(N) Reimbursing law enforcement authorities for their personnel who participate in school violence prevention activities.

(O) Evaluating projects and activities assisted under this part.

(P) The cost of administering projects or activities assisted under this part.

(Q) Other projects or activities that meet the purpose of this part.

(2) **LIMITATION.**—A local educational agency may use not more than—

(A) a total of 10 percent of grant funds received under this part in each fiscal year for activities described in subparagraphs (J), (L), (M), and (N) of paragraph (1); and

(B) 5 percent of grant funds received under this part in each fiscal year for activities described in subparagraph (P) of paragraph (1).

(3) **PROHIBITION.**—A local educational agency may not use grant funds received under this part for construction.

SEC. 606. NATIONAL LEADERSHIP.

(a) **IN GENERAL.**—To carry out the purpose of this part, the Secretary is authorized to use funds reserved under section 602(b)(2) to conduct national leadership activities such as research, program development and evaluation, data collection, public awareness activities, training and technical assistance, dissemination (through appropriate research entities assisted by the Department of Education) of information on successful projects, activities, and strategies developed pursuant to this part, and peer review of applications under this part. The Secretary may carry out such activities directly, through inter-agency agreements, or through grants, contracts or cooperative agreements.

(b) **NATIONAL MODEL CITY.**—The Secretary shall designate the District of Columbia as a national model city and shall provide funds

made available pursuant to section 602(b)(2) in each fiscal year to a local educational agency serving the District of Columbia in an amount sufficient to enable such agency to carry out a comprehensive program to address school and youth violence.

SEC. 607. NATIONAL COOPERATIVE EDUCATION STATISTICS SYSTEM.

Subparagraph (A) of section 406(h)(2) of the General Education Provisions Act (20 U.S.C. 1221e-1(h)(2)(A)) is amended—

(1) in clause (vi), by striking "and" after the semicolon; and

(2) by adding after clause (vii) the following new clause:

"(viii) school safety policy, and statistics on the incidents of school violence; and".

SEC. 608. COORDINATION OF FEDERAL ASSISTANCE.

The Attorney General, through the Coordinating Council on Juvenile Justice and Delinquency Prevention of the Department of Justice, shall coordinate the programs and activities carried out under this Act with the programs and activities carried out by the departments and offices represented within the Council that provide assistance under other law for purposes that are similar to the purpose of this Act, in order to avoid redundancy and coordinate Federal assistance, research, and programs for youth violence prevention.

SEC. 609. EFFECTIVE DATE.

This part and the amendments made by this part shall take effect on the date of enactment of this Act.

PART B—STATE LEADERSHIP ACTIVITIES TO PROMOTE SAFE SCHOOLS

SEC. 621. STATE LEADERSHIP ACTIVITIES TO PROMOTE SAFE SCHOOLS PROGRAM.

(a) **SHORT TITLE.**—This section may be cited as the "State Leadership Activities to Promote Safe Schools Act".

(b) **AUTHORITY.**—The Secretary is authorized to award grants to State educational agencies from allocations under subsection (c) to enable such agencies to carry out the authorized activities described in subsection (e).

(c) **ALLOCATION.**—Each State educational agency having an application approved under subsection (d) shall be eligible to receive a grant under this section for each fiscal year that bears the same ratio to the amount appropriated pursuant to the authority of subsection (f) for such year as the amount such State educational agency receives pursuant to section 1006 of the Elementary and Secondary Education Act of 1965 for such year bears to the total amount allocated to all such agencies in all States having applications approved under subsection (d) for such year, except that no State educational agency having an application approved under subsection (d) in any fiscal year shall receive less than \$100,000 for such year.

(d) **APPLICATION.**—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner and containing such information as the Secretary may reasonably require. Each such application shall—

(1) describe the activities and services for which assistance is sought;

(2) contain a statement of the State educational agency's goals and objectives for violence prevention and a description of the procedures to be used for assessing and publicly reporting progress toward meeting those goals and objectives; and

(3) contain a description of how the State educational agency will coordinate such

agency's activities under this section with the violence prevention efforts of other State agencies.

(e) **USE OF FUNDS.**—Grant funds awarded under this section shall be used—

(1) to support a statewide resource coordinator;

(2) to provide technical assistance to both rural and urban local school districts;

(3) to disseminate to local educational agencies and schools information on successful school violence prevention programs funded through Federal, State, local and private sources;

(4) to make available to local educational agencies teacher training and parent and student awareness programs, which training and programs may be provided through video or other telecommunications approaches;

(5) to supplement and not supplant other Federal, State and local funds available to carry out the activities assisted under this section; and

(6) for other activities the Secretary may deem appropriate.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$10,000,000 for each of the fiscal years 1995 and 1996 to carry out this section.

TITLE VII—MIDNIGHT BASKETBALL LEAGUE TRAINING AND PARTNERSHIP

SEC. 701. SHORT TITLE.

This title may be cited as the "Midnight Basketball League Training and Partnership Act".

SEC. 702. GRANTS FOR MIDNIGHT BASKETBALL LEAGUE TRAINING AND PARTNERSHIP PROGRAMS.

Section 520 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 11903a) is amended—

(1) in the section heading by inserting "and assisted" after "public";

(2) in the subsection heading for subsection (a), by inserting "PUBLIC HOUSING" before "YOUTH"; and

(3) by adding at the end the following new subsection:

"(1) **MIDNIGHT BASKETBALL LEAGUE TRAINING AND PARTNERSHIP PROGRAMS.**—

"(A) **AUTHORITY.**—The Secretary of Housing and Urban Development shall make grants, to the extent that amounts are approved in appropriations Acts under paragraph (13), to—

"(A) eligible entities to assist such entities in carrying out midnight basketball league programs meeting the requirements of paragraph (4); and

"(B) eligible advisory entities to provide technical assistance to eligible entities in establishing and operating such midnight basketball league programs.

"(2) **ELIGIBLE ENTITIES.**—

"(A) **IN GENERAL.**—Subject to subparagraph (B), grants under paragraph (1)(A) may be made only to the following eligible entities:

"(i) Entities eligible under subsection (b) for a grant under subsection (a).

"(ii) Nonprofit organizations providing employment counseling, job training, or other educational services.

"(iii) Nonprofit organizations providing federally assisted low-income housing.

"(B) **PROHIBITION ON SECOND GRANTS.**—A grant under paragraph (1)(A) may not be made to an eligible entity if the entity has previously received a grant under such paragraph, except that the Secretary may exempt an eligible advisory entity from the prohibition under this subparagraph in extraordinary circumstances.

"(3) **USE OF GRANT AMOUNTS.**—Any eligible entity that receives a grant under paragraph (1)(A) may use such amounts only—

"(A) to establish or carry out a midnight basketball league program under paragraph (4);

"(B) for salaries for administrators and staff of the program;

"(C) for other administrative costs of the program, except that not more than 5 percent of the grant amount may be used for such administrative costs; and

"(D) for costs of training and assistance provided under paragraph (4)(I).

"(4) **PROGRAM REQUIREMENTS.**—Each eligible entity receiving a grant under paragraph (1)(A) shall establish a midnight basketball league program as follows:

"(A) The program shall establish a basketball league of not less than 8 teams having 10 players each.

"(B) Not less than 50 percent of the players in the basketball league shall be residents of federally assisted low-income housing or members of low-income families (as such term is defined in section 3(b) of the United States Housing Act of 1937).

"(C) The program shall be designed to serve primarily youths and young adults from a neighborhood or community whose population has not less than 2 of the following characteristics (in comparison with national averages):

"(i) A substantial problem regarding use or sale of illegal drugs.

"(ii) A high incidence of crimes committed by youths or young adults.

"(iii) A high incidence of persons infected with the human immunodeficiency virus or sexually transmitted diseases.

"(iv) A high incidence of pregnancy or a high birth rate, among adolescents.

"(v) A high unemployment rate for youths and young adults.

"(vi) A high rate of high school drop-outs.

"(D) The program shall require each player in the league to attend employment counseling, job training, and other educational classes provided under the program, which shall be held immediately following the conclusion of league basketball games at or near the site of the games and at other specified times.

"(E) The program shall serve only youths and young adults who demonstrate a need for such counseling, training, and education provided by the program, in accordance with criteria for demonstrating need, which shall be established by the Secretary, in consultation with the Advisory Committee.

"(F) The majority of the basketball games of the league shall be held between the hours of 10:00 p.m. and 2:00 a.m. at a location in the neighborhood or community served by the program.

"(G) The program shall obtain sponsors for each team in the basketball league. Sponsors shall be private individuals or businesses in the neighborhood or community served by the program who make financial contributions to the program and participate in or supplement the employment, job training, and educational services provided to the players under the program with additional training or educational opportunities.

"(H) The program shall comply with any criteria established by the Secretary, in consultation with the Advisory Committee established under paragraph (9).

"(I) Administrators or organizers of the program shall receive training and technical assistance provided by eligible advisory entities receiving grants under paragraph (8).

"(5) **GRANT AMOUNT LIMITATIONS.**—

"(A) **PRIVATE CONTRIBUTIONS.**—The Secretary may not make a grant under paragraph (1)(A) to an eligible entity that applies

for a grant under paragraph (6) unless the applicant entity certifies to the Secretary that the entity will supplement the grant amounts with amounts of funds from non-Federal sources, as follows:

"(i) In each of the first 2 years that amounts from the grant are disbursed (under subparagraph (E)), an amount sufficient to provide not less than 35 percent of the cost of carrying out the midnight basketball league program.

"(ii) In each of the last 3 years that amounts from the grant are disbursed, an amount sufficient to provide not less than 50 percent of the cost of carrying out the midnight basketball league program.

"(B) NON-FEDERAL FUNDS.—For purposes of this paragraph, the term 'funds from non-Federal sources' includes amounts from non-profit organizations, public housing agencies, States, units of general local government, and Indian housing authorities, private contributions, any salary paid to staff (other than from grant amounts under paragraph (1)(A)) to carry out the program of the eligible entity, in-kind contributions to carry out the program (as determined by the Secretary after consultation with the Advisory Committee), the value of any donated material, equipment, or building, the value of any lease on a building, the value of any utilities provided, and the value of any time and services contributed by volunteers to carry out the program of the eligible entity.

"(C) PROHIBITION ON SUBSTITUTION OF FUNDS.—Grant amounts under paragraph (1)(A) and amounts provided by States and units of general local government to supplement grant amounts may not be used to replace other public funds previously used, or designated for use, under this section.

"(D) MAXIMUM AND MINIMUM GRANT AMOUNTS.—

"(i) IN GENERAL.—The Secretary may not make a grant under paragraph (1)(A) to any single eligible entity in an amount less than \$55,000 or exceeding \$130,000, except as provided in clause (ii).

"(ii) EXCEPTION FOR LARGE LEAGUES.—In the case of a league having more than 80 players, a grant under paragraph (1)(A) may exceed \$130,000, but may not exceed the amount equal to 35 percent of the cost of carrying out the midnight basketball league program.

"(E) DISBURSEMENT.—Amounts provided under a grant under paragraph (1)(A) shall be disbursed to the eligible entity receiving the grant over the 5-year period beginning on the date that the entity is selected to receive the grant, as follows:

"(i) In each of the first 2 years of such 5-year period, 23 percent of the total grant amount shall be disbursed to the entity.

"(ii) In each of the last 3 years of such 5-year period, 18 percent of the total grant amount shall be disbursed to the entity.

"(6) APPLICATIONS.—To be eligible to receive a grant under paragraph (1)(A), an eligible entity shall submit to the Secretary an application in the form and manner required by the Secretary (after consultation with the Advisory Committee), which shall include—

"(A) a description of the midnight basketball league program to be carried out by the entity, including a description of the employment counseling, job training, and other educational services to be provided;

"(B) letters of agreement from service providers to provide training and counseling services required under paragraph (4) and a description of such service providers;

"(C) letters of agreement providing for facilities for basketball games and counseling,

training, and educational services required under paragraph (4) and a description of the facilities;

"(D) a list of persons and businesses from the community served by the program who have expressed interest in sponsoring, or have made commitments to sponsor, a team in the midnight basketball league; and

"(E) evidence that the neighborhood or community served by the program meets the requirements of paragraph (4)(C).

"(7) SELECTION.—The Secretary, in consultation with the Advisory Committee, shall select eligible entities that have submitted applications under paragraph (6) to receive grants under paragraph (1)(A). The Secretary, in consultation with the Advisory Committee, shall establish criteria for selection of applicants to receive such grants. The criteria shall include a preference for selection of eligible entities carrying out midnight basketball league programs in suburban and rural areas.

"(8) TECHNICAL ASSISTANCE GRANTS.—Technical assistance grants under paragraph (1)(B) shall be made as follows:

"(A) ELIGIBLE ADVISORY ENTITIES.—Technical assistance grants may be made only to entities that—

"(i) are experienced and have expertise in establishing, operating, or administering successful and effective programs for midnight basketball and employment, job training, and educational services similar to the programs under paragraph (4); and

"(ii) have provided technical assistance to other entities regarding establishment and operation of such programs.

"(B) USE.—Amounts received under technical assistance grants shall be used to establish centers for providing technical assistance to entities receiving grants under paragraph (1)(A) of this subsection and subsection (a) regarding establishment, operation, and administration of effective and successful midnight basketball league programs under this subsection and subsection (c)(3).

"(C) NUMBER AND AMOUNT.—To the extent that amounts are provided in appropriations Acts under paragraph (13)(B) in each fiscal year, the Secretary shall make technical assistance grants under paragraph (1)(B). In each fiscal year that such amounts are available the Secretary shall make 4 such grants, as follows:

"(i) 2 grants shall be made to eligible advisory entities for development of midnight basketball league programs in public housing projects.

"(ii) 2 grants shall be made to eligible advisory entities for development of midnight basketball league programs in suburban or rural areas.

Each grant shall be in an amount not exceeding \$25,000.

"(9) ADVISORY COMMITTEE.—The Secretary of Housing and Urban Development shall appoint an Advisory Committee to assist the Secretary in providing grants under this subsection. The Advisory Committee shall be composed of not more than 7 members, as follows:

"(A) Not less than 2 individuals who are involved in managing or administering midnight basketball programs that the Secretary determines have been successful and effective. Such individuals may not be involved in a program assisted under this subsection or a member or employee of an eligible advisory entity that receives a technical assistance grant under paragraph (1)(B).

"(B) A representative of the Center for Substance Abuse Prevention of the Public

Health Service, Department of Health and Human Services, who is involved in administering the grant program for prevention, treatment, and rehabilitation model projects for high risk youth under section 509A of the Public Health Service Act (42 U.S.C. 290aa-8), who shall be selected by the Secretary of Health and Human Services.

"(C) A representative of the Department of Education, who shall be selected by the Secretary of Education.

"(D) A representative of the Department of Health and Human Services, who shall be selected by the Secretary of Health and Human Services from among officers and employees of the Department involved in issues relating to high-risk youth.

"(10) REPORTS.—The Secretary shall require each eligible entity receiving a grant under paragraph (1)(A) and each eligible advisory entity receiving a grant under paragraph (1)(B) to submit to the Secretary, for each year in which grant amounts are received by the entity, a report describing the activities carried out with such amounts.

"(11) STUDY.—To the extent amounts are provided under appropriation Acts pursuant to paragraph (13)(C), the Secretary shall make a grant to one entity qualified to carry out a study under this paragraph. The entity shall use such grant amounts to carry out a scientific study of the effectiveness of midnight basketball league programs under paragraph (4) of eligible entities receiving grants under paragraph (1)(A). The Secretary shall require such entity to submit a report describing the study and any conclusions and recommendations resulting from the study to the Congress and the Secretary not later than the expiration of the 2-year period beginning on the date that the grant under this paragraph is made.

"(12) DEFINITIONS.—For purposes of this subsection:

"(A) The term 'Advisory Committee' means the Advisory Committee established under paragraph (9).

"(B) The term 'eligible advisory entity' means an entity meeting the requirements under paragraph (8)(A).

"(C) The term 'eligible entity' means an entity described under paragraph (2)(A).

"(D) The term 'federally assisted low-income housing' has the meaning given the term in section 5126 of the Public and Assisted Housing Drug Elimination Act of 1990.

"(13) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

"(A) for grants under paragraph (1)(A), \$2,650,000 in each of fiscal years 1994 and 1995;

"(B) for technical assistance grants under paragraph (1)(B), \$100,000 in each of fiscal years 1994 and 1995; and

"(C) for a study grant under paragraph (11), \$250,000 in fiscal year 1994."

SEC. 703. PUBLIC HOUSING MIDNIGHT BASKETBALL LEAGUE PROGRAMS.

Section 520(c) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 11903a(c)) is amended by adding at the end the following new paragraph:

"(3) MIDNIGHT BASKETBALL LEAGUE PROGRAMS.—Notwithstanding any other provision of this subsection and subsection (d), a grant under this section may be used to carry out any youth sports program that meets the requirements of a midnight basketball league program under subsection (1)(4) (not including subparagraph (B) of such subsection) if the program serves primarily youths and young adults from the public housing project in which the program assisted by the grant is operated."

TITLE VIII—YOUTH VIOLENCE IN SCHOOLS AND COMMUNITIES

SEC. 801. PURPOSE.

It is the purpose of this title to help local communities achieve Goal Six of the National Education Goals, which provides that by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning, by strengthening local disciplinary control.

SEC. 802. FINDINGS.

The Congress finds that—

(1) the violence within elementary and secondary schools across the Nation has increased dramatically during the past decade;

(2) almost 3,000,000 crimes occur on or near school campuses every year, with 16,000 crimes occurring per school day or one crime occurring every 6 seconds;

(3) 20 percent of teachers in schools have reported being threatened with violence by a student;

(4) schools are being asked to take on responsibilities that society as a whole has neglected, and teachers and principals are being forced to referee fights rather than teach;

(5) over two-thirds of public school teachers have been verbally abused, threatened with injury, or physically attacked;

(6) violent or criminal behavior by students interferes with a teacher's ability to teach in a safe environment the students not exhibiting such behavior;

(7) 40 percent of all students do not feel safe in school and 50 percent of all students know someone who switched schools to feel safer;

(8) nearly one-half of the teachers who leave the teaching profession cite discipline problems as one of the main reasons for leaving such profession; and

(9) a lack of parental involvement contributes strongly to school violence.

SEC. 803. PROVISIONS.

(a) **LOCAL DISCIPLINE CONTROL.**—No Federal law or regulation, except education and civil rights laws protecting individuals with disabilities, or State policy implementing such a Federal law or regulation, shall restrict any local educational agency, or elementary or secondary school, from developing and implementing disciplinary policies and action with respect to criminal or violent acts of students, occurring on school premises, in order to create an environment conducive to learning.

(b) **SHARED INFORMATION.**—No Federal law or regulation, or State policy implementing such a Federal law or regulation, shall restrict any local educational agency or elementary or secondary school from requesting and receiving information from a State agency, local educational agency, or an elementary or secondary school regarding a conviction or juvenile adjudication, within five years of the date of the request, or a pending prosecution for a violent or weapons offense, of a student who is attending an elementary or secondary school served by the local educational agency, or the elementary or secondary school, requesting such information.

(c) **PARENTAL RESPONSIBILITY.**—It is the policy of the Congress that States, in cooperation with local educational agencies, schools, and parent groups, should be encouraged to enforce disciplinary policies with respect to parents of children who display criminal or violent behavior toward teachers, students, other persons, or school property.

TITLE IX—EDUCATIONAL RESEARCH AND IMPROVEMENT

SEC. 901. SHORT TITLE.

This title may be cited as the "Educational Research and Improvement Act of 1994".

PART A—OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT

SEC. 911. REPEAL.

(a) **REPEAL.**—Section 405 of the General Education Provisions Act (20 U.S.C. 1221e) is repealed.

(b) **CONFORMING AMENDMENT.**—The second sentence of section 209 of the Department of Education Organization Act (20 U.S.C. 3419) is amended by inserting "and such functions as set forth in section 102 of the Educational Research and Improvement Act of 1993" after "delegate".

SEC. 912. OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT.

(a) **PURPOSES; COMPOSITION; DEFINITIONS.**—(1) **PURPOSES.**—The purposes of the Office of Educational Research and Improvement are to—

(A) assess, promote, and improve the quality and equity of education in the United States, so that all Americans have an equal opportunity to receive an education of the highest quality;

(B) provide new directions for federally supported research and development activities with a view toward reform in the Nation's school systems, achieving the National Education Goals and affecting national policy for education;

(C) provide leadership in the scientific inquiry into the educational process;

(D) provide leadership in advancing the practice of education as an art, science, and profession;

(E) collect, analyze, and disseminate statistics and other data related to education in the United States and other nations; and

(F) make available to the Congress and the people of the United States the results of research and development activities in the field of education in order to bring research directly to the classroom to improve educational practice.

(2) **COMPOSITION.**—

(A) **IN GENERAL.**—The Office shall be administered by the Assistant Secretary and shall include—

(i) the Advisory Board of Educational Research described in subparagraph (B);

(ii) the directorates for educational research described in subsections (c) through (h);

(iii) the regional educational laboratories described in subsection (k);

(iv) the Office of Dissemination and Reform Assistance described in subsection (m);

(v) the National Education Library described in subsection (o);

(vi) the Education Resources Information Clearinghouses described in subsection (p);

(vii) the National Center for Education Statistics, including the National Assessment of Educational Progress; and

(viii) such other entities as the Assistant Secretary deems appropriate to carry out the purposes of the Office.

(B) **ADVISORY BOARD OF EDUCATIONAL RESEARCH.**—

(i) **ADVISORY BOARD OF EDUCATIONAL RESEARCH.**—The Advisory Board of Educational Research shall consist of 9 members to be appointed by the Secretary. The Assistant Secretary shall serve as an ex officio member.

(ii) **QUALIFICATIONS.**—

(I) **IN GENERAL.**—The persons appointed as members of the Advisory Board shall be appointed solely on the basis of—

(aa) eminence in the fields of basic or applied research, or dissemination of such research; or

(bb) established records of distinguished service in educational research and the education professions, including practitioners.

(II) **CONSIDERATION.**—In making appointments under this clause, the Secretary shall give due consideration to the equitable representation of educational researchers who—

(aa) are women;

(bb) represent minority groups; or

(cc) are classroom teachers with research experience.

(III) **RECOMMENDATIONS.**—In making appointments under this clause, the Secretary shall give due consideration to any recommendations for an appointment which may be submitted to the Secretary by a variety of groups with prominence in educational research and development, including the National Academy of Education and the National Academy of Sciences.

(IV) A member of the Advisory Board may not serve on any other Department of Education advisory board, or as a paid consultant of such Department.

(iii) **TERM.**—(I) The term of office of each member of the Advisory Board shall be 6 years, except that initial appointments shall be made to ensure staggered terms, with one-third of such members' terms expiring every 2 years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of such term. Any person, other than the Assistant Secretary, who has been a member of the Advisory Board for 12 consecutive years shall thereafter be ineligible for appointment during the 6-year period following such twelfth year.

(II) **PROHIBITION REGARDING REMOVAL.**—The Secretary shall neither remove nor encourage the departure of a member of the Advisory Board appointed in accordance with this subparagraph before the expiration of such member's term.

(III) **CHAIRPERSON.**—The members of the Advisory Board shall select a Chairperson from among such members.

(IV) **QUORUM.**—A majority of the appointed members of the Advisory Board shall constitute a quorum.

(V) **STAFF.**—From amounts appropriated pursuant to the authority of subsection (q)(1)(A), the Advisory Board, in consultation with the Assistant Secretary, shall recommend for appointment such staff as may be necessary. Such staff shall be appointed by the Assistant Secretary and assigned at the direction of the Advisory Board.

(iv) **RESPONSIBILITIES.**—The Advisory Board shall provide oversight of the Office, and shall—

(I) advise the Nation on the Federal research and development effort;

(II) recommend ways for strengthening active partnerships among researchers, educational practitioners, librarians, and policymakers;

(III) recommend ways to strengthen interaction and collaboration between the various program offices and components;

(IV) solicit advice and information from the educational field, to define research needs and suggestions for research topics, and shall involve educational practitioners, particularly teachers, in this process;

(V) solicit advice from practitioners, policymakers, and researchers, and recommend missions for the national research centers assisted under this section by identifying topics which require long-term, sustained,

systematic, programmatic, and integrated research and dissemination efforts;

(VI) provide recommendations for translating research findings into workable, adaptable models for use in policy and in practice across different settings, and recommendations for other forms of dissemination;

(VII) provide recommendations for creating incentives to draw talented young people into the field of educational research, including scholars from disadvantaged and minority groups;

(VIII) provide recommendations for new studies to close gaps in the research base;

(IX) evaluate and provide recommendations to the President and the Congress regarding the quality of research conducted through each directorate and regional educational laboratory, the relevance of the research topics, and the effectiveness of the dissemination of each directorate's and laboratory's activities;

(X) advise the Assistant Secretary on standards and guidelines for research programs and activities to ensure that research is of high quality and free from partisan political influence; and

(XI) provide recommendations to promote coordination and synthesis of research among directorates.

(v) COMMITTEES AND REPORTS.—

(I) IN GENERAL.—The Advisory Board is authorized to appoint from among its members such committees as the Advisory Board deems necessary, and to assign to committees so appointed such survey and advisory functions as the Advisory Board deems appropriate to assist the Advisory Board in exercising its powers and functions under this section.

(II) From amounts appropriated pursuant to subsection (q)(1), the Advisory Board shall transmit to the President, for submission to the Congress not later than January 15 of each even-numbered year, a report on the activities of the Office, and on education, educational research, national indicators, and data-gathering in general.

(3) DEFINITIONS.—For the purposes of this section—

(A) the term "Advisory Board" means the Advisory Board of Educational Research established under paragraph (2)(B);

(B) the term "Assistant Secretary" means the Assistant Secretary for Educational Research and Improvement established by section 202 of the Department of Education Organization Act;

(C) the term "development" means transformation or adaptation of research results into usable forms, in order to contribute to the improvement of educational practice;

(D) the term "dissemination" means the communication and transfer of the results of research and proven practice in forms that are understandable, easily accessible and usable or adaptable for use in the improvement of educational practice by teachers, administrators, librarians, other practitioners, researchers, policymakers, and the public;

(E) the term "education research" includes basic and applied research, inquiry with the purpose of applying tested knowledge gained to specific educational settings and problems, development, planning, surveys, assessments, evaluations, investigations, experiments, and demonstrations in the field of education and other fields relating to education;

(F) the term "field-initiated research" means education research in which topics and methods of study are generated by investigators, including teachers and other practitioners, not by the source of funding;

(G) the term "Indian reservation" means a reservation, as such term is defined in—

(i) section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)); or

(ii) section 4(10) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903(10));

(H) the term "Office", unless otherwise specified, means the Office of Educational Research and Improvement established by section 209 of the Department of Education Organization Act; and

(I) the term "technical assistance" means assistance in identifying, selecting, or designing solutions based on research to address educational problems, planning and design that leads to adapting research knowledge to school practice, training to implement such solutions, and other assistance necessary to encourage adoption or application of research.

(b) AUTHORIZED ACTIVITIES.—

(1) OFFICE.—In fulfilling its purposes under this section, the Office is authorized to—

(A) conduct and support education-related research activities, including basic and applied research, development, planning, surveys, assessments, evaluations, investigations, experiments, and demonstrations of national significance;

(B) disseminate the findings of education research, and provide technical assistance to apply such information to specific school problems at the school site;

(C) collect, analyze, and disseminate data related to education, and to library and information services;

(D) promote the use of knowledge gained from research and statistical findings in schools, other educational institutions, and communities;

(E) provide training in education research; and

(F) promote the coordination of education research and research support within the Federal Government, and otherwise assist and foster such research.

(2) OPEN COMPETITION.—All grants, contracts, and cooperative agreements awarded or entered into pursuant to this section shall be awarded or entered into through a process of open competition and peer review that shall be announced in the Federal Register or other publication that the Secretary determines appropriate.

(3) ASSISTANT SECRETARY.—

(A) IN GENERAL.—In carrying out the activities and programs of the Office, the Assistant Secretary shall—

(i) ensure that there is broad and regular public and professional involvement from the educational field in the planning and carrying out of the Office's activities, including establishing teacher advisory boards for any program office, program or project of the Office as the Assistant Secretary deems necessary, and involving Indian and Alaska Native researchers and educators in activities that relate to the education of Indian and Alaska Native people;

(ii) ensure that the selection of research topics and the administration of the program are free from partisan political influence;

(iii) develop directly, or through grant or contract, standards and guidelines for research, programs and activities carried out through the Office;

(iv) establish a long- and short-term research agenda in consultation with the Advisory Board; and

(v) review research priorities established within each directorate and promote research syntheses across the directorates.

(B) INFORMATION AND TECHNICAL ASSISTANCE.—The Assistant Secretary is authorized

to offer information and technical assistance to State and local educational agencies, school boards, and schools, including schools funded by the Bureau of Indian Affairs, to ensure that no student is—

(i) denied access to the same rigorous, challenging curriculum that such student's peers are offered; or

(ii) grouped or otherwise labeled in such a way that may impede such student's achievement.

(C) LONG-TERM AGENDA.—One year after the date of enactment of this Act, the Assistant Secretary shall submit a report to the President and to the Congress on a 6-year long-term plan for the educational research agenda for the Office. Upon submission of such report and every 2 years thereafter, the Assistant Secretary shall submit to the President and to the Congress a progress report on the 6-year plan, including an assessment of the success or failure of meeting the components of the 6-year plan, proposed modifications or changes to the 6-year plan, and additions to the 6-year plan.

(4) SECRETARY.—The Secretary shall enter into contracts for the conduct of independent evaluations of the programs and activities carried out through the Office in accordance with this section, and transmit such evaluations to the Congress, the President and the Assistant Secretary, in order to—

(A) evaluate—

(i) the effectiveness of the programs and activities of the Office; and

(ii) the implementation of projects and programs funded through the Office over time;

(iii) the impact of educational research on instruction at the school level; and

(iv) the ability of the Office to keep research funding free from partisan political interference;

(B) measure the success of educational information dissemination;

(C) assess the usefulness of research and activities carried out by the Office, including products disseminated by the Office; and

(D) provide recommendations for improvement of the programs of the Office.

(5) INTRADEPARTMENTAL COORDINATION.—(A) The Secretary shall establish and maintain a program designed to facilitate planning and cooperative research and development throughout the Department of Education.

(B) The program described in subparagraph (A) shall include—

(i) establishing and maintaining a database on all Department of Education funded research and improvement efforts;

(ii) coordinating the work of the various program offices within the Department of Education to avoid duplication;

(iii) working cooperatively with the employees of various program offices with the Department of Education on projects of common interest to avoid duplication; and

(iv) generally increasing communication throughout the Department of Education regarding education research.

(c) DIRECTORATES OF EDUCATIONAL RESEARCH.—

(1) REQUIREMENTS.—

(A) IN GENERAL.—In carrying out the functions of the Office, the Assistant Secretary shall establish 5 directorates of educational research in accordance with this section.

(B) DIRECTOR.—The Assistant Secretary shall appoint a Director for each directorate. Each such Director shall be a leading professional in the field relevant to the mission of the directorate.

(C) RESEARCH SYNTHESSES.—The Assistant Secretary shall provide for and promote re-

search syntheses across the directorates in early childhood, elementary, secondary, vocational, and higher education, and shall coordinate research plans, projects, and findings across the directorates, placing a priority on synthesis and coordination between the directorates described in subsections (d) and (e). Each Director shall report directly to the Assistant Secretary, regarding the activities of the directorate, and shall work together to promote research syntheses across the directorates.

(2) DUTIES.—Each such directorate shall—

(A) carry out its activities directly or through grants, contracts, and cooperative agreements with institutions of higher education, public and private organizations, institutions, agencies or individuals, or a consortia thereof;

(B) conduct and support the highest quality basic and applied research in early childhood, elementary and secondary, vocational and higher education, including teacher education, which is relevant to the directorate;

(C) have improved student learning and achievement as its primary focus;

(D) promote research that is based in core content areas;

(E) conduct sustained research and development on improving the educational achievement of poor and minority individuals as an integral part of the directorates' work;

(F) serve as a national database on model and demonstration programs which have particular application to the activities of the directorate, particularly with respect to model programs conducted by businesses, private, and nonprofit organizations and foundations;

(G) support, plan, implement, and operate dissemination activities designed to bring the most effective research directly into classroom practice, school organization and management, teacher preparation and training, and libraries, and to the extent possible, carry out dissemination activities through the use of technology;

(H) support and provide research information that leads to policy formation for State legislatures, State and local boards of education, schools funded by the Bureau of Indian Affairs, and other policy and governing bodies, to assist such entities in identifying and developing effective policies to promote student achievement and school improvement;

(I) coordinate the directorate's activities with the activities of the regional educational laboratories established pursuant to subsection (k) and with other educational service organizations in designing the directorate's research agenda and projects in order to increase the responsiveness of such directorate to the needs of teachers and the educational field and to bring research findings directly into schools to ensure the greatest access at the local level to the latest research developments; and

(J) provide assistance to the Assistant Secretary in planning and coordinating syntheses that provide research knowledge related to each level of the education system (from preschool to higher education) to increase understanding of student performance across different educational levels.

(3) RESERVATIONS.—

(A) FIELD-INITIATED RESEARCH.—Each directorate shall reserve in each fiscal year not less than one-third of the amount available to such directorate to conduct field-initiated research.

(B) NATIONAL RESEARCH CENTERS.—Each directorate shall reserve in each fiscal year not less than one-third of the amount avail-

able to such directorate to award grants or enter into contracts with institutions of higher education, public agencies, or private nonprofit organizations, for the support of long-term national research centers of sufficient size, scope, and quality for educational research and development in accordance with paragraph (4), except that no such center shall receive such a grant or contract for less than \$1,100,000 for such fiscal year. Each such center shall engage in research, development and dissemination involving topics relevant to the mission of the directorate supporting such center.

(C) SPECIAL RULE.—No research and development center supported by the Office and operating on the day preceding the date of enactment of this Act shall by reason of receipt of such support be ineligible to receive any other assistance from the Office authorized by law.

(4) NATIONAL RESEARCH CENTERS.—

(A) DURATION.—The grants or contracts awarded or entered into to support national research centers described in paragraph (3)(B) shall be awarded or entered into for a period of at least 5 years, and may be renewed for additional periods of 5 years after periodic review by the Assistant Secretary.

(B) REVIEW.—All applications to establish a national research center shall be reviewed by independent experts in accordance with standards and guidelines developed by the Office pursuant to subsections (a)(2)(B)(iv)(X) and (b)(3)(A)(iii). Such standards and guidelines shall include—

(i) whether applicants have assembled a group of high quality researchers sufficient to achieve the mission of the center;

(ii) whether the proposed organizational structure and arrangements will facilitate achievement of the mission of the center;

(iii) whether there is a substantial staff commitment to the work of the center;

(iv) whether the directors and support staff are full-time employees, to the extent practicable;

(v) review of the contributions of the applicant's primary researchers for the purpose of evaluating the appropriateness of such primary researchers' experiences and expertise in the context of the proposed center activities, and the adequacy of such primary researchers' time commitments to achievement of the mission of the center; and

(vi) the manner in which the results of education research will be disseminated for further use.

(5) PUBLICATION.—The Assistant Secretary shall publish proposed research priorities developed by each directorate in the Federal Register every 2 years, not later than October 1 of each year, and shall allow a period of 60 days for public comments and suggestions.

(d) NATIONAL DIRECTORATE ON CURRICULUM, INSTRUCTION, AND ASSESSMENT.—The Assistant Secretary shall establish and operate the National Directorate on Curriculum, Instruction, and Assessment. The directorate established under this subsection is authorized to conduct research on—

(1) methods to improve student achievement at all educational levels in core content areas;

(2) methods to improve the process of reading, the craft of writing, the growth of reasoning skills, and the development of information-finding skills;

(3) enabling students to develop higher order thinking skills;

(4) methods to teach effectively all students in mixed-ability classrooms;

(5) developing, identifying, or evaluating new educational assessments, including per-

formance-based and portfolio assessments which demonstrate skill and a command of knowledge;

(6) standards for what students should know and be able to do, particularly standards of desired performance set at internationally competitive levels;

(7) the use of testing in the classroom and its impact on improving student achievement, including an analysis of how testing affects what is taught;

(8) test bias as such bias affects historically underserved girls, women, and minority populations;

(9) test security, accountability, validity, reliability and objectivity;

(10) relevant teacher training and instruction in giving a test, scoring a test and in the use of test results to improve student achievement;

(11) curriculum development designed to meet challenging standards, including State efforts to develop such curriculum;

(12) the need for, and methods of delivering, teacher education, development, and in-service training;

(13) curriculum, instruction, and assessment in vocational education and school-to-work transition;

(14) educational methods and activities to reduce and prevent violence in schools;

(15) the use of technology in learning, teaching, and testing;

(16) methods of involving parents in their children's education and ways to involve business, industry, and other community partners in promoting excellence in schools; and

(17) other topics relevant to the mission of the directorate.

(e) NATIONAL DIRECTORATE ON THE EDUCATIONAL ACHIEVEMENT OF HISTORICALLY UNDERSERVED POPULATIONS.—The Assistant Secretary shall establish and operate a National Directorate on the Educational Achievement of Historically Underserved Populations, the activities of which shall be closely coordinated with those of the directorate described in subsection (d). The directorate established under this subsection is authorized to conduct research on—

(1) the quality of educational opportunities afforded historically underserved populations, including minority students, students with disabilities, economically disadvantaged students, girls, women, limited-English proficient students, and Indian and Alaska Native students, particularly the quality of educational opportunities afforded such populations in highly concentrated urban areas and sparsely populated rural areas;

(2) effective institutional practices for expanding opportunities for such groups;

(3) methods for overcoming the barriers to learning that may impede student achievement;

(4) innovative teacher training and professional development methods to help the historically underserved meet challenging standards;

(5) the use of technology to improve the educational opportunities and achievement of the historically underserved;

(6) the means by which parents, community resources and institutions (including cultural institutions) can be utilized to support and improve the achievement of at-risk students;

(7) methods to improve the quality of the education of American Indian and Alaska Native students not only in schools funded by the Bureau of Indian Affairs, but also in public elementary and secondary schools lo-

cated on or near Indian reservations, including—

(A) research on mechanisms to facilitate the establishment of tribal departments of education that assume responsibility for all education programs of State educational agencies operating on an Indian reservation and all education programs funded by the Bureau of Indian Affairs on an Indian reservation;

(B) research on the development of culturally appropriate curriculum for American Indian and Alaska Native students, including American Indian and Alaska Native culture, language, geography, history and social studies, and graduation requirements related to such curriculum;

(C) research on methods for recruiting, training and retraining qualified teachers from American Indian and Alaska Native communities, including research to promote flexibility in the criteria for certification of such teachers;

(D) research on techniques for improving the educational achievement of American Indian and Alaska Native students, including methodologies to reduce dropout rates and increase graduation by such students; and

(E) research concerning the performance by American Indian and Alaska Native students of limited-English proficiency on standardized achievement tests, and related factors; and

(8) other topics relevant to the mission of the directorate.

(f) NATIONAL DIRECTORATE ON EARLY CHILDHOOD DEVELOPMENT AND EDUCATION.—The Assistant Secretary shall establish and operate the National Directorate on Early Childhood Development and Education, which shall have a special emphasis on families and communities as families and communities relate to early childhood education. The directorate established under this subsection is authorized to conduct research on—

(1) effective teaching and learning methods, and curriculum;

(2) instruction that considers the cultural experiences of children;

(3) access to current materials in libraries;

(4) family literacy and parental involvement in student learning;

(5) the impact that outside influences have on learning, including television, and drug and alcohol abuse;

(6) methods for integrating learning in settings other than the classroom, particularly within families and communities;

(7) teacher training;

(8) readiness to learn, including topics such as prenatal care, nutrition, and health services;

(9) the use of technology, including methods to help parents instruct their children; and

(10) other topics relevant to the mission of the directorate.

(g) NATIONAL DIRECTORATE ON ELEMENTARY AND SECONDARY EDUCATIONAL GOVERNANCE, FINANCE, POLICYMAKING, AND MANAGEMENT.—The Assistant Secretary shall establish and operate a National Directorate on Elementary and Secondary Educational Governance, Finance, Policymaking, and Management. The directorate established under this subsection is authorized to conduct research on—

(1) the relationship among finance, organization, and management, and educational productivity, particularly with respect to student achievement across educational levels and core content areas;

(2) school-based management, shared decisionmaking and other innovative school

structures, and State and local reforms and educational policies, which show promise for improving student achievement;

(3) innovative school design, including lengthening the school day and the school year, reducing class size and building professional development into the weekly school schedule and, as appropriate, conducting such further research as may be recommended or suggested by the report issued by the National Education Commission on Time and Learning pursuant to section 443 of the General Education Provisions Act;

(4) the social organization of schooling and the inner-workings of schooling;

(5) policy decisions at all levels and the impact of such decisions on school achievement and other student outcomes;

(6) effective approaches to organizing learning;

(7) effective ways of grouping students for learning so that a student is not labeled or stigmatized in ways that may impede such student's achievement;

(8) the amount of dollars allocated for education that are actually spent on classroom instruction;

(9) the organization, structure, and finance of vocational education;

(10) disparity in school financing among States, school districts, and schools funded by the Bureau of Indian Affairs;

(11) the use of technology in areas such as assisting in school-based management or ameliorating the effects of disparity in school financing among States, school districts, and schools funded by the Bureau of Indian Affairs;

(12) approaches to systemic reforms involving the coordination of multiple policies at the local, State, and Federal levels of government to promote higher levels of student achievement;

(13) the special adult education needs of historically underserved and minority populations;

(14) the involvement of parents and families in the management and governance of schools and the education of their children; and

(15) other topics relevant to the mission of the directorate.

(h) NATIONAL DIRECTORATE ON ADULT EDUCATION, LITERACY AND LIFELONG LEARNING.—The Assistant Secretary shall establish and operate a National Directorate on Adult Education, Literacy and Lifelong Learning. The directorate established under this subsection is authorized to conduct research on—

(1) learning and performance of adults, and policies and methods for improving learning in contexts that include school-to-work, worker retraining, and second-language acquisition;

(2) the most effective training methods for adults to upgrade education and vocational skills;

(3) opportunities for adults to continue their education beyond higher education and graduate school, in the context of lifelong learning and information-finding skills;

(4) adult literacy and effective methods, including technology, to eliminate illiteracy;

(5) preparing students for a lifetime of work, the ability to adapt through retraining to the changing needs of the work force and the ability to learn new tasks;

(6) the use of technology to develop and deliver effective training methods for adults to upgrade their education and their vocational skills; and

(7) other topics relevant to the mission of the directorate.

(i) PERSONNEL.—

(1) IN GENERAL.—The Assistant Secretary may appoint, for terms not to exceed 3 years (without regard to the provisions of title 5, United States Code governing appointment in the competitive service) and may compensate (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) such scientific or professional employees of the Office as the Assistant Secretary considers necessary to accomplish the functions of the Office. Such employees shall not exceed one-fifth of the number of full-time, regular scientific or professional employees of the Office. The rate of basic pay for such employees may not exceed the maximum annual rate of pay for grade GS-15 under section 5332 of title 5, United States Code.

(2) REAPPOINTMENT.—The Assistant Secretary may reappoint employees described in paragraph (1) upon presentation of a clear and convincing justification of need, for 1 additional term not to exceed 3 years. All such employees shall work on activities of the Office and shall not be reassigned to other duties outside the Office during their term.

(j) SELECTION PROCEDURES AND FELLOWSHIPS.—

(1) SELECTION PROCEDURES.—When making competitive awards under this section, the Assistant Secretary shall—

(A) solicit recommendations and advice regarding research priorities, opportunities, and strategies from qualified experts, such as education professionals and policymakers, librarians, personnel of the regional educational laboratories described in subsection (k) and of the research and development centers assisted under this section, and the Advisory Board, as well as parents and other members of the general public;

(B) employ suitable selection procedures using the procedures and principles of peer review providing an appropriate balance between expertise in research and practice for all proposals so that technical research merit is judged by research experts and programmatic relevance is judged by program experts, except where such peer review procedures are clearly inappropriate given such factors as the relatively small amount of a grant or contract or the exigencies of the situation; and

(C) determine that the activities assisted will be conducted efficiently, will be of high quality, and will meet priority research and development needs under this section.

(2) FELLOWSHIPS.—

(A) PUBLICATION.—The Assistant Secretary shall publish proposed research priorities for the awarding of research fellowships under this paragraph in the Federal Register every 2 years, not later than October 1 of each year, and shall allow a period of 60 days for public comments and suggestions.

(B) COMPETITION.—Prior to awarding a fellowship under this paragraph, the Assistant Secretary shall invite applicants to compete for such fellowships through notice published in the Federal Register.

(C) AUTHORITY.—From amounts appropriated pursuant to the authority of subsection (q)(1), the Assistant Secretary may establish and maintain research fellowships in the Office, for scholars, researchers, policymakers, education practitioners, librarians, and statisticians engaged in the use, collection, and dissemination of information about education and educational research. Subject to regulations published by the Assistant Secretary, fellowships may include such stipends and allowances, including trav-

el and subsistence expenses provided under title 5, United States Code, as the Assistant Secretary considers appropriate.

(k) REGIONAL EDUCATIONAL LABORATORIES FOR RESEARCH, DISSEMINATION, AND TECHNICAL ASSISTANCE.—

(1) AUTHORITY.—

(A) IN GENERAL.—Subject to subparagraph (B), the Assistant Secretary shall support at least 10 but not more than 20 regional educational laboratories established by public agencies or private nonprofit organizations.

(B) SPECIAL RULE.—In any fiscal year in which the amount appropriated pursuant to the authority of subsection (q)(2) exceeds \$38,000,000, the Assistant Secretary may use the amount in excess of \$38,000,000 to support a regional educational laboratory serving a region not in existence on the day preceding the date of enactment of this Act, if such amount is equal to or exceeds \$2,000,000.

(C) PRIORITY.—The Assistant Secretary shall give priority to supporting a regional educational laboratory that involves the combination or subdivision of a region or regions, such that States within a region in existence on the day preceding the date of enactment of this Act may be combined with States in another such region to form a new region so long as such combination does not result in any region in existence on such date permanently becoming part of a larger region, nor of any such region permanently subsuming another region.

(2) DEFINITION.—For purposes of this subsection, the term "regional educational laboratory" means a public agency or institution or a private nonprofit organization that—

(A) serves the education improvement needs in a geographic region of the United States; and

(B) advances the National Education Goals.

(3) DUTIES.—Each regional educational laboratory shall—

(A) have as its central mission and primary function—

(i) to develop and disseminate educational research products and processes to schools, teachers, local educational agencies, State educational agencies, librarians, and schools funded by the Bureau of Indian Affairs; and

(ii) through such development and dissemination and the provision of technical assistance, to help all students learn to challenging standards;

(B) provide technical assistance to State and local educational agencies, school boards, schools funded by the Bureau of Indian Affairs, State boards of education, schools, and librarians in accordance with the prioritization described in paragraph (4)(B)(vi) and needs related to standard-driven education reform;

(C) facilitate school restructuring at the individual school level, including technical assistance for adapting model demonstration grant programs to each school;

(D) serve the educational development needs of the region by providing education research in usable forms in order to promote school improvement and academic achievement and to correct educational deficiencies;

(E) develop a plan for identifying and serving the needs of the region by conducting a continuing survey of the educational needs, strengths, and weaknesses within the region, including a process of open hearings to solicit the views of schools, teachers, administrators, parents, local educational agencies, librarians, and State educational agencies within the region;

(F) use applied educational research to assist in solving site-specific problems and to assist in development activities;

(G) conduct applied research projects designed to serve the particular needs of the region only in the event that such quality applied research does not exist as determined by the regional education laboratory or the Department of Education;

(H) facilitate communication between educational experts, school officials, and teachers, parents, and librarians, to enable such individuals to assist schools to develop a plan to meet the National Education Goals;

(I) bring teams of experts together to develop and implement school improvement plans and strategies;

(J) provide training in—

(i) the field of education research and related areas;

(ii) the use of new educational methods; and

(iii) the use of information-finding methods, practices, techniques, and products developed in connection with such training for which the regional educational laboratory may support internships and fellowships and provide stipends;

(K) coordinate such laboratory's activities with the directorates assisted under this section in designing such laboratory's services and projects, in order to—

(i) maximize the use of research conducted through the directorates in the work of such laboratory;

(ii) keep the directorates apprised of the work of the regional educational laboratories in the field; and

(iii) inform the directorates about additional research needs identified in the field;

(L) develop with the State educational agencies and library agencies in the region and the Bureau of Indian Affairs a plan for serving the region;

(M) collaborate and coordinate services with other technical assistance funded by the Department of Education; and

(N) cooperate with other regional laboratories to develop and maintain a national network that addresses national education problems.

(4) GOVERNING BOARD.—

(A) IN GENERAL.—In carrying out the activities described in paragraph (3), each regional educational laboratory shall operate under the direction of a governing board, the members of which—

(i) are representative of that region; and

(ii) include teachers and education researchers.

(B) DUTIES.—Each such governing board shall—

(i) determine, subject to the requirements of this section and in consultation with the Assistant Secretary, the mission of the regional educational laboratory;

(ii) ensure that the regional educational laboratory attains and maintains a high level of quality in its work and products;

(iii) establish standards to ensure that the regional educational laboratory has strong and effective governance, organization, management, and administration, and employs qualified staff;

(iv) direct the regional educational laboratory to carry out the regional educational laboratory's duties in a manner as will make progress toward achieving the National Education Goals and reforming schools and educational systems;

(v) conduct a continuing survey of the educational needs, strengths, and weaknesses within the region, including a process of open hearings to solicit the views of schools and teachers; and

(vi) prioritize the needs of economically disadvantaged urban and rural areas within the region and ensure that such needs are served by the regional educational laboratory.

(5) APPLICATION.—Each entity desiring support for a regional educational laboratory shall submit to the Assistant Secretary an application that contains such information as the Assistant Secretary may reasonably require, including assurances that a regional educational laboratory will address the activities described in paragraph (3).

(6) ADDITIONAL PROJECTS.—In addition to activities described in paragraph (3), the Assistant Secretary, from amounts appropriated pursuant to subsection (q)(4), is authorized to enter into agreements with a regional educational laboratory for the purpose of carrying out additional projects to enable such regional educational laboratory to assist in efforts to achieve the National Education Goals and for other purposes.

(7) SPECIAL RULE.—No regional educational laboratory shall, by reason of receipt of assistance under this section, be ineligible to receive any other assistance from the Office authorized by law or be prohibited from engaging in activities involving international projects or endeavors.

(8) PLAN.—Not later than July 1 of each year, each regional educational laboratory shall submit to the Assistant Secretary a plan covering the succeeding fiscal year, in which such laboratory's mission, activities and scope of work are described, including a general description of—

(A) the plans such laboratory expects to submit in the 4 succeeding years; and

(B) an assessment of how well such laboratory is meeting the needs of the region.

(9) CONTRACT DURATION.—The Assistant Secretary shall enter into a contract for the purpose of supporting a regional educational laboratory under this subsection for a minimum of 5 years. The Secretary shall ensure that the recompetition cycles for new contracts for regional educational laboratories are carried out in such a manner that the expiration of the laboratory contracts is consistent with the reauthorization cycle.

(10) REVIEW.—The Assistant Secretary shall review the work of each regional educational laboratory in the third year that such laboratory receives assistance under this subsection, and shall evaluate the performance of such laboratory's activities to determine if such activities are consistent with the duties described in paragraph (3).

(11) CONSTRUCTION.—Nothing in this subsection shall be construed to require any modifications in the regional educational laboratory contracts in effect on the day preceding the date of enactment of this Act.

(12) ADVANCE PAYMENT SYSTEM.—Each regional educational laboratory shall participate in the advance payment system of the Department of Education.

(13) COORDINATION.—The regional education laboratories shall work collaboratively, and coordinate the services such laboratories provide, with the technical assistance centers authorized under the Elementary and Secondary Education Act of 1965.

(1) TEACHER RESEARCH DISSEMINATION DEMONSTRATION PROGRAM.—

(1) FINDINGS.—The Congress finds that—

(A) education research, including research funded by the Office, is not having the impact on the Nation's schools that such research should;

(B) relevant education research and resulting solutions are not being adequately disseminated to and used by the teachers that need such research and solutions;

(C) there are insufficient linkages between the research and development centers assisted under this section, the regional educational laboratories described in subsection (k), the National Diffusion Network State facilitators, the Education Resources Information Clearinghouses, the comprehensive technical assistance centers assisted under the Elementary and Secondary Education Act of 1965, and the public schools to ensure that research on effective practice is disseminated and technical assistance provided to all teachers;

(D) the average teacher has little time to plan or engage in a professional dialogue with peers about strategies for improved learning;

(E) teachers do not have direct access to information systems or networks;

(F) teachers have little control over what inservice education teachers will be offered; and

(G) individual teachers are not encouraged to move beyond the walls of their school buildings to identify and use outside resources.

(2) ESTABLISHMENT.—

(A) IN GENERAL.—The Secretary is authorized to make grants to, and enter into contracts or cooperative agreements with, public and private agencies and organizations, including institutions of higher education, the regional education laboratories, and the research and development centers, or consortia thereof—

(i) to develop and carry out projects that demonstrate effective strategies for helping elementary and secondary education teachers, in both urban and rural areas, become knowledgeable about, assist in the design and use of, and use, education research, including education research carried out under this section; and

(ii) to develop, implement, and evaluate models for creation of teacher research dissemination networks.

(B) PRIORITY.—In awarding grants and entering into contracts and cooperative agreements under subparagraph (A) the Secretary shall give priority to entities that have received Federal funds for research and dissemination.

(3) APPLICATIONS.—

(A) IN GENERAL.—An entity desiring to receive assistance under this subsection shall submit an application to the Secretary in such form, at such time, and containing such information and assurances as the Secretary may require.

(B) CONTENTS.—Each such application shall describe how the project described in the application—

(i) was developed with the active participation of elementary and secondary school teachers;

(ii) will include the continuing participation of elementary and secondary school teachers in the management of the project;

(iii) is organized around one or more significant research topics;

(iv) will involve collaboration with entities that have received Federal funds for research and dissemination; and

(v) will sustain over time teacher research dissemination networks after Federal funding for such networks terminates.

(4) USE OF FUNDS.—Funds provided under this subsection may be used—

(A) to train elementary and secondary education teachers (particularly new teachers) about the sources of education research findings, including research findings available through activities supported by the Office, and how to access and use such findings to improve the quality of instruction;

(B) to develop simple formats, both administrative and technological, that allow elementary and secondary education teachers easy access to and use of education research findings;

(C) to share strategies and materials;

(D) to support professional networks;

(E) to survey teacher needs in the areas of research and development; and

(F) for other activities designed to support elementary and secondary education teachers in becoming knowledgeable about, assisting in the design of, and using, educational research.

(5) STIPENDS.—The Secretary may provide for the payment of such stipends (including allowances for subsistence and other expenses for elementary and secondary teachers, as the Secretary determines to be appropriate, to teachers participating in the projects authorized under this subsection.

(6) COORDINATION.—Recipients of funds under this subsection shall, to the greatest extent possible, coordinate their activities with related activities under the Elementary and Secondary Education Act of 1965.

(7) REPORT.—The Secretary shall, within 5 years of the date of enactment of this Act, submit to the Congress a report on the effectiveness of activities assisted under this subsection.

(m) OFFICE OF DISSEMINATION AND REFORM ASSISTANCE.—

(1) IN GENERAL.—The Assistant Secretary shall establish an Office of Dissemination and Reform Assistance, which may include the Education Resources Information Clearinghouses, the regional educational laboratories, the National Clearinghouse for Science and Mathematics Resources, the National Diffusion Network, the National Education Library, and such other programs and activities as the Assistant Secretary deems appropriate. The Office of Dissemination and Reform Assistance shall be headed by a Director who shall be appointed by the Assistant Secretary and have a demonstrated expertise and experience in dissemination.

(2) DUTIES.—In carrying out its dissemination activities, the Office of Dissemination and Reform Assistance shall—

(A) operate a depository for all Department of Education publications and products and make available for reproduction such publications and products;

(B) coordinate the dissemination efforts of all Office of Educational Research and Improvement program offices, the regional educational laboratories, the directorates assisted under this section, the National Diffusion Network, and the Education Resources Information Clearinghouses;

(C) disseminate relevant and useful research, information, products, and publications developed through or supported by the Department of Education to schools throughout the Nation;

(D) develop the capacity to connect schools and teachers seeking information with the relevant regional educational laboratories assisted under subsection (k), the National Diffusion Network, the directorates assisted under this section, and the Education Resources Information Clearinghouses; and

(E) provide an annual report to the Secretary regarding the types of information, products, and services that teachers, schools, and school districts have requested and have determined to be most useful, and describe future plans to adapt Department of Education products and services to address the needs of the users of such information, products, and services.

(3) ADDITIONAL ACTIVITIES.—In addition, the Office of Dissemination and Reform Assistance may—

(A) use media and other educational technology to carry out dissemination activities, including program development;

(B) establish and maintain a database on all research and improvement efforts funded through the Department of Education;

(C) actively encourage cooperative publishing of significant publications;

(D) disseminate information on successful models and educational methods which have been recommended to the Office of Dissemination and Reform Assistance by educators, educational organizations, nonprofit organizations, businesses, and foundations, and disseminate such models by including, with any such information, an identification of the entity or entities that have recommended the program; and

(E) engage in such other dissemination activities as the Assistant Secretary determines necessary.

(n) NATIONAL DIFFUSION NETWORK STATE FACILITATORS.—The National Diffusion Network described in section 1562 of the Elementary and Secondary Education Act of 1965 is authorized to provide information through National Diffusion Network State facilitators on model or demonstration projects funded by the Department of Education. For purposes of carrying out this subsection, information on such model projects does not have to be approved through the program effectiveness panel, but may be provided directly through the State facilitators. In addition, the National Diffusion Network may disseminate other information available through the Office of Education Dissemination and Reform Assistance established under subsection (m) through the National Diffusion Network.

(o) NATIONAL EDUCATION LIBRARY.—

(1) ESTABLISHMENT.—There shall be established a National Library of Education at the Department of Education (hereafter in this subsection referred to as the "Library") which shall—

(A) be a national resource center for teachers, scholars, librarians, State, local, and Indian tribal education officials, parents, and other interested individuals; and

(B) provide resources to assist in the—

(i) advancement of research on education;

(ii) dissemination and exchange of scientific and other information important to the improvement of education at all levels; and

(iii) improvement of educational achievement.

(2) MISSION.—The mission of the Library shall be to—

(A) become a principal center for the collection, preservation, and effective utilization of the research and other information related to education and to the improvement of educational achievement;

(B) strive to ensure widespread access to the Library's facilities and materials, coverage of all education issues and subjects, and quality control;

(C) have an expert library staff; and

(D) use modern information technology that holds the potential to link major libraries, schools, and educational centers across the United States into a network of national education resources.

(3) FUNCTIONS.—The Library shall—

(A) establish a policy to acquire and preserve books, periodicals, data, prints, films, recordings, and other library materials related to education;

(B) establish a policy to disseminate information about the materials available in the Library;

(C) make available through loans, photographic or other copying procedures, or otherwise, such materials in the Library as the Secretary deems appropriate; and

(D) provide reference and research assistance.

(4) LIBRARIAN.—

(A) IN GENERAL.—The Secretary shall appoint a librarian to head the Library.

(B) EXPERIENCE.—The individual appointed pursuant to subparagraph (A) shall have extensive experience as a librarian.

(C) SOLICITATION OF NOMINATIONS.—The Secretary shall solicit nominations from individuals and organizations before making the appointment described in subparagraph (A).

(D) SALARY.—The librarian shall be paid at not less than the minimum rate of pay payable for level GS-15 of the General Schedule.

(p) EDUCATION RESOURCES INFORMATION CLEARINGHOUSES.—The Assistant Secretary shall establish and support Education Resources Information Clearinghouses (including directly supporting dissemination services) having such functions as the clearinghouses had on the day preceding the date of enactment of this Act, except that—

(1) the Assistant Secretary shall establish for the clearinghouses a coherent policy for the abstraction from, and inclusion in, the educational resources information clearinghouse system books, periodicals, reports, and other materials related to education; and

(2) the clearinghouses shall collect and disseminate information on alternative management demonstration projects operating in public schools throughout the Nation.

(q) AUTHORIZATION OF APPROPRIATIONS.—

(1) DIRECTORATES OF EDUCATIONAL RESEARCH.—

(A) IN GENERAL.—There are authorized to be appropriated \$100,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsections (c) through (h), relating to the Directorates of Educational Research.

(B) APPROPRIATIONS OF \$70,000,000 OR LESS.—From the amount made available under clause (i) in any fiscal year in which the amount appropriated to carry out such clause is \$70,000,000 or less—

(i) at least 25 percent of such amount shall be available to carry out subsection (d), relating to the National Directorate on Curriculum, Instruction, and Assessment;

(ii) at least 10 percent of such amount shall be available to carry out subsection (e), relating to the National Directorate on the Educational Achievement of Historically Underserved Populations;

(iii) at least 10 percent of such amount shall be available to carry out subsection (f), relating to the National Directorate on Early Childhood Development and Education;

(iv) at least 5 percent of such amount shall be available to carry out subsection (g), relating to the National Directorate on Elementary and Secondary Educational Governance, Finance, Policymaking, and Management;

(v) at least 5 percent of such amount shall be available to carry out subsection (h), relating to the National Directorate on Adult Education, Literacy and Lifelong Learning; and

(vi) not more than 10 percent of such amount shall be available to carry out synthesis and coordination activities described in subsection (c)(1)(C).

(C) APPROPRIATIONS GREATER THAN \$70,000,000.—From the amount made available under clause (i) in any fiscal year in which the amount appropriated to carry out such clause is greater than \$70,000,000—

(i) at least 30 percent of such amount shall be available to carry out subsection (d), relating to the National Directorate on Curriculum, Instruction, and Assessment;

(ii) at least 10 percent of such amount shall be available to carry out subsection (e), relating to the National Directorate on the Educational Achievement of Historically Underserved Populations;

(iii) at least 10 percent of such amount shall be available to carry out subsection (f), relating to the National Directorate on Early Childhood Development and Education;

(iv) at least 10 percent of such amount shall be available to carry out subsection (g), relating to the National Directorate on Elementary and Secondary Educational Governance, Finance, Policymaking, and Management;

(v) at least 10 percent of such amount shall be available to carry out subsection (h), relating to the National Directorate on Adult Education, Literacy and Lifelong Learning; and

(vi) not more than 10 percent of such amount shall be available to carry out synthesis and coordination activities described in subsection (c)(1)(C).

(D) SPECIAL RULE.—Not less than 95 percent of funds appropriated pursuant to the authority of clause (i) in any fiscal year shall be expended to carry out this section through grants, cooperative agreements, or contracts.

(2) REGIONAL EDUCATIONAL LABORATORIES.—There are authorized to be appropriated \$41,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsection (k), relating to the regional educational laboratories.

(3) TEACHER RESEARCH DISSEMINATION DEMONSTRATION PROGRAM.—

(A) IN GENERAL.—There are authorized to be appropriated \$10,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out the provisions of subsection (l), relating to the teacher research dissemination demonstration program.

(B) PEER REVIEW.—The Secretary may use not more than 0.2 percent of the amount appropriated pursuant to the authority of subparagraph (A) for each fiscal year for peer review of applications under this section.

(4) OFFICE OF DISSEMINATION AND REFORM ASSISTANCE.—There are authorized to be appropriated \$5,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsections (m) and (k)(6), relating to the Office of Education Dissemination and Reform Assistance and additional projects for regional educational laboratories, respectively.

(5) NATIONAL DIFFUSION NETWORK STATE FACILITATORS.—There are authorized to be appropriated \$10,000,000 for the fiscal year 1995, and such sums as may be necessary for each of fiscal years 1996 through 1999, to carry out subsection (n), relating to the National Diffusion Network State Facilitators.

(6) NATIONAL EDUCATION LIBRARY.—There are authorized to be appropriated \$10,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsection (o), relating to the National Education Library.

(7) EDUCATION RESOURCES INFORMATION CLEARINGHOUSES.—There are authorized to be appropriated \$10,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsection (p), relating to the Education Resources Information Clearinghouses.

(8) ADMINISTRATION OF FUNDS.—When more than one Federal agency uses funds to support a single project under this section, the Office may act for all such agencies in administering such funds.

(r) EXISTING CONTRACTS AND GRANTS.—

(1) SPECIAL RULE.—Notwithstanding any other provision of law, grants or contracts for the regional educational laboratories and the centers assisted under section 405 of the General Education Provisions Act on the day preceding the date of enactment of this Act shall remain in effect until the termination date of such grants or contracts, except that the grants or contracts for such centers which terminate before the competition for the new centers described in subsection (c)(3)(B) is completed may be extended until the time that the awards for such new centers are made.

(2) FUNDING.—The Secretary shall use amounts appropriated pursuant to the authority of subsection (q)(1)(A) to support the grants or contracts described in paragraph (1).

SEC. 913. SAVINGS PROVISIONS.

(a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions of the Office of Educational Research and Improvement (as such functions existed on the day before the date of enactment of this Act); and

(2) which are in effect at the time this title takes effect, or were final before the effective date of this title and are to become effective on or after the effective date of this title.

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) PROCEEDINGS NOT AFFECTED.—The provisions of this title shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the Office of Educational Research and Improvement at the time this title takes effect, with respect to functions of such Office but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this title had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this title had not been enacted.

(c) SUITS NOT AFFECTED.—The provisions of this title shall not affect suits commenced

before the effective date of this title, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title had not been enacted.

(d) **NONABATEMENT OF ACTIONS.**—No suit, action, or other proceeding commenced by or against the Office of Educational Research and Improvement, or by or against any individual in the official capacity of such individual as an officer of the Office of Educational Research and Improvement, shall abate by reason of the enactment of this title.

(e) **ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.**—Any administrative action relating to the preparation or promulgation of a regulation by the Office of Educational Research and Improvement relating to a function of such Office under this title may be continued by the Office of Educational Research and Improvement with the same effect as if this title had not been enacted.

SEC. 914. FIELD READERS.

Section 402 of the Department of Education Organization Act (20 U.S.C. 3462) is amended—

(1) by inserting "(a) IN GENERAL.—" before "The Secretary"; and

(2) by adding at the end the following new subsection:

"(b) SPECIAL RULE.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may use not more than 1 percent of the funds appropriated for any education program that awards such funds on a competitive basis to pay the expenses and fees of non-Federal experts necessary to review applications and proposals for such funds.

"(2) **APPLICABILITY.**—The provisions of paragraph (1) shall not apply to any education program under which funds are authorized to be appropriated to pay the fees and expenses of non-Federal experts to review applications and proposals for such funds."

PART B—EDUCATIONAL IMPROVEMENT PROGRAMS

Subpart 1—International Education Program

SEC. 921. INTERNATIONAL EDUCATION PROGRAM.

(a) **PROGRAM ESTABLISHED.**—The Secretary shall carry out an International Education Program in accordance with this section that shall provide for—

(1) the study of international education programs and delivery systems; and

(2) an international education exchange program.

(b) **ASSESSMENT AND INFORMATION.**—The Secretary shall award grants for the study, evaluation and analysis of education systems in other nations, particularly Great Britain, France, Germany and Japan. Such studies shall focus upon a comparative analysis of curriculum, methodology and organizational structure, including the length of the school year and school day. In addition, the studies shall provide an analysis of successful strategies employed by other nations to improve student achievement, with a specific focus upon application to schooling and the National Education Goals.

(c) INTERNATIONAL EDUCATION EXCHANGE.—

(1) REQUIREMENT.—

(A) IN GENERAL.—The Secretary shall carry out a program to be known as the International Education Exchange Program. Under such program the Secretary shall award grants to or enter into contracts with organizations with demonstrated effective-

ness or expertise in international achievement comparisons, in order to—

(i) make available to educators from eligible countries exemplary curriculum and teacher training programs in civics and government education and economic education developed in the United States;

(ii) assist eligible countries in the adaptation and implementation of such programs or joint research concerning such programs;

(iii) create and implement educational programs for United States students which draw upon the experiences of emerging constitutional democracies;

(iv) provide a means for the exchange of ideas and experiences in civics and government education and economic education among political, educational and private sector leaders of participating eligible countries; and

(v) provide support for—

(I) research and evaluation to determine the effects of educational programs on students' development of the knowledge, skills and traits of character essential for the preservation and improvement of constitutional democracy; and

(II) effective participation in and the preservation and improvement of an efficient market economy.

(B) **RESERVATIONS.**—In carrying out the program described in subparagraph (A), the Secretary shall reserve in each fiscal year—

(i) 50 percent of the amount available to carry out this subsection for civics and government education activities; and

(ii) 50 percent of such amount for economic education activities.

(2) **CONTRACT AUTHORIZED.**—

(A) IN GENERAL.—The Secretary is authorized to contract with independent nonprofit educational organizations to carry out the provisions of this subsection.

(B) **NUMBER.**—The Secretary shall award at least 1 but not more than 3 contracts described in subparagraph (A) in each of the areas described in clauses (i) and (ii) of paragraph (1)(B).

(C) **AVOIDANCE OF DUPLICATION.**—The Secretary shall award contracts described in subparagraph (A) so as to avoid duplication of activities in such contracts.

(D) **REQUIREMENTS.**—Each organization with which the Secretary enters into a contract pursuant to subparagraph (A) shall—

(i) be experienced in—

(I) the development and national implementation of curricular programs in civics and government education and economic education for students from grades kindergarten through 12 in local, intermediate, and State educational agencies, in schools funded by the Bureau of Indian Affairs, and in private schools throughout the Nation with the cooperation and assistance of national professional educational organizations, colleges and universities, and private sector organizations;

(II) the development and implementation of cooperative university and school based inservice training programs for teachers of grades kindergarten through grade 12 using scholars from such relevant disciplines as political science, political philosophy, history, law and economics;

(III) the development of model curricular frameworks in civics and government education and economic education;

(IV) the administration of international seminars on the goals and objectives of civics and government education or economic education in constitutional democracies (including the sharing of curricular materials) for educational leaders, teacher

trainers, scholars in related disciplines, and educational policymakers; and

(V) the evaluation of civics and government education or economic education programs; and

(i) have the authority to subcontract with other organizations to carry out the provisions of this subsection.

(3) **ACTIVITIES.**—The international education program described in this subsection shall—

(A) provide eligible countries with—

(i) seminars on the basic principles of United States constitutional democracy and economics, including seminars on the major governmental and economic institutions and systems in the United States, and visits to such institutions;

(ii) visits to school systems, institutions of higher learning, and nonprofit organizations conducting exemplary programs in civics and government education and economic education in the United States;

(iii) home stays in United States communities;

(iv) translations and adaptations regarding United States civics and government education and economic education curricular programs for students and teachers, and in the case of training programs for teachers translations and adaptations into forms useful in schools in eligible countries, and joint research projects in such areas;

(v) translation of basic documents of United States constitutional government for use in eligible countries, such as *The Federalist Papers*, selected writings of Presidents Adams and Jefferson and the *Anti-Federalists*, and more recent works on political theory, constitutional law and economics; and

(vi) research and evaluation assistance to determine—

(I) the effects of educational programs on students' development of the knowledge, skills and traits of character essential for the preservation and improvement of constitutional democracy; and

(II) effective participation in and the preservation and improvement of an efficient market economy;

(B) provide United States participants with—

(i) seminars on the histories, economics and governments of eligible countries;

(ii) visits to school systems, institutions of higher learning, and organizations conducting exemplary programs in civics and government education and economic education located in eligible countries;

(iii) home stays in eligible countries;

(iv) assistance from educators and scholars in eligible countries in the development of curricular materials on the history, government and economics of such countries that are useful in United States classrooms;

(v) opportunities to provide on-site demonstrations of United States curricula and pedagogy for educational leaders in eligible countries; and

(vi) research and evaluation assistance to determine—

(I) the effects of educational programs on students' development of the knowledge, skills and traits of character essential for the preservation and improvement of constitutional democracy; and

(II) effective participation in and improvement of an efficient market economy; and

(C) assist participants from eligible countries and the United States in participating in international conferences on civics and government education and economic education for educational leaders, teacher trainers, scholars in related disciplines, and educational policymakers.

(4) **PRINTER MATERIALS AND PROGRAMS.**—All printed materials and programs provided to foreign nations under this subsection shall bear the logo and text used by the Marshall Plan after World War II, that is, clasped hands with the inscription "A gift from the American people to the people of (insert name of country)".

(5) **PARTICIPANTS.**—The primary participants in the international education program assisted under this subsection shall be leading educators in the areas of civics and government education and economic education, including curriculum and teacher training specialists, scholars in relevant disciplines, and educational policymakers, from the United States and eligible countries.

(6) **PERSONNEL AND TECHNICAL EXPERTS.**—The Secretary is authorized to provide Department of Education personnel and technical experts to assist eligible countries establish and implement a database or other effective methods to improve educational delivery systems, structure and organization.

(7) **DEFINITIONS.**—For the purpose of this subsection the term "eligible country" means a Central European country, an Eastern European country, Lithuania, Latvia, Estonia, Georgia, the Commonwealth of Independent States, and any country that formerly was a republic of the Soviet Union whose political independence is recognized in the United States.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—
(1) **ASSESSMENT AND INFORMATION.**—There are authorized to be appropriated \$1,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsection (b).

(2) **INTERNATIONAL EDUCATION EXCHANGE.**—There are authorized to be appropriated \$10,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsection (c).

Subpart 2—Amendments to the Carl D. Perkins Vocational and Applied Technology Education Act

SEC. 931. NATIONAL OCCUPATIONAL INFORMATION COORDINATING COMMITTEE.

Section 422 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2422) is amended—

(1) in paragraph (2) of subsection (a), by inserting "(including postsecondary employment and training programs)" after "training programs"; and

(2) in subsection (b)—
(A) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively;

(B) in the matter preceding paragraph (1) (as redesignated in subparagraph (A)), by inserting "the State board or agency governing higher education," after "coordinating council,"; and

(C) in paragraph (1) (as redesignated in subparagraph (A))—

(i) by striking "Act and of" and inserting "Act, of"; and

(ii) by inserting "and of the State board or agency governing higher education" after "Job Training Partnership Act";

(3) by redesignating subsection (d) as subsection (e); and

(4) by inserting after subsection (c) the following new subsection:

"(d) **DATA COLLECTION SYSTEM.**—In the development and design of a system to provide data on graduation or completion rates, job placement rates from occupationally specific programs, licensing rates, and awards of high school graduate equivalency diplomas (GED), each State board for higher education shall develop a data collection system the

results of which can be integrated into the occupational information system developed under this section."

Subpart 3—Elementary Mathematics and Science Equipment Program

SEC. 941. SHORT TITLE.

This subpart may be cited as the "Elementary Mathematics and Science Equipment Act".

SEC. 942. STATEMENT OF PURPOSE.

It is the purpose of this subpart 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. 943. PROGRAM AUTHORIZED.

The Secretary is authorized to make allotments to State educational agencies under section 944 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. 944. ALLOTMENTS OF FUNDS.

(a) **IN GENERAL.**—From the amount appropriated under section 950 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 the Republic of Palau according to their respective needs for assistance under this subpart; 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 subpart.

(b) **ALLOTMENT.**—The remainder of the amount so appropriated (after meeting requirements in subsection (a)) shall be allotted among State educational agencies so that—

(1) 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

(2) one-half of such remainder shall be distributed according to each State's share of allocations under chapter 1 of title I of the Elementary and Secondary Education Act of 1965,

except that no State educational agency shall receive less than one-half of 1 percent of the amount available under this subsection in any fiscal year or less than the amount allotted to such State for fiscal year 1988 under title II of the Education for Economic Security Act.

(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 subpart which the Secretary determines will not be required for that fiscal year to carry out this subpart shall be available for reallocation 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 reallocated among the State educational agencies whose proportionate amounts were not so reduced. Any amounts reallocated to a State educational agency under this subsection during a year shall be deemed a subpart of the State educational agency's allotment under subsection (b) for that year.

(d) **DEFINITION.**—For the purposes of this subpart 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 11, 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. 945. STATE APPLICATION.

(a) **APPLICATION.**—Each State educational agency desiring to receive an allotment under this subpart 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 subpart 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 subpart;

(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 subpart once over the 5-year duration of the program assisted under this subpart;

(D) funds provided under this subpart will supplement, not supplant, State and local funds made available for activities authorized under this subpart;

(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 subpart;

(2) provide, if appropriate, a description of how funds paid under this subpart 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 sections 236 and 237 for distribution of assistance under this subpart within the State; and

(B) for approval of applications by the State educational agency, including appro-

private 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 subpart shall be used for the administrative costs of such agency associated with carrying out the program assisted under this subpart.

SEC. 946. LOCAL APPLICATION.

(a) APPLICATION.—A local educational agency that desires to receive a grant under this subpart 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 subpart 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 subpart to meet the purpose of this subpart;

(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 subpart, except that no such application shall be penalized or denied assistance under this subpart based on failure to provide such matching funds;

(3) describe, if applicable, how funds under this subpart 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 subpart, 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. 947. PARTICIPATION OF PRIVATE SCHOOLS.

(a) PARTICIPATION OF PRIVATE SCHOOLS.—To the extent consistent with the number of children in the State or in the school district of each local educational agency who are enrolled in private nonprofit elementary schools, such State educational agency shall, after consultation with appropriate private school representatives, make provision for including services and arrangements for the benefit of such children as will assure the equitable participation of such children in the purposes and benefits of this subpart.

(b) WAIVER.—If by reason of any provision of State law a local educational agency is prohibited from providing for the participation of children or teachers from private nonprofit schools as required by subsection (a), or if the Secretary determines that a State or local educational agency has substantially failed or is unwilling to provide for such participation on an equitable basis, the Secretary shall waive such requirements

and shall arrange for the provision of services to such children or teachers subject to the requirement of this section. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements described in section 1017 of the Elementary and Secondary Education Act of 1965.

SEC. 948. PROGRAM REQUIREMENTS.

(a) COORDINATION.—Each State educational agency receiving an allotment under this subpart shall—

(1) disseminate information to school districts and schools, including private nonprofit elementary schools, regarding the program assisted under this subpart;

(2) evaluate applications of local educational agencies;

(3) award grants to local educational agencies based on the priorities described in section 946(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 subpart 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 subpart 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 subpart is intended to support, such as the installation of electrical outlets, plumbing, lab tables or counters, or ventilation mechanisms.

SEC. 949. 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 subpart, shall develop procedures for State and local evaluations of the programs assisted under this subpart.

(b) REPORT.—The Secretary shall report to the Congress each year on the program assisted under this subpart.

SEC. 950. 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 fiscal years 1996 through 1999, to carry out this subpart.

Subpart 4—Media Instruction

SEC. 951. MEDIA INSTRUCTION.

(a) GRANTS AUTHORIZED.—The Secretary shall enter into a contract with an independent nonprofit organization described in subsection (b) for the establishment of a national multimedia television-based project directed to homes, schools and after-school programs that is designed to motivate and improve the reading comprehension and writing coherence of elementary school-age children.

(b) DEMONSTRATED EFFECTIVENESS.—The Secretary shall award the contract described in subsection (a) to an independent nonprofit organization that has demonstrated effectiveness in educational programming and development on a nationwide basis.

(c) AUTHORIZATION AND APPROPRIATIONS.—There are authorized to be appropriated \$5,000,000 for fiscal year 1995, and such sums

as may be necessary for fiscal year 1996 and fiscal year 1997, to carry out this section.

Subpart 5—Star Schools

SEC. 961. STAR SCHOOLS.

Subsection (a) of section 908 of the Star Schools Assistance Act (20 U.S.C. 4085b(a)) is amended by striking "greater" and inserting "lesser".

Subpart 6—Office of Comprehensive School Health Education

SEC. 971. OFFICE OF COMPREHENSIVE SCHOOL HEALTH EDUCATION.

(a) IN GENERAL.—Subsection (c) of section 4605 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3155(c)) is amended—

(1) in the matter preceding paragraph (1), by striking "Office of the Secretary" and inserting "Office of Elementary and Secondary Education"; and

(2) by adding at the end the following new paragraph:

"(4) To act as a liaison office for the coordination of the activities undertaken by the Office under this section with related activities of the Department of Health and Human Services and to expand school health education research grant programs under this section."

(b) TRANSITION.—The Secretary shall take all appropriate actions to facilitate the transfer of the Office of Comprehensive School Health Education pursuant to the amendment made by subsection (a).

Subpart 7—Minority-Focused Civics Education

SEC. 981. SHORT TITLE.

This subpart may be cited as the "Minority-Focused Civics Education Act of 1994".

SEC. 982. PURPOSES.

It is the purpose of this subpart—

(1) to encourage improved instruction for minorities and Native Americans in American government and civics through a national program of accredited summer teacher training and staff development seminars or institutes followed by academic year inservice training programs conducted on college and university campuses or other appropriate sites, for—

(A) social studies and other teachers responsible for American history, government, and civics classes; and

(B) other educators who work with minority and Native American youth; and

(2) through such improved instruction to improve minority and Native American student knowledge and understanding of the American system of government.

SEC. 983. GRANTS AUTHORIZED; AUTHORIZATION OF APPROPRIATIONS.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to make grants to eligible entities for the development and implementation of seminars in American government and civics for elementary and secondary school teachers and other educators who work with minority and Native American students.

(2) AWARD RULE.—In awarding grants under this subpart, the Secretary shall ensure that there is wide geographic distribution of such grants.

(b) 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 fiscal years 1996, 1997, and 1998, to carry out this subpart.

SEC. 984. DEFINITIONS.

For purposes of this subpart—

(1) the term "eligible entity" means a State educational agency, an institution of

higher education or a State higher education agency, or a public or private nonprofit organization, with experience in coordinating or conducting teacher training seminars in American government and civics education, or a consortium thereof; and

(2) the term "State higher education agency" means the officer or agency primarily responsible for the State supervision of higher education.

SEC. 985. APPLICATIONS.

(a) APPLICATION REQUIRED.—Each eligible entity desiring a grant under this subpart 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 APPLICATION.—Each application submitted pursuant to subsection (a) shall—

(1) define the learning objectives and course content of each seminar to be held and describe the manner in which seminar participants shall receive substantive academic instruction in the principles, institutions and processes of American government;

(2) provide assurances that educators successfully participating in each seminar will qualify for either graduate credit or professional development or advancement credit according to the criteria established by a State or local educational agency;

(3) describe the manner in which seminar participants shall receive exposure to a broad array of individuals who are actively involved in the political process, including political party representatives drawn equally from the major political parties, as well as representatives of other organizations involved in the political process;

(4) provide assurances that the seminars will be conducted on a nonpartisan basis;

(5) describe the manner in which the seminars will address the role of minorities or Native Americans in the American political process, including such topics as—

(A) the history and current political state of minorities or Native Americans;

(B) recent research on minority or Native American political socialization patterns and cognitive learning styles; and

(C) studies of political participation patterns of minorities or Native Americans;

(6) describe the pedagogical elements for teachers that will enable teachers to develop effective strategies and lesson plans for teaching minorities or Native American students at the elementary and secondary school levels;

(7) identify the eligible entities which will conduct the seminars for which assistance is sought;

(8) in the case that the eligible entity is an institution of higher education, describe the plans for collaborating with national organizations in American government and civics education;

(9) provide assurances that during the academic year educators participating in the summer seminars will provide inservice training programs based upon what such educators have learned and the curricular materials such educators have developed or acquired for their peers in their school systems with the approval and support of their school administrators; and

(10) describe the activities or services for which assistance is sought, including activities and services such as—

(A) development of seminar curricula;

(B) development and distribution of instructional materials;

(C) scholarships for participating teachers; and

(D) program assessment and evaluation.

(c) PRIORITY.—The Secretary, in approving applications for assistance under this subpart, shall give priority to applications which demonstrate that—

(1) the applicant will serve teachers who teach in schools with a large number or concentration of economically disadvantaged students;

(2) the applicant has demonstrated national experience in conducting or coordinating accredited summer seminars in American government or civics education for elementary and secondary school teachers;

(3) the applicant will coordinate or conduct seminars on a national or multistate basis through a collaboration with an institution of higher education, State higher education agency or a public or private nonprofit organization, with experience in coordinating or conducting teacher training programs in American government and civics education;

(4) the applicant will coordinate or conduct seminars designed for more than one minority student population and for Native Americans; and

(5) the applicant will coordinate or conduct seminars that offer a combination of academic instruction in American government, exposure to the practical workings of the political system, and training in appropriate pedagogical techniques for working with minority and Native American students.

PART C—DEFINITIONS

SEC. 991. DEFINITIONS.

For the purpose of this title—

(1) the term "elementary school" has the same meaning given to such term by section 1471(8) of the Elementary and Secondary Education Act of 1965;

(2) the term "institution of higher education" has the same meaning given to such term by section 1201(a) of the Higher Education Act of 1965;

(3) the term "local educational agency" has the same meaning given to such term by section 1471(12) of the Elementary and Secondary Education Act of 1965;

(4) the term "secondary school" has the same meaning given to such term by section 1471(21) of the Elementary and Secondary Education Act of 1965;

(5) the term "Secretary" means the Secretary of Education; and

(6) the term "State educational agency" has the same meaning given such term by section 1471(23) of the Elementary and Secondary Education Act of 1965.

TITLE X—PARENTS AS TEACHERS

SEC. 1001. FINDINGS.

The Congress finds that—

(1) increased parental involvement in the education of their children appears to be the key to long-term gains for youngsters;

(2) providing seed money is an appropriate role for the Federal Government to play in education;

(3) children participating in the parents as teachers program in Missouri are found to have increased cognitive or intellectual skills, language ability, social skills and other predictors of school success;

(4) most early childhood programs begin at age 3 or 4 when remediation may already be necessary; and

(5) many children receive no health screening between birth and the time they enter school, thus such children miss the opportunity of having developmental delays detected early.

SEC. 1002. STATEMENT OF PURPOSE.

It is the purpose of this title to encourage States and eligible entities to develop and

expand parent and early childhood education programs in an effort to—

(1) increase parents' knowledge of and confidence in child-rearing activities, such as teaching and nurturing their young children;

(2) strengthen partnerships between parents and schools; and

(3) enhance the developmental progress of participating children.

SEC. 1003. DEFINITIONS.

For the purposes of this title—

(1) the term "developmental screening" means the process of measuring the progress of children to determine if there are problems or potential problems or advanced abilities in the areas of understanding and use of language, perception through sight, perception through hearing, motor development and hand-eye coordination, health, and physical development;

(2) the term "eligible entity" means an entity in a State operating a parents as teachers program;

(3) the term "eligible family" means any parent with one or more children between birth and 3 years of age;

(4) the term "lead agency" means—

(A) except as provided in subparagraph (B), the office, agency, or other entity in a State designated by the Governor to administer the parents as teachers program authorized by this title; or

(B) in the case of a grant awarded under this title to an eligible entity, such eligible entity;

(5) the term "parent education" includes parent support activities, the provision of resource materials on child development and parent-child learning activities, private and group educational guidance, individual and group learning experiences for the parent and child, and other activities that enable the parent to improve learning in the home; and

(6) the term "parent educator" means a person hired by the lead agency of a State or designated by local entities who administers group meetings, home visits and developmental screening for eligible families.

SEC. 1004. PROGRAM ESTABLISHED.

(a) AUTHORITY.—

(1) IN GENERAL.—The Secretary is authorized to make grants in order to pay the Federal share of the cost of establishing, expanding, or operating parents as teachers programs in a State.

(2) ELIGIBLE RECIPIENTS.—The Secretary may make a grant under paragraph (1) to a State, except that, in the case of a State having an eligible entity, the Secretary shall make the grant directly to the eligible entity.

(b) FUNDING RULE.—Grant funds awarded under this section shall be used so as to supplement, and to the extent practicable, increase the level of funds that would, in the absence of such funds, be made available from non-Federal sources, and in no case may such funds be used so as to supplant funds from non-Federal sources.

SEC. 1005. PROGRAM REQUIREMENTS.

(a) REQUIREMENTS.—Each State or eligible entity receiving a grant pursuant to section 1004 shall conduct a parents as teachers program which—

(1) establishes and operates parent education programs, including programs of developmental screening of children; and

(2) designates a lead State agency which—

(A) shall hire parent educators who have had supervised experience in the care and education of children;

(B) shall establish the number of group meetings and home visits required to be pro-

vided each year for each participating family, with a minimum of 2 group meetings and 10 home visits for each participating family;

(C) shall be responsible for administering the periodic screening of participating children's educational, hearing and visual development, using the Denver Developmental Test, Zimmerman Preschool Language Scale, or other approved screening instruments; and

(D) shall develop recruitment and retention programs for hard-to-reach populations.

(b) **LIMITATION.**—Grant funds awarded under this title shall only be used for parents as teachers programs which serve families during the period beginning with the birth of a child and ending when the child attains the age of 3.

SEC. 1006. SPECIAL RULES.

Notwithstanding any other provision of this section—

(1) no person, including home school parents, public school parents, or private school parents, shall be required to participate in any program of parent education or developmental screening pursuant to the provisions of this title;

(2) no parents as teachers program assisted under this title shall take any action that infringes in any manner on the right of parents to direct the education of their children; and

(3) the provisions of section 438(c) of the General Education Provisions Act shall apply to States and eligible entities awarded grants under this title.

SEC. 1007. PARENTS AS TEACHERS CENTERS.

The Secretary shall establish one or more Parents As Teachers Centers to disseminate information to, and provide technical and training assistance to, States and eligible entities establishing and operating parents as teachers programs.

SEC. 1008. EVALUATIONS.

The Secretary shall complete an evaluation of the parents as teachers programs assisted under this title within 4 years from the date of enactment of this Act, including an assessment of such programs' impact on at-risk children.

SEC. 1009. APPLICATION.

Each State or eligible entity desiring a grant under this title shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may reasonably require. Each such application shall describe the activities and services for which assistance is sought.

SEC. 1010. PAYMENTS AND FEDERAL SHARE.

(a) **PAYMENTS.**—The Secretary shall pay to each State or eligible entity having an application approved under section 1009 the Federal share of the cost of the activities described in the application.

(b) **FEDERAL SHARE.**—

(1) **IN GENERAL.**—The Federal share—

(A) for the first year for which a State or eligible entity receives assistance under this title shall be 100 percent;

(B) for the second such year shall be 100 percent;

(C) for the third such year shall be 75 percent;

(D) for the fourth such year shall be 50 percent; and

(E) for the fifth such year shall be 25 percent.

(2) **NON-FEDERAL SHARE.**—The non-Federal share of payments under this title may be in cash or in kind, fairly evaluated, including planned equipment or services.

SEC. 1011. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated \$20,000,000 for fiscal year 1993, and such sums

as may be necessary for each of the fiscal years 1994 through 1997, to carry out this title.

SEC. 1012. HOME INSTRUCTION PROGRAM FOR PRESCHOOL YOUNGSTERS.

Subsection (b) of section 1052 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2742(b)) is amended by adding at the end the following new paragraph:

“(4)(A)(i) In any fiscal year in which this subsection applies, each State that receives a grant under this part may use not more than 20 percent of such grant funds in accordance with this part (other than sections 1054(a), 1054(b), and 1055) to pay the Federal share of the cost of establishing, operating, or expanding a Home Instruction Program for Preschool Youngsters that is not eligible to receive assistance under this part due to the application of such sections.

“(ii) Each State establishing, operating or expanding a Home Instruction Program for Preschool Youngsters pursuant to clause (i) shall give priority to establishing, operating or expanding, respectively, such a program that targets—

“(I) working poor families or near poor families that do not qualify for assistance under the early childhood programs under the Head Start Act or this chapter; and

“(II) parents who have limited or unsuccessful formal schooling.

“(B) For the purpose of carrying out subparagraph (A), a Home Instruction Program for Preschool Youngsters that is not eligible to receive assistance under this part due to the application of sections 1054(a), 1054(b), and 1055 shall be deemed to be an eligible entity.

“(C) For the purpose of this paragraph—

“(i) the term ‘Home Instruction Program for Preschool Youngsters’ means a voluntary early-learning program, for parents with one or more children between age 3 through 5, inclusive, that—

“(I) provides support, training, and appropriate educational materials, necessary for parents to implement a school-readiness, home instruction program for the child; and

“(II) includes—

“(aa) group meetings with other parents participating in the program;

“(bb) individual and group learning experiences with the parent and child;

“(cc) provision of resource materials on child development and parent-child learning activities; and

“(dd) other activities that enable the parent to improve learning in the home;

“(ii) the term ‘limited or unsuccessful formal schooling’ means the—

“(I) completion of secondary school with low achievement during enrollment;

“(II) noncompletion of secondary school with low achievement during enrollment; or

“(III) lack of a certificate of graduation from a school providing secondary education or the recognized equivalent of such certificate;

“(iii) the term ‘near poor families’ means families that have an income that is approximately 130 percent of the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act; and

“(iv) the term ‘working poor families’ means families that—

“(I) have family members—

“(aa) who are working; or

“(bb) who were looking for work during the 6 months prior to the date on which the determination is made; and

“(II) earn an income not in excess of 150 percent of the poverty line as described in clause (iii).”

TITLE XI—GUN-FREE SCHOOLS

SEC. 1101. SHORT TITLE.

This title may be cited as the “Gun-Free Schools Act of 1994”.

SEC. 1102. GUN-FREE REQUIREMENTS IN ELEMENTARY AND SECONDARY SCHOOLS.

The Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.) is amended—

(1) by redesignating title X as title IX;

(2) by redesignating sections 8001 through 8005 as sections 9001 through 9005, respectively; and

(3) by inserting after title VII the following new title:

“TITLE VIII—GUN-FREE SCHOOLS

“SEC. 8001. GUN-FREE REQUIREMENTS.

“(a) **REQUIREMENTS.**—

“(1) **IN GENERAL.**—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 the agency except such policy may allow the chief administering officer of the agency to modify such expulsion requirement for a student on a case-by-case basis.

“(2) **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.

“(b) **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 (a); and

“(2) a description of the circumstances surrounding any expulsions imposed under the policy required by subsection (a), 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 XII—ENVIRONMENTAL TOBACCO SMOKE

SEC. 1201. SHORT TITLE.

This title may be cited as the “Preventing Our Kids From Inhaling Deadly Smoke (PRO-KIDS) Act of 1994”.

SEC. 1202. FINDINGS.

Congress finds that—

(1) environmental tobacco smoke comes from secondhand smoke exhaled by smokers and sidestream smoke emitted from the burning of cigarettes, cigars, and pipes;

(2) since citizens of the United States spend up to 90 percent of each day indoors, there is a significant potential for exposure to environmental tobacco smoke from indoor air;

(3) exposure to environmental tobacco smoke occurs in schools, public buildings, and other indoor facilities;

(4) recent scientific studies have concluded that exposure to environmental tobacco smoke is a cause of lung cancer in healthy nonsmokers and is responsible for acute and chronic respiratory problems and other health impacts in sensitive populations (including children);

(5) the health risks posed by environmental tobacco smoke exceed the risks posed by

many environmental pollutants regulated by the Environmental Protection Agency; and

(6) according to information released by the Environmental Protection Agency, environmental tobacco smoke results in a loss to the economy of over \$3,000,000,000 per year.

SEC. 1203. DEFINITIONS.

As used in this title:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) CHILDREN.—The term "children" means individuals who have not attained the age of 18.

(3) CHILDREN'S SERVICES.—The term "children's services" means services that are—

(A) direct health services routinely provided to children; or

(i) any other direct services routinely provided primarily to children, including educational services; and

(B) funded, directly or indirectly, in whole or in part, by Federal funds (including in-kind assistance).

(4) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. 1204. NONSMOKING POLICY FOR CHILDREN'S SERVICES.

(a) ISSUANCE OF GUIDELINES.—Not later than 180 days after the date of enactment of this Act, the Administrator shall issue guidelines for instituting and enforcing a nonsmoking policy at each indoor facility where children's services are provided.

(b) CONTENTS OF GUIDELINES.—A nonsmoking policy that meets the requirements of the guidelines shall, at a minimum, prohibit smoking in each portion of an indoor facility where children's services are provided that is not ventilated separately (as defined by the Administrator) from other portions of the facility.

SEC. 1205. TECHNICAL ASSISTANCE.

(a) IN GENERAL.—The Administrator and the Secretary shall provide technical assistance to persons who provide children's services and other persons who request technical assistance.

(b) ASSISTANCE BY THE ADMINISTRATOR.—The technical assistance provided by the Administrator under this section shall include information to assist persons in compliance with the requirements of this title.

(c) ASSISTANCE BY THE SECRETARY.—The technical assistance provided by the Secretary under this section shall include information for employees on smoking cessation programs and on smoking and health issues.

SEC. 1206. FEDERALLY FUNDED PROGRAMS.

(a) IN GENERAL.—Notwithstanding any other provision of law, each person who provides children's services shall establish and make a good-faith effort to enforce a nonsmoking policy that meets or exceeds the requirements of subsection (b).

(b) NONSMOKING POLICY.—

(1) GENERAL REQUIREMENTS.—A nonsmoking policy meets the requirements of this subsection if the policy—

(A) is consistent with the guidelines issued under section 1204(a);

(B) prohibits smoking in each portion of an indoor facility used in connection with the provision of services directly to children; and

(C) where appropriate, requires that signs stating that smoking is not permitted be posted in each indoor facility to communicate the policy.

(2) PERMISSIBLE FEATURES.—A nonsmoking policy that meets the requirements of this subsection may allow smoking in those portions of the facility—

(A) in which services are not normally provided directly to children; and

(B) that are ventilated separately from those portions of the facility in which services are normally provided directly to children.

(c) WAIVER.—

(1) IN GENERAL.—A person described in subsection (a) may publicly petition the head of the Federal agency from which the person receives Federal funds (including financial assistance) for a waiver from any or all of the requirements of subsection (b).

(2) CONDITIONS FOR GRANTING A WAIVER.—Except as provided in paragraph (3), the head of the Federal agency may grant a waiver only—

(A) after consulting with the Administrator, and receiving the concurrence of the Administrator;

(B) after giving an opportunity for public hearing (at the main office of the Federal agency or at any regional office of the agency) and comment; and

(C) if the person requesting the waiver provides assurances that are satisfactory to the head of the Federal agency (with the concurrence of the Administrator) that—

(i) unusual extenuating circumstances prevent the person from establishing or enforcing the nonsmoking policy (or a requirement under the policy) referred to in subsection (b) (including a case in which the person shares space in an indoor facility with another entity and cannot obtain an agreement with the other entity to abide by the nonsmoking policy requirement) and the person will establish and make a good-faith effort to enforce an alternative nonsmoking policy (or alternative requirement under the policy) that will protect children from exposure to environmental tobacco smoke to the maximum extent possible; or

(ii) the person requesting the waiver will establish and make a good-faith effort to enforce an alternative nonsmoking policy (or alternative requirement under the policy) that will protect children from exposure to environmental tobacco smoke to the same degree as the policy (or requirement) under subsection (b).

(3) SPECIAL WAIVER.—

(A) IN GENERAL.—On receipt of an application, the head of the Federal agency may grant a special waiver to a person described in subsection (a) who employs individuals who are members of a labor organization and provide children's services pursuant to a collective bargaining agreement that—

(i) took effect before the date of enactment of this Act; and

(ii) includes provisions relating to smoking privileges that are in violation of the requirements of this section.

(B) TERMINATION OF WAIVER.—A special waiver granted under this paragraph shall terminate on the earlier of—

(i) the first expiration date (after the date of enactment of this Act) of the collective bargaining agreement containing the provisions relating to smoking privileges; or

(ii) the date that is 1 year after the date specified in subsection (f).

(d) CIVIL PENALTIES.—

(1) IN GENERAL.—Any person subject to the requirements of this section who fails to comply with the requirements shall be liable to the United States for a civil penalty in an amount not to exceed \$1,000 for each violation, but in no case shall the amount be in excess of the amount of Federal funds received by the person for the fiscal year in which the violation occurred for the provision of children's services. Each day a viola-

tion continues shall constitute a separate violation.

(2) ASSESSMENT.—A civil penalty for a violation of this section shall be assessed by the head of the Federal agency that provided Federal funds (including financial assistance) to the person (or if the head of the Federal agency does not have the authority to issue an order, the appropriate official) by an order made on the record after opportunity for a hearing in accordance with section 554 of title 5, United States Code. Before issuing the order, the head of the Federal agency (or the appropriate official) shall—

(A) give written notice to the person to be assessed a civil penalty under the order of the proposal to issue the order; and

(B) provide the person an opportunity to request, not later than 15 days after the date of receipt of the notice, a hearing on the order.

(3) AMOUNT OF CIVIL PENALTY.—In determining the amount of a civil penalty under this subsection, the head of the Federal agency (or the appropriate official) shall take into account—

(A) the nature, circumstances, extent, and gravity of the violation;

(B) with respect to the violator, the ability to pay, the effect of the penalty on the ability to continue operation, any prior history of the same kind of violation, the degree of culpability, and a demonstration of willingness to comply with the requirements of this title; and

(C) such other matters as justice may require.

(4) MODIFICATION.—The head of the Federal agency (or the appropriate official) may compromise, modify, or remit, with or without conditions, any civil penalty that may be imposed under this subsection. The amount of the penalty as finally determined or agreed upon in compromise may be deducted from any sums that the United States owes to the person against whom the penalty is assessed.

(5) PETITION FOR REVIEW.—A person who has requested a hearing concerning the assessment of a penalty pursuant to paragraph (2) and is aggrieved by an order assessing a civil penalty may file a petition for judicial review of the order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which the person resides or transacts business. The petition may only be filed during the 30-day period beginning on the date of issuance of the order making the assessment.

(6) FAILURE TO PAY.—If a person fails to pay an assessment of a civil penalty—

(A) after the order making the assessment has become a final order and without filing a petition for judicial review in accordance with paragraph (5); or

(B) after a court has entered a final judgment in favor of the head of the Federal agency (or appropriate official),

the Attorney General shall recover the amount assessed (plus interest at then currently prevailing rates from the last day of the 30-day period referred to in paragraph (5) or the date of the final judgment, as the case may be) in an action brought in an appropriate district court of the United States. In the action, the validity, amount, and appropriateness of the penalty shall not be subject to review.

(e) EXEMPTION.—This section shall not apply to a person who provides children's services who—

(1) has attained the age of 18;

(2) provides children's services—

(A) in a private residence; and

(B) only to children who are, by affinity or consanguinity, or by court decree, a grandchild, niece, or nephew of the provider; and

(3) is registered and complies with any State requirements that govern the children's services provided.

(f) **EFFECTIVE DATE.**—This section shall take effect on the first day of the first fiscal year beginning after the date of enactment of this Act.

SEC. 1207. REPORT BY THE ADMINISTRATOR.

Not later than 2 years after the date of enactment of this Act, the Administrator shall submit a report to Congress that includes—

(1) information concerning the degree of compliance with this title; and

(2) an assessment of the legal status of smoking in public places.

SEC. 1208. PREEMPTION.

Nothing in this title is intended to preempt any provision of law of a State or political subdivision of a State that is more restrictive than a provision of this title.

ORDER OF PROCEDURE

Mr. BAUCUS. Madam President, I ask unanimous consent that Senator GORTON be recognized to address the Senate, and upon conclusion of his remarks the Senate stand in recess as ordered.

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

The Senator from Washington is recognized.

BALANCED BUDGET CONSTITUTIONAL AMENDMENT

Mr. GORTON. Madam President, on two previous occasions, in 1982 and in 1986, I opposed an amendment similar or identical to the balanced budget proposal to the constitution which is before this body at this time. I am inclined to believe that calling it a balanced budget amendment is something of an exaggeration. It is an amendment to the Constitution which will make it clearly more difficult to pass one unbalanced budget after another, year after year after year.

The reason for my two negative votes on the predecessors to this proposal is similar to those which opponents have outlined with both force and eloquence yesterday and today in this body. The opponents make two points. First, that Congress and the President ought to accept the responsibility of directing this country toward a balanced budget. And second, that a statute rather than a constitutional amendment would provide a more flexible and even possibly more effective method of bringing the budget into balance.

In that connection, I was an enthusiastic supporter, and I believe a co-sponsor, of Gramm-Rudman, a statutory proposal designed to bring the budget into balance, which I may reflect actually caused a reduction in the budget for each of the years in which it was in full force and effect. But I observed, as did others, in the year 1990, that when the Gramm-Rudman shoe

began to pinch, it was for all practical purposes repealed by this body with the assent of the President. In that case neither the President nor Congress were willing to deal with the necessity to balance the budget with severe and drastic measures.

I believe that I can reflect on the fact that that budget debate in 1990 was pivotal to my change of views on this subject. In that year, as a substitute for Gramm-Rudman, we were presented with a so-called budget agreement in which both high taxes were imposed by the Congress with the assent of the President and in theory at least a degree of spending restraint was imposed at the same time.

We all know the result. The tax increases, of course, went into effect; few, if any, of the spending cuts went into effect; and the net result was that the budget deficit went up every year after the 1990 budget agreement until the year in which we find ourselves today.

That budget agreement led to a worse deficit by far than would have been the case without new tax increases but with the enforcement of Gramm-Rudman.

So it is my observation after 11 years in this body that we simply are not going to do the job unaided or unforced; that we are not going to do the job by statute; that we simply are going to have to have an outside impetus, an outside drive to reach a balanced budget or even to close in on that desirable object.

I suppose one could put it slightly differently. Since the last debate on this issue in 1986, we have had a couple of trillion reasons for the passage of this constitutional amendment, each one of those reasons being an additional dollar of debt for the United States of America.

Now, I confess, of course, that I made up my mind on this issue some time ago, no later than sometime last year. But that change in heart was overwhelmingly reinforced by an incident which took place less than 2 weeks ago. This Senator and a handful of others were present in a hearing of the Senate Budget Committee, at which the sole witness was Laura Tyson, the Chief of the President's Council of Economic Advisers. The distinguished senior Senator from Illinois [Mr. SIMON], the primary sponsor of this resolution, was present and engaged in an extended and intellectually stimulating debate with Ms. Tyson on the balanced budget amendment.

She forcefully expressed the views of the administration in opposing this resolution with one technical objection, one objection to the effect that the resolution, the constitutional amendment would not work, after another.

I found the answers to each of those questions, none of which were new, by

the distinguished senior Senator from Illinois to be persuasive. But I also was impressed with the arguments made by Chairman Tyson. Simply by luck of the draw, I was permitted to question Ms. Tyson immediately after the end of that debate. The question I put to her was, if she and the administration believed that this constitutional amendment was not the right way to go, would not succeed in reaching its goals, contained technical flaws, what alternative course of action did she and the Clinton administration propose that would reach the goal of a balanced budget in any of the years through 1999 covered by the budget figures in the submission to the Congress from the White House, or for that matter, through the year 2001, the year in which this resolution would become effective if passed by the Congress and ratified by the States?

I can quote to you. Ms. Tyson said: "It is my belief that we should not try to get to a full balanced budget by the year 1999." She went on to say that she did not believe, though she had not scored all the figures, that we should not try for such a goal by the year 2001 either.

Madam President, that was a candid and an honest answer. On previous occasions we had witnesses tell us that this was a great goal, and they just were not sure how they would get to it. But Chairman Tyson said we should not even try.

And of course when one looks at the budget submitted to us by the President, one sees that by next year we are at a deficit, if everything comes out right, of a mere, apparently, according to the President, \$150 billion. But the deficit figure never goes below that number in any succeeding year projected by the President's budget. In fact, it starts back up again, and I presume would be at a level of some \$200 billion by the year 2001, the year in which this constitutional amendment will go into effect, if passed by the Congress and promptly ratified by the States. If nothing else should persuade us of the necessity of this outside discipline, that admission should.

The opposition to the administration does not come from the proposition that there is a better way to get to a balanced budget. It comes from the proposition that we should never even try, that \$150 billion to \$200 billion of deficit as far as the eye can see in good times as in bad constitutes a better fiscal policy than does a balanced budget.

I do not see as a consequence any other alternative than to pass this proposal.

I have one other insight into this proposal which may be of some value to some of my colleagues. The State of Washington last November voted on two initiatives having to do with taxing and with spending. One was a quite drastic initiative which would roll-

back all of the tax increases passed by a new State administration in the 1993 session of this legislature, and therefore of course require a rollback of many spending programs. After a spirited and expensive campaign on both sides of that initiative, it lost by a relative narrow but nonetheless decisive majority.

On the same ballot, however, was another initiative, an initiative very similar in its philosophy to the resolution which is before this body now, an initiative which said in short that the government of the State of Washington and the spending in the State of Washington by the government, will not grow any more rapidly than the economy of the State growth without a supermajority vote of the members of the State legislature, and under some circumstances a vote of the people of the State of Washington.

That, Madam President, is precisely the philosophy of this resolution. That initiative in the State of Washington was passed by the people of the State in spite of the fact that its proponents had almost no money to spend on advertising, barely enough to gather the signatures and do a grassroots campaign. That one was passed. And it was passed in spite of the fact that all of the money being spent against the other unsuccessful initiative was being spent against it too.

But the people of the State of Washington, and I think the people of the United States of America, do not want Government constantly to grow more rapidly than does the economy of the Nation as a whole.

And finally, and related to this matter, is the fact that there is not a single Member of this body, no matter how junior, who is not well aware of the fact that lobbying organizations, whether they are professional and located full time here in Washington, DC, or whether there are those that come from our own States, overwhelmingly lobby Members of Congress to spend more money or to increase the size of Government. That lobbying effort as against those who lobby for a general fiscal conservatism or a general fiscal responsibility is on the order of 5, 6, 8, 10 to 1.

That seems to me, Madam President, highly to justify this proposition, that clearly that lobbying effort does not represent or reflect the view of the ma-

majority of our constituents, and so to make the hurdles which the lobbyists for more money, for more government, must surmount somewhat higher than they are at the present time in exactly the sense the people of the State of Washington have made them higher by their own free vote.

It seems to this Senator to be highly consistent with the views and the constitutional philosophy of those who more than 200 years ago wrote our Constitution in Philadelphia. I strongly suspect that if they had had any insight into the dynamics or politics and of lobbying and of logrolling and of pork barrel which are present in the lives of every one of us here today and at the level in which we find them, that they would not only have approved of but would have insisted on a supermajority requirement like that in this resolution.

This resolution, Madam President, does not require a balanced budget. I do not see how it could require a balanced budget. But it does make it more difficult for those who constantly want to increase the size of Government and to increase its spending at a rate more rapid than the growth of our economy. It does make their task somewhat more difficult.

It is a proposition which restores a degree of balance which has been lost not just for the last year, not just for the last decade, perhaps not even for the last century, but a balance which has been lost for some time in this country.

So Madam President, I stand before you, before the Senate, as someone who, having I believe thoughtfully opposed this proposal in the past, now believes, with a greater depth of understanding of the real forces which drive politics and fiscal policy in this country, and am persuaded that this is a protection which we must offer to the people and which the people demand from us.

So, Madam President, this is one Senator who hopes that he has companions who have seen the light, who believe that the time has come for their constitutional amendment, and the time is now.

ORDERS FOR THURSDAY, FEBRUARY 24, 1994

Mr. BAUCUS. Madam President, on behalf of the majority leader, I ask

unanimous consent that when the Senate completes its business today, it stand in recess until 11 a.m., Thursday, February 24; that following the prayer, the Journal of proceedings be approved to date and the time for the two leaders reserved for their use later in the day; that there then be a period for morning business not to extend beyond 12 noon, with Senators permitted to speak therein for up to 10 minutes each; that immediately after the Chair's announcement, Senator FEINSTEIN be recognized for up to 20 minutes; that at 12 noon, the Senate resume consideration of Senate Joint Resolution 41, the balanced budget constitutional amendment.

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

RECESS UNTIL TOMORROW AT 11 A.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 11 a.m., Thursday, February 24, 1994.

There being no objection, the Senate, at 7:18 p.m., recessed until tomorrow, Thursday, February 24, 1994, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate February 23, 1994:

DEPARTMENT OF DEFENSE

HELEN THOMAS MCCOY, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE ARMY, VICE DOUGLAS ALAN BROOK, RESIGNED.

DEPARTMENT OF STATE

DEREK SHEARER, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO FINLAND.

DEPARTMENT OF TRANSPORTATION

RICARDO MARTINEZ, OF LOUISIANA, TO BE ADMINISTRATOR OF THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, VICE MARION CLIFTON BLAKEY, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS TO TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. BUSTER C. GLOSSON, XXXXXXXXXX

IN THE NAVY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

VICE ADM. KENNETH C. MALLEY, XXXXXXXXXX

HOUSE OF REPRESENTATIVES—Wednesday, February 23, 1994

The House met at 1 p.m. and was called to order by the Speaker pro tempore [Mr. MONTGOMERY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MONTGOMERY) laid before the House the following communication from the Speaker:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 23, 1994.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the
House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are grateful, O God, that You are with us in all the great moments of decision and responsibility, and we also give thanks to You that You walk with us day by day. At all the points of life, in the good times and bad, Your presence does correct us and sustain us and Your spirit gives hope whatever our situation or whatever our need. As we live this day, a day that is Your gift to us, may we be good custodians of our tasks and ever aware of the needs of others. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

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

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 250, nays 160, not voting 23, as follows:

[Roll No. 28]

YEAS—250

Abercrombie	Glickman	Myers
Ackerman	Gonzalez	Nadler
Andrews (ME)	Gordon	Natcher
Andrews (NJ)	Green	Neal (MA)
Bacchus (FL)	Greenwood	Neal (NC)
Baesler	Gutierrez	Oberstar
Barca	Hall (OH)	Obey
Barlow	Hall (TX)	Oliver
Barrett (WI)	Hamburg	Ortiz
Bateman	Hamilton	Orton
Becerra	Harman	Owens
Beilenson	Hayes	Pallone
Berman	Hefner	Parker
Bevill	Hilliard	Pastor
Bilbray	Hinchey	Payne (NJ)
Bishop	Hoagland	Payne (VA)
Bonior	Hochbrueckner	Pelosi
Borski	Holden	Penny
Boucher	Houghton	Peterson (FL)
Brewster	Hoyer	Peterson (MN)
Brooks	Hughes	Pickett
Browder	Hutto	Pickle
Brown (FL)	Hyde	Pombo
Brown (OH)	Inglis	Pomeroy
Bryant	Insee	Poshard
Byrne	Jefferson	Price (NC)
Cantwell	Johnson (GA)	Rahall
Cardin	Johnson (SD)	Rangel
Carr	Johnson, E. B.	Reed
Chapman	Johnston	Reynolds
Clayton	Kanjorski	Richardson
Clement	Kaptur	Roemer
Clinger	Kasich	Rose
Clyburn	Kennelly	Rostenkowski
Coleman	Kildee	Roybal-Allard
Collins (IL)	Kingston	Sabo
Collins (MI)	Klecza	Sanders
Combest	Klein	Sangmeister
Condit	Klink	Sarpalius
Conyers	Kopetski	Sawyer
Cooper	LaFalce	Schenck
Coppersmith	Lambert	Schumer
Costello	Lancaster	Scott
Coyne	Lantos	Serrano
Cramer	LaRocco	Sharp
Danner	Laughlin	Shepherd
Darden	Lehman	Sisisky
Deal	Levin	Skaggs
DeFazio	Lewis (GA)	Skelton
DeLauro	Lipinski	Slattery
Dellums	Lloyd	Slaughter
Derrick	Long	Smith (IA)
Deutsch	Lowe	Spratt
Dicks	Maloney	Stark
Dingell	Mann	Stenholm
Dixon	Margolies-	Stokes
Dooley	Mezvinsky	Strickland
Durbin	Markey	Studds
Edwards (CA)	Martinez	Stupak
Edwards (TX)	Matsui	Swett
English	Mazzoli	Swift
Eshoo	McCloskey	Synar
Evans	McCurdy	Tanner
Everett	McDermott	Tauzin
Farr	McHale	Taylor (MS)
Fazio	McInnis	Tejeda
Fields (LA)	McKinney	Thompson
Filner	McNulty	Thornton
Fingerhut	Meehan	Thurman
Foglietta	Meek	Torres
Ford (MI)	Menendez	Torricelli
Ford (TN)	Mfume	Towns
Frank (MA)	Miller (CA)	Trafficant
Frost	Mineta	Tucker
Furse	Minge	Unsoeld
Gedjenson	Mink	Valentine
Gephardt	Moakley	Velazquez
Geren	Mollohan	Vento
Gibbons	Montgomery	Viscolsky
Gillmor	Moran	Volkmer
Gilman	Murtha	Waters

Watt
Waxman
Williams

Wise
Wooley
Wyden

Wynn
Yates

NAYS—160

Allard	Goss	Packard
Archer	Grams	Paxon
Armey	Grandy	Petri
Bachus (AL)	Gunderson	Porter
Baker (CA)	Hancock	Portman
Baker (LA)	Hansen	Pryce (OH)
Ballenger	Hastert	Quillen
Barrett (NE)	Hefley	Quinn
Bartlett	Herger	Ramstad
Barton	Hobson	Ravenel
Bentley	Hoekstra	Regula
Bereuter	Horn	Ridge
Bilirakis	Huffington	Roberts
Bliley	Hunter	Rogers
Blute	Hutchinson	Rohrabacher
Boehler	Inhofe	Ros-Lehtinen
Boehner	Istook	Roth
Bonilla	Jacobs	Roukema
Bunning	Johnson (CT)	Royce
Burton	Johnson, Sam	Santorum
Buyer	Kim	Saxton
Callahan	King	Schaefer
Calvert	Klug	Schiff
Camp	Knollenberg	Sensenbrenner
Canady	Kolbe	Shaw
Castle	Kreidler	Shays
Clay	Kyl	Shuster
Coble	Lazio	Skeen
Collins (GA)	Leach	Smith (MI)
Cox	Levy	Smith (NJ)
Crane	Lewis (CA)	Smith (TX)
Crapo	Lewis (FL)	Snowe
Cunningham	Lightfoot	Solomon
DeLay	Linder	Spence
Diaz-Balart	Livingston	Stearns
Dickey	Machley	Stump
Doolittle	Manzullo	Sundquist
Dreier	McCandless	Talent
Duncan	McCollum	Taylor (NC)
Dunn	McCrery	Thomas (CA)
Ehlers	McDade	Thomas (WY)
Emerson	McHugh	Torkildsen
Ewing	McKeon	Upton
Fawell	McMillan	Vucanovich
Fields (TX)	Meyers	Walker
Fowler	Mica	Walsh
Franks (CT)	Michel	Weldon
Franks (NJ)	Miller (FL)	Wolf
Gallely	Molinari	Young (AK)
Gallo	Moorhead	Young (FL)
Gekas	Morella	Zeliff
Gilchrest	Murphy	Zimmer
Gingrich	Nussle	
Goodlatte	Oxley	

NOT VOTING—23

Andrews (TX)	Fish	Rush
Applegate	Flake	Schroeder
Barcia	Goodling	Smith (OR)
Blackwell	Hastings	Washington
Brown (CA)	Hoke	Wheat
de la Garza	Kennedy	Whitten
Dornan	Manton	Wilson
Engel	Rowland	

□ 1324

So the Journal was approved.
The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. MONTGOMERY). The Chair will ask the gentlewoman from Virginia [Mrs. BYRNE] if she would kindly come for-

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ward and lead the membership in the Pledge of Allegiance.

Mrs. BYRNE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

LEGISLATIVE PROGRAM

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

Mr. GINGRICH. Mr. Speaker, I ask for this time to discuss the schedule and some arrangements that have been made.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I am happy to yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, it is good to see our friend, the gentleman from Illinois, who has survived well an automobile accident. It is good to have him back and in good health. We congratulate you for that quick recovery.

Mr. Speaker, in consultation with the Republican leadership, it has been determined that we will not consider House Resolution 238 or the resolution which I had intended to offer regarding the post office investigation today.

There will be a unanimous-consent request which would allow for these resolutions to be brought up next week on Wednesday. However, in the meantime, there will be further consultation between the two sides and representatives of the ethics committee to determine if a common approach can be agreed upon with regard to this matter.

So at the request of the distinguished minority whip and the gentleman from Oklahoma [Mr. ISTOOK] and others, we had a meeting today and came up with this approach which we all agree to.

So, therefore, we will be putting off those matters and will go straight to House Resolution 343 and to a motion to instruct conferees on Goals 2000 which should not take all that long to complete today's business.

Mr. GINGRICH. If I might, the gentleman from Oklahoma [Mr. ISTOOK] has been very, very cooperative in trying to find a bipartisan way to proceed on this, and I think he has several questions and comments he wanted to make with the majority leader.

Mr. ISTOOK. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I am happy to yield to the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Speaker, I thank the gentleman for yielding.

I appreciate the comments of the majority leader.

I understand certainly that during this week both sides in good faith, of course, will attempt to reconcile the

differences in how we approach the matter of the House post office investigation. I certainly hope that we will be seeking agreement on how to pursue it rather than on whether to pursue it, because certainly as you and so many Members know, this is a matter that has a great deal of interest and significance to the integrity of this body, and I very much appreciate the willingness of the majority leader to work with us together since ethics is not, and should not be, a partisan matter in trying to find a way where this matter can safely be pursued to protect the rights and interests of all concerned.

It is my understanding that the rights to bring up House Resolution 238 or what may be a revised or amended version of it will be protected under this agreement and are to be brought up next Wednesday?

Mr. GEPHARDT. If the gentleman will yield further, that is correct.

Mr. GINGRICH. Mr. Speaker, before we get to another matter, let me just say for a minute, following on what we did Friday a week ago where we had a bipartisan agreement between the leaderships to look into the various activities surrounding the paying back of \$82,000 by a Member and having, I think, since discovered that neither leadership knew what was going on in that instance, and we have an institutional commitment to work together to protect our integrity, I think this is another step that hopefully we can resolve and pursue issues of institutional integrity on a genuinely bipartisan basis, and I appreciate the majority leader and the gentleman from Oklahoma [Mr. ISTOOK] both reaching out and trying to find comity here.

Mr. ISTOOK. Mr. Speaker, if the gentleman will yield further, I will say to the gentleman from Missouri [Mr. GEPHARDT], I think it would be beneficial to the Members just to have a simple description of how the gentleman believes we can best proceed during this week of time to try to find that common ground.

Mr. GEPHARDT. If the gentleman will yield further, what we will do is have a meeting probably on tomorrow of yourself and various Members on your side, various Members on our side, and certainly representatives of the Ethics Committee to review how this might be best approached and see if a common approach can be arrived at.

Mr. ISTOOK. I appreciate that time frame, since I understand we will not be in session on Friday or Monday, and I think having that meeting tomorrow is good for the scheduling to give us time to work on it.

PERMISSION TO CALL UP HOUSE RESOLUTION 238 ON WEDNESDAY, MARCH 2, 1994

Mr. ISTOOK. Mr. Speaker, I ask unanimous consent that I may be per-

mitted to call up House Resolution 238 on Wednesday, March 2, 1994, at a time and place pursuant to the rules on that day to be determined by the Speaker, if determined by the Speaker to present a question of the privileges of the House, without further notification to the House of my intention to call up that resolution pursuant to rule IX. However, Mr. Speaker, if I intend to call up a resolution on that date different in form from House Resolution 238, because it might be amended between now and then, then I will notify the House of my intention to offer the revised resolution and the form of the revised resolution at least one legislative day prior to offering the resolution which would be on Tuesday.

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

There was no objection.

TRIBUTE TO DAN JANSEN

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

Mr. KLECZKA. Mr. Speaker, this weekend, the Nation's media coverage was monopolized by pictures of Dan Jansen parading a victory lap with his 9-month-old daughter Jane, who is named for his late sister. This perfect moment was how it was meant to be.

Last Friday's Olympic victory for Dan Jansen is a lesson to everyone in determination and perseverance. Although Jansen's record-setting, gold medal skate was considered his crowning achievement, those of us in Wisconsin knew that Jansen had nothing to prove in Lillehammer.

We have watched admiringly as Jansen dominated men's speed skating for the better part of a decade. Numerous World Cup championships, the title as World Sprint Champion in 1988 and 1994, and a prior record-setting performance in the 500 meter long ago proved Jansen's excellence.

For seven Olympic races, however, the country agonized as Jansen failed to win in the premier global sporting exhibition. We all suffered with him during his disheartening fall in 1988, shortly after learning of his sister's death, and his subsequent inability to medal in 1992.

For a moment last week, it looked as though Jansen's Olympic woes would continue. This dedicated athlete rose to the occasion, however. In what he had said would be his final Olympic appearance, Jansen captured the gold he desired, and set a world record in the process.

His story is an inspiration to us all, and a triumph of American determination and grit. Despite adversity and repeated jilting at the altar of success, Jansen kept going. Dan Jansen, your fellow Wisconsinites, and all of America, salute you.

□ 1340

ASK AMERICA ABOUT CLINTON'S SOCIALIZED MEDICINE

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

Mr. DELAY. Mr. Speaker, recently the Washington Times ran a letter I think everyone who supports President Clinton's socialized medicine proposal should hear.

It is from a military wife who in her own words has "lived with Government-sponsored socialized medicine for decades." She writes:

I have had babies in government-run hospitals when the only obstetrician I saw during the pregnancy arrived at my bedside after 25 hours of labor.

I have had a 20-year-old screening patients tell me to have a seat and wait my turn even as the baby in my arms was turning gray from lack of oxygen.

I have had to fly a child home from Germany so that I could get a proper diagnosis.

I have waited on the allergy clinic list for 9 months only to be told I would not be seen for at least another 6 months.

She concludes:

Military wives, indeed all Americans, should unite against the Clintons' goal of socialized medicine. It is your worst nightmare and it exists today.

Mr. Speaker, I say to my colleagues, this is not another Canadian horror-story. This is from home and it is a glimpse of the Clinton future. "I'll bet America can't wait."

RUSSIA USING OUR CASH TO UN- DERMINE AND ENDANGER OUR FREEDOM

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

Mr. TRAFICANT. Mr. Speaker, let us see if this makes any sense: Congress borrows money from Japan and Germany; then Congress gives the borrowed money to Russia; then Russia takes the American cash and bribes our CIA and buys our secrets.

Most recently, Rick and Mary Ames, think about it, American cash is used to spy on America. We are supposed to be helping Russia find democracy and freedom. They are using our cash to undermine and endanger our freedom.

Beam me, Mr. Speaker.

We have got kids sleeping on steel grates, kids killing kids, mom and dad without jobs, and we are giving our borrowed money to Russia, who spies on us. I say enough is enough; no more cash to Russia. Charity starts at home.

One last thing: I heard it was still referred to as "Uncle Sam," not "Uncle Sucker." Maybe Congress ought to leave it that way,

SOCIALIZED MEDICINE IS NOT THE ANSWER

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

Mr. HEFLEY. Mr. Speaker, the Washington Post reports that some of Vice President GORE's Christmas cards are just now showing up 10 weeks after being mailed.

Postal officials responded that most of the GORE Christmas cards reached their destination in December.

The story also reports the loss of Clinton inauguration invitations, which were lost nearly 1 year before being recovered.

This all makes me wonder Mr. Speaker, what would Government run health care be like under the Clinton health care plan?

A health system that would be administered by a huge bureaucratic machine comparable to that of the Postal Service.

Granted most of the GORE mail showed up on time but what if it had been a new drug or medical technology.

What if it had been one of our loved ones waiting for treatment.

Socialized medicine is not the answer.

THE TRUTH ABOUT THE "THREE STRIKES AND YOU'RE OUT" SLO- GAN

(Mrs. BYRNE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BYRNE. Mr. Speaker, it is not surprising that slogans like "Three Strikes You're Out" are suddenly popular. Indeed, it is seductive and politically savvy at this time.

I applaud my colleagues for taking the initiative—but wonder are we addressing the problem?

What kind of message are we sending by locking away someone for mail fraud yet allowing the rapist to go free?

I urge my colleagues to seriously look at what they are supporting and consider where this debate is taking us.

Let's look beyond the slogans.

Indeed how many criminals can Uncle Sam put away when only 5 percent of crimes are prosecuted federally?

Today, I will introduce legislation that will empower our States to target the most violent criminals without giving them repeated chances to do more violence.

My bill is simple. We will make sure that States who make a commitment to incarcerate violent criminals will have the necessary prison space.

We cannot accept mandatory life in prison without parole lightly—yet we must accept its necessity for certain criminals.

This approach is both tough and smart.

LET US ADOPT THE REPUBLICAN HEALTH CARE PLAN

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

Mr. LINDER. Mr. Speaker, let us see. We will not get to choose our own doctors. And it is going to cost more. Doesn't sound too good, does it?

But wait. It gets worse. Tens of thousands of new, Government health care bureaucrats come with the deal.

And a job-killing payroll tax gets slapped on American businesses.

And nobody in the Clinton administration seems to have the slightest clue as to what the long-range cost to the American taxpayers is going to be.

That is President Clinton's government-run health care proposal in a nutshell.

Mr. Speaker, I just want to reiterate that Republicans have offered an alternative to socialized medicine. The Michel plan contains no new taxes. It comes without the bureaucrats. And it preserves the individual choice which is so important to every American family.

Let us not do something we will all regret for a long time to come. Let us reject the Clinton Government-run health care plan and adopt the Michel alternative.

THE TAILHOOK SCANDAL

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

Mr. MEEHAN. Mr. Speaker, the Navy needs to take a long, hard look at the Tailhook incident and the investigation that followed. The failure to find the truth about what happened is almost as embarrassing as the allegations themselves, because dozens of officers commissioned in the Armed Forces of the United States chose to close ranks and protect themselves and their friends rather than to do what was right, and tell the truth. And while the senior leaders of the Navy rush to defend Frank Kelso, they seem to have forgotten about Paula Coughlin, who has no admiral's pension to help pick up the pieces of her ruined career. She showed tremendous courage in coming forward, and we should remember the real victims of Tailhook.

The Tailhook scandal and subsequent investigation are symptoms of serious problems that demand sustained attention from the service's senior leaders. I intend to keep after the Navy on this issue when the Armed Services Committee holds hearings in early March. The Navy has an obligation to the Nation and to itself to confront both sex-

ual harassment and the absence of accountability that allowed the Tailhook scandal to occur and the guilty to go unpunished. Admiral Kelso's early retirement is the first step in putting Tailhook behind us, not the last.

LET US APPROVE THE MICHEL HEALTH CARE PLAN

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

Mr. EWING. Mr. Speaker, President Clinton's new health plan will spawn 105 new bureaucracies, expand 40 more existing bureaucracies, crush the American people with scores of new tax burdens, and promote more than 100 new regulations to muddle an already fuzzy health care system.

If that is what the President has in store for the sick people of America, I hate to see what he has up his sleeve for the healthy people.

While we may all have disagreements with our insurance carriers, I would rather work mine out with the local insurance agent or through my employer than through a Federal bureaucrat in Washington, DC. The answer, if you ask most people, would be undebatable, "Yes, I want the current system."

Let us do what is best for our families. Let us approve the Michel health care plan.

A CAMPAIGN FOR KINDNESS

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

Mr. TUCKER. Mr. Speaker, last week I introduced a House resolution that calls for a campaign for kindness, for acts of kindness. The is a gentleman away from Washington, Prof. Chuck Wall, who started this idea. And as we stop and we think about the problems that go on in our communities, we will hear debate in the next few weeks how we can address all the acts of violence, we come to a time, Mr. Speaker, where we have been somewhat desensitized to all the violence that occurs.

Mr. Speaker, I am asking the Members to call my office or call my AA and join in on this resolution, which may be symbolic at this point but will one day lead to a point where we can have a whole week memorializing acts of kindness. I think it will begin to get this country on the move to start being kind to one another once again.

□ 1350

GOING FOR THE GOLD

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

Ms. PRYCE of Ohio. Mr. Speaker, tonight's the big night. Nancy Kerrigan versus Tonya Harding, in the great dramatic skateoff. At least, that's how the media portrays it. Unfortunately, it's not the whole story.

There are other skaters, maybe better skaters who might very well win the gold medal but who have been ignored by the media.

This reminds me of the health care debate. So far, we have only heard about the controversial plans, Cooper and Clinton.

But there are better plans out there that will solve the problems of our current system without creating a huge Government bureaucracy.

The favorite for the gold medal is the Michel plan. This alternative hits all three big jumps of this health care debate. First, it solves the portability problem; second, it eliminates preexisting conditions; and third, it allows for universal access for all citizens.

Mr. Speaker, by focusing on the controversial, the media has neglected the real star of the health care debate. That star is the Michel plan. We cannot afford to ignore it.

TRIBUTE TO PAT KRAUSE, FORMER MEMBER OF STAFF OF THE SUBCOMMITTEE ON INSULAR AND INTERNATIONAL AFFAIRS.

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

Mr. DE LUGO. Mr. Speaker, I rise with sadness to note the passing of a former member of the staff of the Subcommittee on Insular and International Affairs, Patricia A. Krause. She succumbed last night after a long battle with cancer.

Pat served for 14 years on the staffs of the Interior and Insular Affairs Subcommittees with jurisdiction over matters concerning the Trust Territory of the Pacific Islands and the freely associated states that evolved from it. Our expert on these Micronesian Islands, she was a trusted advisor to me as well as to my predecessors, John F. Seiberling and the late, great Phillip Burton.

Pat was brought to the committee by Phil, whom she had also aided while on the staff of the Democratic caucus. Her work for our party additionally included stints on the Democratic Study Group and Democratic National Committee staffs.

Much of her work for our committee concerned the awful legacy of U.S. nuclear weapons testing in the Marshall Islands. She was devoted to seeing to it that our Nation provided medical care for the peoples whose health had been adversely affected by the fallout. Pat was dedicated to ensuring that the contamination would be cleaned up and islanders could safely return to their homelands.

It's ironic that the committee will hold a hearing tomorrow to further investigate information that Pat helped uncover on the full extent of the problems caused by nuclear testing in the Marshalls.

Mr. Speaker, Pat Krause was a deeply compassionate and committed woman with a very warm heart and a strong personality who served this House and the peoples of Micronesia well.

Mr. Speaker, we who knew Pat will miss that wonderful raucous laugh of hers. This good woman will be missed by all who knew her.

NOW IS THE TIME TO START THE INVESTIGATION

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

Mr. STEARNS. Mr. Speaker, we have had a task force investigation into the House Post Office scandal but since their report was issued it has been established that witnesses did not tell the truth. We have also had the former House Postmaster plead guilty to embezzlement.

How can the public renew their faith in Congress if we fail to investigate ourselves? Imagine you are a shareholder in a company that failed to investigate possible stealing by its employees. How would you feel?

The public is already upset that we pass laws on them and then exempt ourselves from the full weight of those laws. How can we then refuse to comply with the House rules that dictate we investigate alleged wrongdoing among us?

Some in this body are relying on the Justice Department to fulfill obligations that belong to us, Mr. Speaker. I urge my colleagues to cosponsor House Resolution 238, the Istook resolution to require the Ethics Committee to conduct an investigation into the House Post Office and to vote "aye" when the resolution comes up for a vote.

THE CIA MUST BE DOWNSIZED AND DISINFECTED

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

Mr. OWENS. Mr. Speaker, the CIA must be downsized and disinfected. The headlines today provide us with new proof that the intelligence operations dinosaur, which devours billions of dollars, taxpayers' dollars, is corrupt as well as inefficient and out of control. The headlines tell us that Aldrich Ames, a highly placed decisionmaker, on a career track which might have, one day, led him to become Director of the CIA; well, this man has been a Soviet spy since 1985.

Taxpayers, wake up. A blunder of this magnitude at a very high level makes it necessary to perform critical surgery. Taxpayers must stay alert and not allow the damage control experts to cover up this exposure of gangrene at the heart of the American intelligence structure.

Mr. Speaker, it is not enough just to convict Aldrich Ames of espionage. The entire monstrous CIA must be disinfected. Brian Lattel, and all the other vermin, must be cleaned out. The CIA must be downsized, and the CIA must be disinfected.

THE PRISON MANAGEMENT RELIEF ACT OF 1994

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

Mr. CANADY. Mr. Speaker, I rise today in support of a bill that I will introduce tomorrow, the Prison Management Relief Act of 1994. Federal courts are introducing into the management of State prison systems in America, placing arbitrary caps on prison populations and forcing the early release of prisoners. Currently 39 States are burdened by Federal court orders, or consent decrees, that limit inmate populations or require systematic improvement of conditions in their correctional facilities. Nine States are under court order covering their entire prison systems.

In Florida alone, 20,350 inmates were released in 1992-93 to maintain the State's prison population within its court-mandated capacity.

Just this last weekend a tragedy occurred in Ocala National Forest because a criminal was released early from a Florida prison. John Edwards was murdered and his sister was brutally raped and beaten by two men. One of the men had been released from a Florida prison after serving less than one-quarter of his sentence.

Mr. Speaker, we must shut the revolving door of our Nation's prisons. The Prison Management Relief Act will help prevent courts from placing arbitrary population caps on State prison systems. Passage of this legislation is one important step we can take to at least slow down the revolving door. The provisions of this bill are already part of the Senate crime bill and should be a part of any anticrime bill this House passes.

SUPPORT THE SAFE SCHOOLS ACT

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

Mr. HOAGLAND. Mr. Speaker, I rise today in strong support of the Safe Schools Act to provide grants to schools to establish programs to prevent violence in our schools. It encour-

ages the various agencies and groups involved in crime and education to work together to put our children's interest first.

Children in Omaha and across this country should be learning in school, not worrying that they could be injured or killed by another child carrying a weapon.

Youth violence is becoming a reality in many cities—big and small. This past fall in Omaha, there were several incidents where children were caught with guns at school. One incident in particular underscores the pervasive availability of handguns in our society. A 7-year-old boy brought a loaded .25 caliber handgun to one of our elementary schools.

We cannot allow youth violence to become the rule rather than the exception in our schools. I am working hard to get handguns out of the hands of our children. I have introduced legislation to make it illegal under Federal law for anyone under the age of 18 to possess a handgun or ammunition. It would also prohibit the sale of a handgun or ammunition to or by a minor.

The fear of violence in our schools is real. I have received a number of letters from students in our Omaha schools who are concerned about the rising level of youth violence around the country. One junior high school student writes:

Why should I be afraid to get on a school bus? Why should I be afraid to go to my locker? Why should I be afraid to go to the mall? The answer, Mister Hoagland, is I should not have to be afraid to be a child.

When kids do not feel safe at school they are not learning at their full potential. Another Omaha junior high school student writes:

Having entered my teen years recently, I have noticed a disturbing fact, that youth violence is growing bigger than ever . . . If we can prevent these disturbances from happening we could make a very big difference with grades, and the ability to do things. When a student has the ability and the belief that he/she could make a difference . . . that's when the changes occur . . . The violence that is on our streets and in our homes would suddenly die away.

We need to get guns off of our streets and keep them out of our schools. Violence has no place in our classrooms. The Safe Schools Act is a step toward making our schools safer.

KEEP THE FEDERAL GOVERNMENT OUT OF PRIVATE AND HOME SCHOOLS

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

Mr. CALVERT. Mr. Speaker, when it comes to problems, the Federal Government has a full plate.

Foreign policy crises; health care; a massive budget deficit.

What the Federal Government does not need is more problems, and it cer-

tainly doesn't need to poke its rather large nose into the affairs of our country's private schools or into the affairs of parents who choose to educate their children at home.

Mr. Speaker, it may not be the intent of H.R. 6 to intrude into private or home schools, but we need to make certain this does not happen.

I strongly support Mr. ARMEY'S amendment to H.R. 6.

We need to make crystal clear that the Federal Government has no business interfering with private or home schools.

Given the conditions in some of our country's public schools, the bureaucrats at the Department of Education surely have enough to worry about without poking their collective nose where it is not needed and does not belong.

SUPPORT THE IMPROVING AMERICA'S SCHOOLS ACT

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute.)

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in support of H.R. 6, the Improving America's Schools Act which the House will consider tomorrow. This bill reauthorizes the Elementary and Secondary Education Act and provides Federal education assistance to 90 percent of all school districts in our country.

This bill is the product of 13 months of work by the House Education and Labor Committee during which we held over 30 hearings and had countless hours of meetings with community representatives, parents and education professionals. This bill will propel our Nation's public schools into the next century with the momentum they need to succeed.

While there are a great many positive aspects of this bill, many of you may have been approached with some concerns about this legislation. Specifically, there has been a misinterpretation of this bill which implies that it would cover home and private schools to certify their teachers. This is simply not true. However, in light of the controversy, it is my understanding that an amendment has been drafted to clarify that only public schools are affected by this section of the bill or the 2124(e) section will be deleted.

As a State senator, I supported the rights of parents to home school their children, and I continue to support this right. It should be noted that it was never the intention of the committee to cover home schoolers under the certification provision and was even stated so in committee. It is our public schools that are in need of assistance, and this provision was designed to set them in the right direction.

H.R. 6 is a good bill innovative ideas and new funding for programs that af-

fect every part of this country. The bill will reach millions of children all over our country and will give them the opportunity for a quality education. I ask that Members support H.R. 6 and I encourage Members not to weaken this bill through amendments that serve to protect the status quo in our public schools.

□ 1400

INTRODUCTION OF BINDING LEGISLATION ON TAXES AND SPENDING FOR GOVERNMENT-MANDATED HEALTH CARE

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

Mr. ALLARD. Mr. Speaker, In January, Congressman PENNY and I introduced a resolution directing that any Government mandated health care reform should be on-budget where the true costs are honestly disclosed to the American people.

This means that any mandates should be counted as taxes, and the expenditures of any government controlled health alliances should be counted as Federal spending. I am pleased that 137 Members have signed onto this resolution.

Two weeks ago the Congressional Budget Office supported our position and recommended that the administration's health reform proposal be on-budget. We applaud this decision.

While the CBO recommendation is a victory for fiscal integrity, the CBO's view is only advisory; ultimately, the Congress must explicitly address the issue through legislation.

That is why today, Congressman PENNY and I, are introducing binding legislation that require that the Federal budget accurately reflect the level of taxes and spending in any Government mandated health care system.

This will ensure that no attempts are made to hide the true costs of any health plans off-budget.

We will be watching the health care debate closely in the coming months to ensure that truth in budgeting prevails.

MAMMOGRAPHY SCREENING RESOLUTION

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

Mr. TOWNS. Mr. Speaker, today I have introduced a House resolution calling for coverage of mammography screening in any benefits package provided under health care reform, for all women between 40 and 49, and for any high risk woman under 40. The absence of mammography screening coverage for women in these age groups in the proposed health care reform package

poses a serious threat to the lives of thousands of young women in this country.

The fact is, women under 50 get breast cancer. Indeed, in 1992 alone, 40,000 breast cancer cases were diagnosed in women under 50, of which 28,900 were diagnosed in women between the ages of 40 and 49.

The exclusion of mammography coverage in health care reform for women under 50 will affect most American families. No racial, ethnic, or economic class in America is immune from the pain and suffering of breast cancer: White women and Hawaiian Pacific Islanders have the highest incidence of breast cancer in this country; breast cancer is the leading cancer killer of young African-American and Hispanic women; and, for low-income women, the survival rates are 9 percent lower than for women with higher incomes.

Last year, the Special Commission on Breast Cancer of the President's Cancer Panel concluded that earlier detection increases the likelihood of reducing mortality. Although the science is not conclusive on this issue, the commission recommended that women between 40 and 49 continue to have mammography screening while the Public Health Service undertakes a study to determine the mortality benefit of screening women in this age group.

Like the President's Cancer Panel, I also believe that until we know conclusively the science on mammography, we must continue to provide mammography to women between 40 and 49 since it is the most effective and widely used form of early detection that we have today. Eliminating mammography from current medical practice will generate a huge void in early detection for breast cancer and worse, result in thousands of avoidable deaths. We cannot allow the financial savings from eliminating mammography coverage to overshadow the pain and suffering of families who have lost their mothers, sisters, and daughters to breast cancer.

Women's health cannot be rationed under health care reform. The House resolution that I am introducing today reinforces this principle. The resolution calls for mammography screening coverage for all women between 40 and 49, and high-risk women under 40. Those who seek mammography screening and can afford to share in the cost of the screening will be required to pay a copayment, while women who cannot afford to pay the copay will be exempted from any payments. The exemption of low-income women from the copay echoes the fundamental theme of health care reform—the elimination of all financial barriers to access to health care.

Breast cancer kills many young women in this country. Our goal must be to try to stop these deaths in any

way possible. This House resolution is one way we can start saving lives, by continuing to promote and encourage early detection for breast cancer under our Nation's new health care reform package.

HOME SCHOOLING

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

Mr. BURTON of Indiana. Mr. Speaker, we have been getting thousands of phone calls across this country in every congressional office about H.R. 6 and an attempt by many in this body to mandate Federal certification of people who are going to teach their children at home and in private schools. The argument is that if they are not certified, they are not going to do the job properly.

I and my office decided to do some research on this, and we found that home-educated students scored on average at or above the 80th percentile in all learning categories, including reading, listening, language, math, science, social studies, and basic skills. The National average in public schools is only in the 50th percentile, 30 percentile points lower.

Home education families averaged a \$488 per student expenditure per year, while the average per student cost in public elementary and secondary schools was 10 times that, or almost \$4,000.

Mr. Speaker, we ought to keep the Federal Government out of this area. We have no business mandating certification of people who are doing home schooling. They are doing an excellent job, and we should leave them alone.

NO TO A BALANCED BUDGET?

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

Mr. GOSS. Mr. Speaker, the White House and certain high-decibel special interest groups are pulling out all the stops to derail the balanced budget amendment. Never mind that 7 out of 10 Americans support this requirement that the Federal budget be balanced. But take a close look at the administration's scare campaign. As liberal columnist Michael Kinsley discovered in reading White House propaganda:

"The administration's nightmare scenarios * * * are not an argument against a balanced budget amendment. They are an argument against a balanced budget itself.

A balanced budget amendment does not mandate specific cuts in entitlements or a raid on Social Security. It simply mandates a balanced budget. Just like most States have and most local governments and most American families. President Clinton seems most afraid that he will no longer be able to

spend our dollars beyond our means. We need a balanced budget and we need an amendment to get it.

AN APPEAL FOR A FAIRER DISTRIBUTION OF FUNDS FOR COMMITTEE ON GOVERNMENT OPERATIONS

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

Mr. MICA. Mr. Speaker, the Government Operations Committee of the House is responsible for the investigation and oversight of our executive branch. This committee is charged with maintaining the integrity of the very process of our system of government.

Today I appealed to the Committee on House Administration to consider a fairer distribution of resources of that important committee on which I serve. I ask my colleagues to take just a moment and look at the facts.

The distribution of investigative staff for the Government Operations Committee: minority, 15 percent; majority, 85 percent.

Expenditures proposed for 1994: \$594,000, 17 percent for Republicans; \$2.1 million, 83 percent for Democrats.

And look at this graphic illustration of the number of investigative staff: Just 9 for the minority and 52 for the majority.

Mr. Speaker, I say to my colleagues that I am not here asking for more money but only a fairer distribution of funds. With Democrats controlling both Houses of Congress, the White House and the executive branches, only a fair distribution of resources will preserve the integrity of our oversight process.

THE CLINTON PLAN AND ITS EFFECT ON SMALL BUSINESS

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

Mr. BAKER of California. Mr. Speaker, as we consider the President's health care reform plan, we must not forget small business and what harm this plan will do to them. The President's plan calls for a mandatory 7.9-percent payroll tax. This additional tax on hiring will cripple small business, and there is no guarantee that this tax will not increase in time, furthering the damage done to the backbone of the American business community.

The Congressional Budget Office made several conclusions about the Clinton plan. First, it is a huge, untried expansion of government into the daily lives of all Americans.

No. 2, it will create a greater deficit crisis than we already have today, over \$70 billion for starters.

And No. 3, every American family will be forced to pay for this plan with large payroll tax increases.

But the analysis of the Congressional Budget Office is only part of the story. CBO did not talk about the implied rationing of the Clinton plan or the diminished quality or about the limited choice, the ability to choose one's doctor.

Mr. Speaker, the Clinton plan is history. Let us now have a practical discussion on insurance portability and earlier primary care for the uninsured. This does not require turning medicine over to big government. That idea has been tried and failed. The Evil Empire is dead.

BIG GOVERNMENT THREATENS MEDICAL SYSTEM WITH HEALTH CARE LEGISLATION

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

Mr. DUNCAN. Mr. Speaker, liberals gave us Medicaid. They told us it was great.

Now they tell us it is a horrible system that should be abolished.

Before the Federal Government got into our medical system, almost everyone could afford good medical care.

If the Federal Government gets further into health care, soon no one will be able to afford it.

I have heard it said, "If you think health care is expensive now, wait until its free."

Big government liberals have already destroyed thousands of small businesses and millions of jobs through over-regulation and excessive taxation.

Their excesses have driven up the prices of homes and cars to where they are making it almost impossible for the average consumer to buy either.

Big government liberalism hurts the poor and working people worst of all.

The formula is very simple: More government equals higher prices; less government equals lower prices.

Big government has destroyed lives all over this world, and big government liberals are slowly destroying the American dream, too.

It is not a conspiracy; it is just a fact that the bigger government becomes, the worse life becomes for those who do not work for the government.

□ 1410

EXPRESSING THE SENSE OF CONGRESS ON THE SENIOR REPRESENTATIVE OF THE NATION OF ISLAM

Mr. LANTOS. Mr. Speaker, pursuant to the order of the House of Tuesday, February 22, 1994, I call up the resolution (H. Res. 343) to express the sense of the House of Representatives condemning the racist, anti-Catholic, and

anti-Semitic speech given by a senior representative of the Nation of Islam and all manifestations and expressions of hatred based on race, religion, and ethnicity, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 343

Whereas the United States House of Representatives strongly oppose racism, anti-Catholicism, anti-Semitism, and all forms of ethnic or religious intolerance;

Whereas the racist, anti-Catholic, and anti-Semitic speech given by Kahlid Abdul Muhammad of the Nation of Islam at Kean College on November 29, 1993, incites divisiveness and violence on the basis of race, religion, and ethnicity; and

Whereas Mr. Muhammad specifically justifies the slaughter of Jews during the Holocaust a fully deserved; disparages the Pope in the most revolting personal terms; and calls for the assassination of every white infant, child, man, and woman in South Africa: Now, therefore, be it

Resolved, That the House of Representatives

(1) condemns the speech given by Kahlid Abdul Muhammad as outrageous hate-mongering of the most vicious and vile kind; and

(2) condemns all manifestations and expressions of racism, anti-Catholicism, anti-Semitism, and ethnic or religious intolerance.

THE SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from California [Mr. LANTOS] is recognized for 1 hour.

Mr. LANTOS. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Illinois [Mr. HYDE], and I ask unanimous consent that he be permitted to control the time on behalf of our Republican colleagues.

THE SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

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

The purpose of this resolution is to express the sense of the House of Representatives condemning the racist, anti-Catholic, anti-Semitic, homophobic speech given by a senior representative of the Nation of Islam and to condemn all manifestations and expressions of hatred and divisiveness in our country.

Mr. Speaker, free speech is one of the greatest values of our free society, and all of us in this House are passionately committed to its preservation. The right to free speech, however, does not confer upon anyone the privilege of being immune from the free speech of others.

When freedom of speech is abused in a vile and vicious way to promote hatred and to incite murder on a gigantic scale, it is the duty of responsible legislative bodies to condemn such speech in clear and uncertain terms.

That is exactly, Mr. Speaker, what our colleagues in the other body did, when the Senate acted unanimously, every single Republican and every single Democrat, to repudiate and condemn the evil hate-mongering of the then-national spokesman for the Nation of Islam on a college campus.

The Senate resolution, which is parallel to my resolution, reads as follows:

It is the sense of the Senate that the speech made by Mr. Khalid Abdul Mohammad at Kean College on November 29, 1993, was false, anti-Semitic, racist, divisive, repugnant and a disservice to all Americans and is therefore condemned.

This is the moment, Mr. Speaker, for Members of the House of Representatives to stand up and be counted on what must be one of the most criminally vicious public incitements to hatred and mass murder ever offered on an American college campus. To say that this rambling and hate-filled diatribe is racist, sexist, anti-Catholic, anti-Semitic, and homophobic is true, of course, but it does not begin to convey the murderous venom which drips from every utterance. Just to use one set of examples from a speech, the transcript of which takes 62 pages, let me quote relevant portions relating to racism. I will omit the abusive language for obvious reasons.

At a time when responsible black and white leaders in South Africa are engaged in the difficult task of building a democratic multiracial society, Khalid Abdul Mohammad issues a bloodthirsty call for mass murder.

We kill the women. We kill the children. We kill the babies. We kill the blind. We kill the crippled. We kill them all. We kill the faggot. We kill the lesbian. We kill them all.

Why kill the women? Because they lay on their back, they are the military or the army's manufacturing center. They lay on their back and reinforcements roll out from between their legs. So we kill the women, too.

You'll kill the elders, too? Kill the old ones, too. Goddamit, if they are in a wheelchair, push them off a cliff in Capetown or Johannesburg. I said kill the blind, kill the crippled, kill the crazy. Goddamit. And when you get through killing them all, go to the goddamn graveyard and dig up the grave and kill them goddamn again, because they didn't die hard enough. They didn't die hard enough. And if you have killed them all and you don't have the strength to dig them up, then take your gun and shoot in the goddamn grave.

Kill them again. Kill them again, because they didn't die hard enough.

Mr. Speaker, 62 pages of this dialog is not free speech. It is the opposite of free speech. It is an attempt to incite hatred and division in this complex, multiethnic, multireligious society, which has a difficult time, without these incitements to hate and murder, to function in a civil way.

But we are not just dealing with events in this country. We are dealing with a daily diet of the evening news, mass rapes and ethnic cleansing in the former Yugoslavia, where 200,000 inno-

cent civilians have been killed in the last 22 months because of words of hate and bigotry spoken in a similar vein.

A few weeks ago, Mr. Speaker, six little children frolicking in the snow in Sarajevo were killed because of words of this kind. And 2 weeks ago, 68 innocent civilians, men, women and children, were killed in the open market of the city of Sarajevo.

Now, there are colleagues in this House who might claim that these are mere words. Let me remind them that the Holocaust did not begin with the gas chambers. It began with words, words of hate and bigotry, calling for mass murder. And mass murder they did.

Mr. Speaker, I ask that excerpts of the speech of Khalid Abdul Mohammad be placed in the RECORD, and I urge my colleagues to see the kind of vicious, hate-filled statements it contains.

MINISTER LOUIS FARRAKHAN AND THE NATION OF ISLAM CLAIM THEY ARE MOVING TOWARD MODERATION AND INCREASED TOLERANCE—YOU DECIDE

Brothers and sisters—the so-called Jew, and I must say so-called Jew, because you're not the true Jew. You are Johnny-come-lately-Jew, who just crawled out of the caves and hills of Europe just a little over 4,000 years ago. You're not from the original people. You are a European strain of people who crawled around on all fours in the caves and hills of Europe eating Juniper roots and eating each other.

Who are the slumlords in the black community? The so-called Jew who is sucking our blood in the black community. A white imposter Arab and a white imposter Jew, right in the black community, sucking our blood on a daily and consistent basis. They sell us pork and they don't even eat it themselves. A meat case full of rotten pork meat, and the imposter Arab and the imposter white Jew, neither of them eat it themselves. A wall full of liquor keeping our people drunk and out of their head, and filled with the swill of the swine, affecting their minds. They're the blood suckers of the black nation and the black community. Professor Griff was right when he spoke here—and when he spoke in the general vicinity of Jersey and New York, and when he spoke at Columbia Jew-niversity (sic) over in Jew (sic) York City. He was right.

The DeBeers mines, Oppenheimer, our people, our brothers and sisters in South Africa, hundreds of them lose their lives. Sometimes thousands in those mines. Miles underground mining diamonds for white Jews. That's why you call yourself Mr. Reubenstein, Mr. Goldstein, Mr. Silverstein. Because you been stealing rubies and gold and silver all over the earth. That's why we can't even wear a ring or a bracelet or a necklace without calling it Jew-erly. We say it real quick and call it jewelry, but it's not jewelry it's Jew-erly cause you're the rogue that's stealing all over the face of the planet earth.

You see everybody always talk about Hitler exterminating 6 million Jews. That's right. But don't nobody ever ask what did they do to Hitler. What did they do to them folks? They went in there, in Germany, the way they do everywhere they go, and they supplanted, they usurped, they turned around and a German, in his own country, would almost have to go to a Jew to get money. They had undermined the very fabric

of the society. Now he was an arrogant no-good devil bastard. Hitler, no question about it. He was wickedly great. Yes, he was. He used his greatness for evil and wickedness. But they are wickedly great too, brother. Everywhere they go, and they always do it and hide their head.

We don't owe the white man nothin' in South Africa. He's killed millions of our women, our children, our babies, our elders. We don't owe him nothing in South Africa. If we want to be merciful at all, when we gain enough power from God Almighty to take our freedom and independence from him, we give him 24 hours to get out of town, by sundown. That's all. If he won't get out of town by sundown, we kill everything white that ain't right (inaudible) in South Africa. We kill the women, we kill the children, we kill the babies. We kill the blind, we kill the crippled, (inaudible), we kill 'em all. We kill the faggot, we kill the lesbian, we kill them all. You say why kill the babies in South Africa? Because they gonna grow up one day to oppress our babies, so we kill the babies. Why kill the women? They, they . . . because they lay on their back, they are the military or the army's manufacturing center. They lay on their back and reinforcements roll out from between their legs. So we kill the women too. You'll kill the elders too? Kill the old ones too. Goddamit, if they in a wheelchair, push 'em off a cliff in Cape Town. Push 'em off a cliff in Cape Town, or Johannesburg, or (inaudible), or Port Shepston or Darbin, how the hell you think they got old. They old oppressing black people. I said kill the blind, kill the crippled, kill the crazy. Goddamit, and when you get through killing 'em all, go to the goddamn graveyard and dig up the grave and kill 'em, goddam, again. 'Cause they didn't die hard enough. They didn't die hard enough. And if you've killed 'em all and you don't have the strength to dig 'em up, then take your gun and shoot in the goddamn grave. Kill 'em again. Kill 'em again, 'cause they didn't die hard enough.

We found out that the Federal Reserve ain't really owned by the Federal Government . . . But it ain't owned by the Federal Government. The Federal Reserve is owned by, you just touched on it a little while ago. (Jews.) It's owned by the Jews.

Brother, I don't care who sits in the seat at the White House. You can believe that the Jews control that seat that they sit in from behind the scenes. They control the finance, and not only that, they influence the policy-making.

No white Jews ever in bondage in Egypt for 400 years. You're not the chosen people of God. Stop telling that lie. Let's go a little further with this. Many of you put out the textbooks. Many of you control the libraries, Lie-braries. NBC, ABC, CBS, you don't see nothin', or makes sure we don't see, Warner Brothers, Paramount, huh? Hollywood, period.

But [they] also are most influential in newspaper, magazine, print media and electronic media.

These people have had a secret relationship with us. They have our entertainers in their hip pocket. In the palm of their hand, I should say. They have our athletes in the palm of their hand.

Many of our politicians are in the palm of the white man's hand, but in particular, in the palm of the Jewish white man's hand.

The Jews have told us, the so-called Jews have told us, ve (sic) ve, ve suffer like you. Ve, ve, ve, ve marched with Dr. Martin Luther King, Jr. Ve, ve, ve were in Selma, Ala-

bama. Ve, ve were in Montgomery, Alabama. Ve, ve were in Montgomery, Alabama. Ve, ve, were on the front line of the civil rights marches. Ve have always supported you. But let's take a look at it. The Jews, the so-called Jews, what they have actually done, brothers and sisters, is used us as cannon fodder.

Go to the Vatican in Rome, when the old, no-good Pope, you know that cracker. Somebody need to raise that dress up and see what's really under there.

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

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

□ 1420

Mr. Speaker, abhorrent as the remarks of the speaker at Kean College in New Jersey were, I do not think enough attention is being given to the enthusiastic response that his hateful words received from his college student audience. The applause of those young people scares me a lot more than the idiotic statements that were made by this person, and I think that there is an awful lot of work to be done to understand why such language has such an appeal to so many young people.

Mr. Speaker, the language of this resolution does not call for any civilian or criminal penalties. It does, however, flatly express the sense of Congress that the deliberate abuse of another's deeply held beliefs and the systematic abuse of another's deeply held beliefs and the systematic condemnation of persons based on ethnicity, race, or religion is an offense to democratic civility, and this resolution is an expression of our right of freedom of speech to condemn what we find patently contemptible. Free speech should be an instrumentality to communicating ideas in the quest for truth.

The emotional consequences of this sort of language are the enemy of free discourse, because they guarantee a reaction that is the adversary of reason and orderly debate. Comments such as these are not made to persuade or to convince, but to insult, to vilify, to wound, or to hurt. They have an unhealthy effect of fracturing our democratic political community.

Despite the best efforts of so many good and decent people, hatred and friction between the races continues to be a grave problem. We should look for ways to diminish that hatred. These remarks have the effect of worsening, not lessening, the friction between men and women of different races and religions. Thus, it is appropriate that such language and other language like it receive our strongest condemnation. Free speech is not impinged upon by our condemnation. It is only exercised on our behalf and on behalf of other civilly mutually respectful discourse.

Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. COBLE].

Mr. COBLE. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, the remarks this resolution condemns serve no good purpose, and such comments must be condemned. To silently ignore such verbal attacks is not adequate, Mr. Speaker. We must openly and notoriously oppose it; yes, even condemn it.

The attack upon Jews, Catholics, Caucasians, offends me, but I would be equally offended as well if the speaker had been Caucasian and his target had been people whose skin is black. The salient point to be made, it seems to me, Mr. Speaker, is that we cannot stand idly by and observe speakers, regardless of the color of the speaker's skin, who assume their roles at podiums across this land and spew out sulfuric words, whipping up listening audiences into a mob-like frenzy.

Just as the gentleman from Illinois [Mr. HYDE] said, little has been said about that. I believe equally offensive to the speech delivered is the response that was forthcoming by the listening audience. Today, Mr. Speaker, this Congress I hope will condemn these remarks, and condemn the speech that was made, and in so doing, we send a signal from this Hall that it will not be tolerated.

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from California [Mr. LANTOS] has consumed 7½ minutes.

Mr. LANTOS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Georgia [Mr. LEWIS], the majority whip.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my colleague, the gentleman from California [Mr. LANTOS], for yielding time.

Mr. Speaker, I rise today to urge my colleagues to support House Resolution 343. As people of conscience, we have a moral obligation to speak out against injustice, bigotry, racism, and anti-Semitism.

For more than 35 years, I have been part of a struggle against bigotry, racism, discrimination, and anti-Semitism. During those years, I have learned that one must always be on guard in the fight against bigotry. It knows no limitations or borders.

I know there are some who would say that what we are doing is out of the ordinary. But these are unusual and extraordinary times. There are some immutable principles that are nonnegotiable, we must not turn away from them.

I deeply feel that we have a moral obligation and a mandate and a mission to speak out against the remarks made by Khalid Abdul Muhammad at Kean College. Mr. Muhammad delivered a poisonous and hateful speech. In that speech, he said awful and bad things about African-Americans, about Jews, about Catholics and about members of the gay community.

These remarks represented an obscene and ugly attack on decency.

When any one of us is attacked, all of us are attacked. There is no room in our society for the expression of bigotry, anti-Semitism, and racism. Any time, such hateful expression rears its ugly head, it should not go unchallenged.

In another period of our history, just a few years ago, there was a coalition of conscience that worked together in a struggle to create a truly interracial democracy in America—to create what I like to call the Beloved Community. People from all walks of life and from around the country struggled together during the civil rights movement to make this Nation a better place, to make our society a more humane society.

I can never forget 30 years ago in 1964, when three young men in Mississippi were killed in the struggle for civil rights. These three men, Mickey Schwerner, Andrew Goodman, and James Chaney—two young Jewish men and an African-American—died in the fight for freedom, not in Africa, not in Asia, not in Europe, not in Central America, but here in America, fighting for freedom. They were fighting and struggling for the right of all to vote.

I speak from experience. This is not something I read in the newspaper or watched on television. I saw young blacks and young Jews struggling, fighting and shedding blood together 30 years ago. We stood together during times of difficulty. We must continue to do so now. As Americans, we should be about the business of building a truly interracial democracy, rather than dividing people along racial, ethnic, and religious lines.

Yes, we all have a responsibility to speak out against bigotry and intolerance. We can never, never turn a deaf ear or a blind eye to hate. In a real sense, we are one nation; one community; one people; we are one house, the American house; we are one family, the American family.

I urge Members to support House Resolution 343.

Mr. HYDE. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. LEVY].

Mr. LEVY. Mr. Speaker, one of the problems with free speech is that from time to time it is abused. Such was the case when Khalid Abdul Muhammad took to the podium in Kean, NJ, in November. I am not going to reiterate what has been said. He has been quoted here enough. Suffice it to say his speech was racist. It promoted hate. Many of us would have preferred that Khalid Abdul Muhammad would never have opened his mouth that day, but he did.

What is the remedy for speech that is offensive, as has been coming too often from the leadership of the nation of Islam? The answer, I think, is more speech, speech from good, decent, and thinking people who are revulsed by

what has been said; people, I think, like the vast majority of the people that we all represent.

□ 1430

On their behalf we have to speak out today. We must label the Muhammad speech for what it is. And what it is, is racist hate mongering.

There should be nothing controversial about what we are doing here today. In fact, in the other body a vote on a similar resolution was 97 in favor and none against.

Censorship has no place in our law, but racism has no place in our culture. We cannot quiet the racists among us, but we can drown them out.

Let us help the gentleman from California [Mr. LANTOS] do that today by passing his resolution.

Mr. LANTOS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York [Mr. RANGEL].

Mr. RANGEL. Mr. Speaker, I thank the gentleman for bringing up this resolution and also reminding Members of this House of Representatives of the pain and the suffering of so many Jewish people in Germany that occurred because no one spoke out when people said that Hitler was just another talker.

There are some Members who have come to me in opposition to this resolution because of the procedure that was followed or the lack of procedure. Others have some concerns about freedom of speech. But let me say this to my friends and colleagues, that nobody in this House should walk away where there is any doubt in anybody's mind that the U.S. Congress finds these type of remarks not only repugnant as relates to what this person in Jersey has said, but repugnant for what this great republic and democracy stands for.

Had it not been for the gentleman from California [Mr. LANTOS], I would not even have known that a procedure existed that would give us the opportunity in this House of Representatives to pull out from the slime and the snakepits of this country those who want to split it by being anti-Semitic, by being racist, and by being against the things that have made this country so great. I would like to say that there are many of us who are African-Americans who have reached out to try to feel the pain that our Jewish brothers and sisters feel because we have never been in a struggle that we have had to call on them and they were not there. And that is true whether it took place in the South or whether it took place in the south Bronx.

In the future I hope that the Jewish and the African-American community can build such a bond that is not restricted to the idiots and the bigots that we find in this country, but by building to represent those true beliefs that both of our people have always believed in, investment in education, op-

portunity and the ability to make this country even greater than it is today. For what you have contributed by never letting us forget what people have suffered and the lives that were lost because so many did, including Americans, may we all never forget what has happened to so many others so that together we can make not only a better America but a better world.

I thank the gentleman for the generosity that he has extended to me in this time.

Mr. HYDE. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Georgia [Mr. GINGRICH] the minority whip.

Mr. GINGRICH. Mr. Speaker, I thank my friend from Illinois for yielding me the time, and I want to thank the gentleman from California [Mr. LANTOS] for his leadership in pursuing this and ensuring that this is brought to the attention of the House, and that the House is given an opportunity to communicate with the country, because I think it is important to recognize what we are doing here and what we are not doing.

We are not suggesting that it is illegal, we are not suggesting that the gentleman who said these hateful things should go to jail, we are not suggesting the repression of thought. We are suggesting the right of every American to stand up and condemn hateful thought. And we are suggesting in fact that there is a certain responsibility, whatever our ethnic background, whatever our religious beliefs, that understand that America is a remarkable dream held together by our willingness to tolerate each other, and that our support for each other, whether it is Jewish, Christian, Moslem, Buddhist, a variety of backgrounds, and I happen to be a Baptist, and my good friend from Illinois, Mr. HYDE, happens to be a Catholic, but we recognize within the fraternal concern for freedom that there have to be some boundaries, and occasionally, sadly, some people cross those boundaries.

I was asked when David Duke asserted that he was a Republican if I would go on television. I think I was the first Republican who was asked to go on television to speak on Night Line, and I went on Night Line and I had to explain that we together in the Republican Party did not have room for people who hate, for people who are racists and bigots. And I think it is the same feeling as I stand here today, recognizing that it is not about politics in the narrower sense, but it is about political freedom in the greater sense.

It is sad that there is even a debate over this. And I would appeal to Mr. Farrakahn, and I would appeal to those of his most active staff to look into their own hearts and to understand what they are doing to isolate themselves at a time when I think there has been a sincere effort to reach out and

begin to try to work with them, and begin to try to find a common ground, and now to have this kind of a speech coming between us, and to now have these kinds of hateful remarks, remarks which are racist, remarks which reflect religious bigotry, and remarks which I think cannot be allowed to stand without condemnation.

So I just say on behalf of many of the Members in both parties that there is a feeling of reaching out and saying as Americans there has to be some standard beyond which we say this we cannot tolerate. Not that it is illegal, not that you do not have the right to free speech, but as one of the great founders of television news, Fred Friendly has said, the fact that you have the right to say something does not mean it is the right thing to say, and the fact that you have the right to do something does not mean that it is the right thing to do. And I think in this case it simply went beyond the bounds of decency.

I thank all of my colleagues from both parties who are rising today to express their commitment to the American dream of all of us living and working together.

Mr. LANTOS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I thank the gentleman from California and all of my colleagues for their remarks. I think we have no moral choice here. To me this is not an issue over free speech. Free speech, unfortunately, allows people like Mr. Muhammad to say what he wants. Free speech should impel us to say that it is wrong.

But I would like to explain to many of my colleagues here who wonder, in all good faith, what is the fuss, why is it that we take someone who obviously has very poisonous views, views contrary to what every one of us have, whatever our race, our religion, our creed or color, wherever we come from, why do we take this time because it does, unfortunately, bring more attention to these hateful remarks? The answer is, at least for me and many of the people from my community rooted in history, the answer is that once in the past we ignored hateful language because it came from a nut. A man in Germany in 1923 tried a coup to overthrow the German Government, and basically the rest of the world ignored it. He was a nut. He has no power. And in 1925 when he wrote Mein Kampf with words eerily reminiscent of the words uttered by Mr. Muhammad, he was a nut; he should not be paid attention to. And in 1928 when the power of his party grew, and in 1932 when Hindenburg, the leader of the German establishment, handed over the keys to the government to this man, he was a nut, and he should be ignored.

Let me say right here the group that is burdened the greatest with this ig-

noring what happened were the Jewish people in America at that time. They said he was a nut, and they ignored it. And then the worst occurred.

We have vowed that we should never ignore this again. We have a historical lesson. We have lived through it.

I know that some of my colleagues will say should this body spend all of its time condemning people. No, it should not. But should other groups, whether they be African-American, Latino, Catholic, gay, whatever, on an occasion when they feel threatened have the privilege of coming to the well of the floor and saying we must as a body condemn what was done? Yes, by all means.

□ 1440

That is not again an option. That is our moral responsibility, and if we do it in a sincere way, in a way that is not hateful or divisive but unifying, as my good colleague from New York said, we can build on that and start doing the positive things that we ought to be doing together as well.

Mr. HYDE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Speaker, I yield to no one in this House in my respect for the gentleman from California [Mr. LANTOS] and his strong support for human rights. The record is well known. We are colleagues in the Human Rights caucus.

I find myself, unfortunately, in a position of rising to disagree on this issue. This is a question of free speech.

We are acting in an institutional capacity here today, and I urge all of you who are listening, all of you who are observing today and are going to vote on this, we are being asked to do this as an institution.

The first amendment says that Congress shall make no law respecting the establishment of religion or prohibiting the free exercise thereof or abridging the freedom of speech or of the press. The universal declaration of human rights, which I also subscribe to, and we are members of the United Nations, everyone has the right to freedom of opinion and expression. This right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media regardless of frontiers.

When one stands up and says it is not free speech, it is. Free speech means driving bad speech out with good speech. It means taking the responsibility in meeting the obligation of resisting tyranny and intolerance everywhere we find it, and we do have the right to do that, the obligation to do that as Members of Congress. But we do not, and should not, have as an institution this right and this privilege to condemn others for what they have said or done.

This resolution could easily apply as an unpatriotic, un-American, subversive speech against the Vietnam war. Pick anything and you could do the same thing.

I recall very clearly in "A Man for All Seasons" by Robert Bolt, when Thomas More's son-in-law confronts him with the necessity of getting to the devil, he says, "I would cut down all the laws of this land to get to the Devil," and More replies to him, "Yes, and when you have cut down all of those laws and the Devil turns to get you, what then will you use for a defense?"

I can tell you what will happen from this, those of us who feel strongly on this issue will be seen by others to affirm anti-Semitism, affirm anti-Catholicism, affirm racism if we do not vote; we will be put into the position again and again of saying,

If you do not condemn it as we require of you institutionally in this resolution, you will be seen as having affirmed that which has offended someone, that which is subversive, if you will, to the intent of the Constitution.

I say this: As a human being and as an individual Member of Congress, I condemn bigotry, I condemn hatred. It is my privilege and duty to do so. But when this House, constitutionally established as an arm of the Federal Government, contemplates official action in the same vein, we are confronted with a much different proposition. Governmental sanction against any speech, objectionable as it may be, is always suspect, is always suspect.

The Constitution has proven to be our strongest safeguard against the Muhammads of the world. Let us revere the Constitution of the United States and vote down this resolution.

Mr. Speaker, I want to make it abundantly clear that I abhor and am implacably opposed to the antisemitism, anti-Catholic bigotry, racism, homophobia and defamation of African-American leaders expressed in the speech by Mr. Khalid Abdul Muhammad at Kean College on November 29, 1993. Further, I acknowledge and share the concern, pain, and outrage which motivated those who bring this measure to the floor.

The fact that I am constrained to preface my remarks with that disclaimer illustrates the nature of my objection to this measure. We who are Members of this body know that our every utterance or lack thereof, our every vote, our presence or absence at this or that event is subject to scrutiny, to analysis * * * and all too often to misinterpretation. Some occasions, however, hold more potential than others for misinterpretation, particularly the kind of misinterpretation motivated by malice. This is one of them.

There are many Members here today who agree with the distinguished chairman of our Judiciary Subcommittee on Civil and Constitutional Rights, who in a Dear Colleague letter of February 22, argued against this resolution. He based his arguments on the Bill of Rights, the philosophy of Thomas Jefferson, and the

role of this House and its Members in the public life of our Nation. Yet each and every one of us knows that invoking these ideas in this case will be seen by some, or made to be seen, as sophistry.

I am not saying that we should avoid controversy or decisions that are subject to misinterpretation. I assert, rather, that by opening the door to this pressure in this instance, we are helping Mr. Muhammad accomplish the goal I suspect he had in mind when he made his speech: provoking reaction rather than persuading the unconvinced. Is this House to be stampeded every time some extremist spews forth words of hate? If we become the pawn of Mr. Muhammad by passing this resolution, where do we begin the catalog of unacceptable pronouncements which we must now condemn if we are to hold ourselves to a single standard?

As a human being and as an individual Member of Congress, I have condemned the bigotry and hatred in Mr. Muhammad's speech. It is my privilege and duty to do so. But when this House, a constitutionally established arm of the Federal Government, contemplates official action in the same vein, we are confronted with a much different proposition. Governmental sanction against any speech, objectionable as it may be, is always suspect. The Constitution has proven to be our strongest safeguard against the political currents Mr. Muhammad is attempting to generate. I believe we would be well advised to continue to look to the Constitution rather than official condemnation as the best way to foster the atmosphere of good will we seek in the civic life of our Nation.

Mr. LANTOS. Mr. Speaker, does the gentleman from Maryland wish me to yield?

Mr. MFUME. Mr. Speaker, I rise today to offer a friendly amendment to the amendment in hopes of bringing balance and substance to this debate and to this issue of repudiation that go directly to the heart of remarks made by a gentleman of the other body.

The SPEAKER pro tempore (Mr. MONTGOMERY). Does the gentleman from California yield for a unanimous-consent request of the gentleman from Maryland?

Mr. LANTOS. Under the rules, I do not accept that amendment, Mr. Speaker, but I will be happy to yield to my friend for debate purposes only.

The SPEAKER pro tempore. How much time does the gentleman from California yield to the gentleman from Maryland?

Mr. LANTOS. Two minutes.

Mr. RANGEL. Mr. Speaker, reserving the right to object—

The SPEAKER pro tempore. He just has 2 minutes to debate. Does the gentleman object to him—

Mr. RANGEL. I do not know whether I am going to have to vote against or for it, so I would just like to reserve the right to object to find out from the gentleman. He described it as being friendly, but I just would want to know exactly what is in it.

Mr. HYDE. Mr. Speaker, for the RECORD, I would like to yield 1 minute to the gentleman from Maryland.

The SPEAKER pro tempore. There is nothing to object to at this time, the Chair states to the gentleman from New York, and the gentleman from Maryland is recognized for 3 minutes.

Mr. RANGEL. So there is no unanimous-consent request in front of the House at this time, then, Mr. Speaker?

The SPEAKER pro tempore. That is correct.

Mr. RANGEL. All right.

Mr. MFUME. Mr. Speaker, I ask unanimous consent to speak out of order for an additional 2 minutes.

Mr. RANGEL. Reserving the right to object, Mr. Speaker—

The SPEAKER pro tempore. The gentleman is recognized on his reservation of the right to object.

Mr. RANGEL. Mr. Speaker, I do not know whether the amendment is going to be germane or whether it is going to be connected with this resolution in any way.

There were no papers being passed out, and I just did not want this to move forward without reserving the right to object, Mr. Speaker.

Mr. HYDE. Mr. Speaker, I yield the gentleman an additional minute.

The SPEAKER pro tempore. The gentleman from Maryland now has 4 minutes.

Mr. MFUME. Mr. Speaker, am I not using that 4 minutes in responding to the right to object reserved by the gentleman from New York?

The SPEAKER pro tempore. Would the gentleman state that again?

Mr. MFUME. Am I on the time of the gentleman from New York who has reserved the right to object, or am I on the 4 minutes that have been allocated?

The SPEAKER pro tempore. That is correct, on the reservation of the gentleman from New York.

Mr. MFUME. So the gentleman from New York controls the time?

Mr. RANGEL. I am trying to find out from the author of this amendment how could it be related to this amendment and whether it is inviting, whether it has been distributed, what it is that you bring before this House at this time.

Mr. MFUME. Mr. Speaker, will the gentleman yield?

Mr. RANGEL. Reserving the right to object, I yield to the gentleman from Maryland.

The SPEAKER pro tempore. Let the Chair clarify it. There is no amendment pending. The gentleman from California objected, or would object, to unanimous-consent request of offering an amendment. He has that authority under the rules.

Mr. RANGEL. The gentleman requested additional time, and I objected to the additional time until I could be satisfied that it is going to be used in a parliamentary way.

The SPEAKER pro tempore. The gentleman is recognized under his reservation of the right to object.

Mr. MFUME. Mr. Speaker, will the gentleman yield?

Mr. RANGEL. I yield to the gentleman from Maryland.

Mr. MFUME. The amendment that I had hoped to offer was an amendment that would have brought balance to this debate in which all of us have a sense of outrage and revulsion at remarks that were made at Kean College, but many of us also have a sense of outrage and revulsion at remarks made by a Member of the other body recently in which black people were referred to as darkies, Hispanics were referred to as wetbacks, and Africans were referred to as cannibals.

I think that, in order that we have some balance before us, not to even mention the issue of free speech which is legitimate, that is why I wanted to offer this amendment, and I regret that the gentleman would not accept it.

Mr. RANGEL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. The Chair would like to remind the gentleman in the well that he cannot refer to Members of the other body and statements made by that Member of the other body.

The gentleman now has 4 minutes of time yielded to him.

Mr. MFUME. Mr. Speaker, I have a question of the Chair. Is the Chair telling me that I cannot say or make mention of a Member of the other body as long as I do not use that person's name?

The SPEAKER pro tempore. The gentleman, under the rules, cannot refer to statements made by the Members of the other body.

Mr. MFUME. If I could ask further, may I have permission to refer to statements made from someone from South Carolina?

The SPEAKER pro tempore. If that is a Member from the other body, the gentleman cannot do that.

Mr. MFUME. With all due respect, there are many people from South Carolina. I am not necessarily mentioning a Member of the other body but a resident of the State of South Carolina.

The SPEAKER pro tempore. The gentleman would proceed in order at the Chair's request.

Mr. MFUME. I thank the Chair very much.

Let me be perfectly clear: By attempting to offer the amendment that I did, I did not in any way mean to diminish the offensive comments addressed by the Lantos resolution. As I have said repeatedly, I also find them racist, sexist, anti-Semitic, anti-Catholic, and homophobic.

As I have further stated, I repeatedly, over and over again, hear from others that say that these things have to be addressed, and yet we seem to be selective in that which we seek to address.

The sad matter of the whole thing is that no matter how offensive those remarks are, there have been other remarks that have been uttered in public that have been just as offensive, to be sure. Take, for example, remarks uttered by a person who resides in the State of South Carolina, the subject of the amendment that I tried to address, where black people were referred to as darkies, Hispanics were referred to previously as wetbacks, Africans were referred to in last December as Cannibals.

□ 1450

In spite of how repulsive and offensive those remarks are and the way we find them to be, we certainly have not seen a resolution in this body or the other body that seeks to condemn them. Not until this unfortunate event have we underscored even in the most inadvertent of ways the extent to which a double standard is at play in this Nation when it comes to offensive remarks.

Since those remarks were attributed and made, every member of the black leadership has been called on to repudiate them, elected officials, teachers, community leaders and preachers. While we all find them to be offensive, we cry out for balance and cry out for honesty with one to another. In other words, we have been called upon like no other group of people have been called upon to respond and to react to an unfortunate set of remarks. We think there ought to be, at least, some balance.

Let me say this, Mr. Speaker, for the record: Black people are neither lazy, shiftless, or the irresponsible people that people in the media oftentimes portray us to be, nor the second-class citizens that the racists in our society try to make us to be.

We have a right to demand respect also and to ask others to hold themselves to the measurements that they would hold us to.

For example, if we pass this resolution, which does not decry the speech in question as hateful and harmful toward homosexuals, and it does not, even though the speech was, are we saying it is OK to criticize the Pope or someone else but it is not OK to go out and to do some of the things that Mr. Muhammad does in his speech? In other words, "Don't do this about the Pope," and "Don't do this about Catholics, but you can say what you want to about lesbians and gays."

Lastly, let me say one thing about the issue of free speech: It is without a doubt one of the most important liberties that we as Americans enjoy. The French philosopher Voltaire once said that, "While I disapprove of what you say, I will defend to my death your right to say it."

It is doubtful that I would be here today in this Congress if many people

in this country who were offended in the 1960's by the remarks of Martin Luther King had been able to silence him and his words. While it is our duty as leaders to stand up in our communities and to speak out against harmful words, harmful deeds, and harmful remarks, it is also our duty to be guarantors of the Constitution, protecting the fundamental rights of Americans here and those still yet unborn.

By passing the sense-of-the-Congress resolution before us, we are getting ready all of us now to step over a line that will set perhaps a very dangerous precedent. As I had said earlier, I will continue to speak out against hatred and bigotry and racism and anti-semitism, and I ask all of us to do so as well. But if we are to do so, let us not be selective about who we rush to defend when others are in need of our help.

I would prefer that my colleagues look closely beyond this debate and try to find ways, as the gentleman from California [Mr. LANTOS], has, and many others, to end the things in our society that bring about the need in some to make these kinds of remarks.

I thank the gentleman for his position on this, I thank the gentleman for his inquiry on this, and I thank the Chair for the time.

Mr. Speaker, I again thank the gentleman on the other side, the gentleman from Illinois [Mr. HYDE] also for his kindness.

Mr. LANTOS. Mr. Speaker, I yield 5 minutes to the distinguished chairman of the Subcommittee on Civil Rights of the Committee on the Judiciary, the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. I thank the gentleman for graciously yielding this time to me.

Mr. Speaker, it occurred to me, listening to this very interesting debate, that we are making a national and international hero out of this scoundrel who has uttered these disgraceful, awful things. He will be the only person in world history, to the best of my knowledge, whose speech has been officially condemned by the U.S. Congress. I can see advertisements all over the world, especially in those parts of the world who do not look kindly on the United States, "Speech by Mr. Muhammad tonight. This speech has been condemned by the United States Congress."

You know, Sam Donaldson makes \$25,000 a speech. Maybe Mr. Muhammad in certain parts of the world, certain countries, can now make lucrative speeches because of what we are going to do today and what the other body, unthinkingly did the other day.

Has it ever happened before where the U.S. Congress officially condemned a speech?

As the gentleman from Maryland said, has Congress officially condemned

the speech of Martin Luther King or the Ku Klux Klan leader? You know, Mr. Speaker and my friends, each of us ought to condemn the terrible, obscene things that Mr. Muhammad said at Kean College. We ought to carry signs around. We ought to have special orders at night and get up one after another and condemn the speech. We ought to write newspaper articles about the speech. It is terrible, really, it is disgraceful.

But, my friends, we have no business officially taking a speech and condemning it.

My friend, the gentleman from Illinois [Mr. HYDE], I believe said this is not making it a crime or anything like that. No, we are not. But we are certainly chilling free speech. Yes, it is hateful speech, but it is entitled to be heard. And as one other eloquent person said, the way to counteract that is through free speech by the rest of us.

So I invite us all to make every speech we want, pen newspaper articles, or anything, condemning this obscene speech made by Mr. Muhammad. But let us not go down this path. It is a very dangerous path to go down to start condemning officially. We are paid by the Government, this is an official act of the Government.

What is next? A movie? A particular movie that just shocks us? A newspaper article we do not like?

What is next? What a precedent this will be.

Yes, ironically we may make Mr. Muhammad a rich, famous man, but we are doing the Constitution real damage.

Mr. Speaker, this vote calls on us to reconcile the necessity for tolerance in a diverse society with the freedoms guaranteed by the Bill of Rights.

Despite my strong opposition to Mr. Muhammad's reprehensible remarks, I will vote against the resolution.

As elected officials and leaders, we have a responsibility to fight intolerance and to speak out against expressions of bigotry. But our powers as the institution of Congress are subject to the Bill of Rights.

Any Member has an absolute right to make a 1-minute or take out a special order to condemn the Kean College speech or any other specific expression of bigotry and racism. "The remedy to be applied," Justice Brandeis once wrote, "is more speech, not enforced silence."

However, we would cross a constitutional line were we to vote official, congressional disapproval of this specific speech.

The resolution condemning the Kean College speech makes the Congress into an official ratings board, scanning the landscape for speeches to label "Condemned by Congress." If we officially condemn this one speech, how can we not condemn others? Will our silence in the face of future offensive speeches constitute tacit acquiescence? Will we condemn books and magazines next? Offensive movies? The racist or sexist comments of one another?

Government is not powerless in the face of racial, ethnic, or religious intolerance: hate crimes are subject to severe punishment, and have been raised to a high priority by both Federal and local authorities. Nevertheless, the Constitution limits Government's choice of weapons with which to fight intolerance. Where the intolerance we fight is expressed in words, the first amendment imposes limits: we cannot use the power of the Government to condemn speech, however offensive.

As Thomas Jefferson once said,

We have nothing to fear from the demoralizing reasonings of some, if others are left free to demonstrate their errors and especially when the law stands ready to punish the first criminal act produced by the false reasonings.

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from Illinois [Mr. HYDE] has 16 minutes remaining, and the gentleman from California [Mr. LANTOS] has 6 minutes left.

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that an additional 20 minutes be allotted, evenly divided between the two sides.

The SPEAKER pro tempore. Twenty minutes?

Mr. LANTOS. Ten minutes for each side.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. LANTOS] will be recognized for an additional 10 minutes, and the gentleman from Illinois [Mr. HYDE] will be recognized for an additional 10 minutes.

Mr. HYDE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York [Mr. GILMAN].

□ 1500

Mr. GILMAN. I thank the gentleman for yielding this time to me.

Mr. Speaker, I am honored to rise in support of House Resolution 343, legislation condemning the racist, anti-Catholic, and anti-Semitic speech of Khalid Abdul Muhammad, a senior representative of the nation of Islam. This resolution denounces all forms of racial, religious, and ethnic intolerance and I commend the distinguished gentleman from California [Mr. LANTOS], for introducing this resolution condemning bigotry and racism.

As an original cosponsor of House Resolution 343, I am pleased that my colleagues in the House of Representatives have this opportunity to discuss this important resolution.

It is highly important that we discuss this issue today. Racial intolerance within our communities, ethnic violence around the world, and religious persecution are frightening examples of the devastating affects of bigotry and fanaticism. It is for this reason that many of us in this body have found Khalid Abdul Muhammad's remarks so reprehensible.

Mr. Muhammad's rhetoric, made during his speech at Kean College on No-

vention 29, 1993, symbolized the hatred, contradicts the foundation of our great Nation, and threatens to destroy the very framework of our open society.

By preaching hatred, we incite and condone violence; by moralizing intolerance, we tolerate racism and bigotry; and by relying upon hateful rhetoric, we validate racial stereotypes.

Instead of slandering our brothers, we must unite. We must join against the forces that threaten to destroy our future. As the Rev. Martin Luther King, Jr., so eloquently said, "We must all learn to live together as brothers or we will all perish together as fools. That is the challenge of the hour." Reverend King's comments could not be truer today, than when he said them decades ago.

Mr. Speaker, this resolution does not abridge the rights of free speech but does condemn the content and substance of Khalid Abdul Muhammad's offensive remarks.

Accordingly, I urge my colleagues to support this important measure. For the passage of House Resolution 343 is a dramatic step in combating ethnic and religious intolerance that threatens the fabric of our society.

Mr. LANTOS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Speaker, I rise in support of the resolution.

Mr. Speaker, it is troubling that bringing this resolution to the floor has caused some disagreement among us. Instead, this resolution should unite us.

You do not have to be Jewish to be outraged by Mr. Muhammad's justification of the Holocaust.

You do not have to be African-American to condemn his attack against those African-Americans who do not share his distorted views.

You do not have to be a lesbian or a gay man to reject his vicious smears against these individuals.

And you do not have to be Catholic to be offended by his obscene caricature of the Pope.

Mr. Speaker, this is not an issue of free speech.

Mr. Muhammad is free to say what he wishes.

But make no mistake—the American people—through us in this body as their elected Representatives—are free to condemn this kind of hate speech and reaffirm the true American values of tolerance and human dignity. And we must.

Please support the resolution.

Mr. LANTOS. Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, I rise today to express support for House Resolution 343, condemning the hateful speech of Khalid Muhammad.

Mr. Speaker, I believe that no right is more basic and no freedom more greatly protected than the right to free speech. As an individual and a public official, I remain deeply committed to the idea that we are entitled to express our thoughts and our opinions, no matter how unpopular. This is clearly an issue of free speech.

But just as Mr. Muhammad is free to express his deeply wrong ideas, the rest of us are free to point out, clearly and unequivocally, how wrong he is. We are free to point out the tragedy that such unanswered vituperation leads to. And we are free to stand side by side with the individuals and groups Mr. Muhammad has maligned, and to say that his remarks will not go unanswered.

Mr. Speaker, sometimes it is not enough to stand against hatred and bigotry in the abstract. Sometimes one must acknowledge an act for what it is and condemn it. I believe Mr. Muhammad's speech was such a case, and I urge my colleagues to join me in supporting House Resolution 343.

Mr. HYDE. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. ZIMMER].

Mr. ZIMMER. Mr. Speaker, I am proud to be a cosponsor of this resolution and to speak on its behalf, particularly because the vicious words that gave rise to it were uttered in my State of New Jersey and because Khalid Abdul Muhammad is scheduled to speak Monday evening in my district at Trenton State College.

I have helped organize a vigil of conscience for Monday evening at a church near the college so that our local religious, civic, and academic leaders of all races and all faiths can reaffirm the message voiced here in the House today—that the vicious bigotry peddled by Muhammad and condoned by Louis Farrakhan has no place in America.

Farrakhan and Muhammad have reminded us that the United States is not immune from the religious and ethnic hatred that infects so much of the world. Americans of all religions and all colors must unite to fight this pestilence whenever and wherever it makes itself known.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I join in supporting this resolution. Let me explain why I think it is reasonable to single out Mr. Muhammad's speech from the welter of vicious nonsense that is out there. Unfortunately the auspices of that speech, and particularly Mr. Farrakhan's implicit affirmation of its substance, and I disagreed with its tone, but he said he could not repudiate its substance, so unfortunately, Mr. Speaker, that has given it an aura of respectability in some quarters. We are not talking now just about some raving lunatic. We are talking about a raving lunatic, but he is, unfortunately, not just a raving lunatic. He was a high-ranking representative of Mr. Farrakhan's movement,

supported in his substance by Mr. Farrakhan, and that does, I think, require us to speak out.

I agree with those like the gentleman from Maryland who eloquently pointed out that we have not criticized others. I wish we would change the rule that immunizes Members of the U.S. Senate from ever being discussed by us. We can respond to anybody in the world except the U.S. Senate. That is a bad rule, but I do not allow that bad rule to say that we cannot respond to other cases, and the response and reception that Mr. Muhammad has been receiving on college campuses and the support he has gotten from Mr. Farrakhan justifies our saying that we think this is vicious nonsense.

It is not, from my standpoint, a perfect resolution. I wish it had included in the resolution reference to his antigay and lesbian remarks. I welcome the comments of many here who have added in their speeches condemnation of that homophobia, and I hope we will continue to work for recognition that homophobia has been as vindictive, and as vicious, and as dangerous in its negative effects on innocent people as other forms of prejudice, but I will not allow that to restrain me from also voting for this resolution. I will work for that when we have to deal with this again, and, if we do, then it will be broader.

Finally, Mr. Speaker, I do not regard this as in any way chilling. I will say to my colleagues it is hard to argue simultaneously that we have cured Mr. Muhammad and made him a big shot. I think, in fact, that, if one says terrible and vicious things, one has no right to silence them from people who think they were terrible and vicious. All we do today is to exercise our right of free speech in response to the free speech of Mr. Muhammad.

Mr. HYDE. Mr. Speaker, I yield 2 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Speaker, I rise in strong support of this resolution.

I would point out to my colleagues that there can be no excuse made for the remarks of Khalid Abdul Muhammad. Such blatant bigotry is abhorrent, and should be condemned by every Member of this House. The speech delivered at Kean College was hate-filled and racist. It is a stain on the ethnic, racial, religious, and cultural fabric of my home State, which enjoys a rich and progressive heritage.

In fact, I do not understand why Kean College, and New Jersey State education leadership have not more forcefully condemned this hateful tirade.

Make no mistake: Muhammad's speech should not only offend those targeted in Muhammad's tirade—it should offend the sensibilities of every intelligent man and woman in America. It is incumbent upon us to speak out against this ignorance and hate.

There is an aphorism, passed on from the legacy of the horrific genocide of the Holocaust:

They came first for the Communists, and I didn't speak up because I wasn't a Communist. Then they came for the Jews, and I didn't speak up because I wasn't a Jew. Then they came for the trade unionists, and I didn't speak up because I wasn't a trade unionist. Then they came for the Catholics, and I didn't speak up because I was a Protestant. Then they came for me, and by that time no one was left to speak up.

My colleagues, today we cannot afford to be silent. We must condemn the hate, the bigotry, and the violence advocated by Khalid Abdul Muhammad, today and always.

I am deeply troubled not only by the remarks of Muhammad—one man's rambles which we can repudiate—but for the message of hate and divisiveness that goes to our young people, our children.

Among the most serious long-term problems facing our Nation, and each of our communities is bigotry, racial, and cultural enmity. The troubling increases we have seen in bias crimes and incidents of intolerance demonstrate this: Last year, more than 1,300 bias incidents were reported to the police in my own State of New Jersey. Countless more went unreported. In America and around the world, the politics of hate are seeing a resurgence.

We must take every step to stop this rise of ethnic, religious, and racial attacks. As we debate the problems of our country, and solutions—welfare reform, crime control, jobs—we must know that no solution can work if it does not get to the underlying hate and ignorance which we see all around us.

Let us move forward today, and begin by condemning the venom of Khalid Abdul Muhammad. Let us put this man behind us. But as we move forward, and work against the racial, religious, and ethnic discriminations of Muhammad's kind, let us never forget the sobering reminder of these remarks, and how large the job ahead of us is. We must all join hearts and hands for a brotherhood of Americans in our schools, in our neighborhoods, and in the workplace.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Speaker, in his Kean College speech, Mr. Khalid Abdul Muhammad urged racial genocide in South Africa, which has seen quite enough of that over the years, and used ugly, contemptuous language directed at lesbians and gay men and at Pope John Paul II.

But the greatest share of his venom, as is so often the case with spokesmen for the Nation of Islam, was reserved for that special favorite target: the Jews. Mr. Muhammad told his audience that Jews control the Government of the United States; that Jews are "the bloodsuckers of the black nation and

the black community;" and, perhaps more chillingly, that the German Jews had brought Hitler's Holocaust on themselves. "They went in there, in Germany," Mr. Khalid explained, "the way they do everywhere they go, and they supplanted, they usurped * * * they had undermined the very fabric of society."

These remarks surely merit condemnation, and I was heartened to see, in the weeks since he made them, that they were condemned by a wide range of political, religious, and civil-rights leaders, including those of my colleagues who had the courage to speak out despite the large Nation of Islam following in their own districts.

At the same time, however, I am concerned that some of those condemnations may miss their true mark: the leader of the Nation of Islam, Minister Louis Farrakhan. We must not lose sight of the truth that Mr. Muhammad's most horrifying remarks, particularly his anti-Semitic rantings, come straight from the teachings of Minister Farrakhan himself.

It was Louis Farrakhan who, in 1985, asserted that "The Jewish lobby has a strangle-hold on Government * * *." It was Louis Farrakhan who told a college audience at Michigan State in 1990, that Jews were "sucking the blood of the black community." And it was Louis Farrakhan himself who implied that the Holocaust was a punishment the Jews had earned—and perhaps deserved again.

In a speech in Hartford, CT, in July 1992, just 19 months ago—I believe this is the first time this has been reported publicly—Louis Farrakhan said he told a group of rabbis the following:

Instead of talking about Hitler so much, you should ask: Why did G-d permit that to happen? Was there a lesson to be learned, and have you learned it yet? Or maybe the lesson should be repeated?

Well, the entire world learned a lesson all right, and that lesson was never again to permit demagogues like Louis Farrakhan or Khalid Muhammad—or those who believe it is appropriate to imply that the leaders of African nations practice cannibalism—to go unchallenged.

Because history has taught us—in Germany and Mississippi and Crown Heights—that when decent men and women ignore expressions of bigotry and hatred, those expressions have consequences, and words become actions, and then it is too late.

It is important that all who hear this debate today—especially those who might want to find a good side to Louis Farrakhan—to understand that Mr. Muhammad may have been the messenger one night at Kean College, but it is the message of Louis Farrakhan, and the substantial following the demagogues of hate have found across our Nation, that must be the target of our condemnation.

Mr. HYDE. Mr. Speaker, I am pleased to yield 1 minute to my colleague, the gentleman from North Carolina [Mr. WATT].

Mr. WATT. Mr. Speaker, as an individual I condemn the statements which are the subject of this resolution. There may be no individual in this body who has spent a greater percentage of his life fighting racism and sexism in this country. I oppose this resolution not because I condone the speech; instead, I oppose it because it opens the door to a resolution of this kind every week, in fact, every day and every minute.

We have too much substantive work to do to deal with these kinds of issues on a daily and minute-by-minute basis. We have people who are hungry, illiterate, homeless, and jobless. We have budgets to approve and world conflicts to deal with. In the face of all this, I cannot believe that we are spending time to set a precedent, to take up on a regular basis, resolutions of this kind to condemn every lunatic who expresses views we disagree with, views we happen to feel are protected by the Constitution of this United States of America, the Mother of all democracies.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California [Mr. TUCKER].

Mr. TUCKER. Mr. Speaker, I rise in support of this resolution for many reasons. First and foremost is the fact that I believe we must speak out against racism.

There are those who have alluded to me that this is a first amendment matter, and that the gentleman who made these remarks has his first amendment rights to speak out even if we are not in agreement with those remarks. But by the same token, I think it is the responsibility of those of us who are well-thought and conscientious leaders of this society to exercise our first amendment rights and to speak out and to denounce such racism.

The prior speaker indicated that this Congress is certainly poised to deal with very important matters and should not take time out for some minutiae such as this. But I think that this is an important matter. It is not minutiae because the coalitions that we need in order to do things in this country between the black and Jewish communities and other communities would be jeopardized if we do not address the fact that we cannot continue to attack one another. We cannot live with one another and turn to one another until we respect one another, and certainly even Mr. Farrakhan came out and rebuked and reprimanded and repudiated his minister for these remarks.

I do not think there is any gainsaying the fact, Mr. Speaker, that these remarks were repugnant and vile. I just hope that in the future this Congress, and Senate, and the House, will take

likewise the same kind of response to pernicious remarks made by other people, whether it is Senator HOLLINGS or anyone else who attacks the African-American community or other communities. I think that we should have a fair standard, a standard that is fair no matter who we are talking about.

So, Mr. Speaker, I applaud my colleague, the gentleman from California [Mr. LANTOS] for making this effort, and I think this should not be a disparagement on the Nation of Islam per se but certainly a repudiation of the remarks of this particular minister.

Mr. HYDE. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from New Jersey [Mr. FRANKS].

Mr. FRANKS of New Jersey. Mr. Speaker, I represent the district where Khalid Abdul Muhammad's speech was delivered. As soon as I learned of his vicious remarks, I felt that it was incumbent upon me to speak out about his acrid and violent message of hate and bigotry.

Acts of bigotry and intolerance are on the rise throughout our country. The United States was founded with the promise that all would be welcome in our society. Our Nation is comprised of a wonderful mix of religious, ethnic, and racial groups, all of whom must work together if our union is to survive and prosper.

Mr. Muhammad's speech, in which he advocated hate, discord, and violence on the basis of race, religion, and ethnicity, serves only to foster the prejudice that is tearing at the fabric of our society. Earlier this year, I circulated a statement, signed by every member of the New Jersey delegation, condemning incidences of bias that have occurred within our State.

Mr. Speaker, this legislation is vitally important. We cannot be silent while national spokespersons preach these messages of hate. I urge my colleagues to vote "aye" on House Resolution 343.

Mr. LANTOS. Mr. Speaker, may I inquire as to how much time there is left on both sides?

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from California [Mr. LANTOS] has 9 minutes remaining and the gentleman from Illinois [Mr. HYDE] has 18 minutes remaining.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 2 minutes to my distinguished colleague, the gentleman from Ohio [Mr. FINGERHUT].

Mr. FINGERHUT. Mr. Speaker, I thank the gentleman for yielding this time to me, and I thank him for his leadership on this issue.

I would like to say initially to my friend, the gentleman from Maryland [Mr. MFUME], that if he wishes to lead an effort to change the rules such that he can speak directly on the subject of the remarks to which he addressed

himself, he will have this Member's support. I find it offensive that a rule of the body in which I serve prevents him from making those statements on this floor.

Many eloquent things have been said today about the subject of the resolution offered by the gentleman from California [Mr. LANTOS]. Let me just add one thought. It is true that this resolution was prompted by the particular speech at Kean College, NJ, but it is not true that that is the only occasion on which these statements have been made, and that, therefore, by this action we call attention to a speech that is now over and has been remarked on and condemned by many all over this country. These remarks are happening every day all around this country.

The speech has been given at Kent State University in my northeast Ohio region just last week. I heard another Member say that the speech was going to be repeated at Trenton State College. It was going to be given at Columbus, OH, but that university had the presence of mind to cancel those remarks. It is happening all over this country.

The message we need to send today is that only is this speech abhorred but that we are going to follow them everywhere around the country and we are going to stand up to it everywhere these remarks occur.

Mr. Speaker, I would say to the sponsor of the resolution that during the recess I met with students from every public and private high school in my district, and I asked them what was the single thing they would like the most from their Member of Congress and from the adults in their community and from their parents, and they said to me, "Congressman, we want role models. We want people to stand up and say the difference between right and wrong."

Mr. Speaker, today we have a chance to be role models to the young people of this country, to stand up and say, "This is wrong. We know the difference between right and wrong, and everywhere wrong is spoken all over this country, we will stand up and be role models."

Mr. HYDE. Mr. Speaker, I am very pleased to yield 2 minutes to the distinguished gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker, I thank my colleague for yielding this time to me.

Mr. Speaker, it has been properly said this afternoon that there is no excuse for hatemongering. Neither is there any excuse, Mr. Speaker, for the U.S. Congress to stand silent and not condemn expressions of racism, anti-Catholicism, anti-Semitism and ethnic and religious intolerance. That is what we are called upon to do by this resolution.

Is there a place on our society for racism, for anti-Catholic and anti-Se-

mitic remarks? I have to say there is. It is a price we pay for constitutionally protected rights. But, Mr. Speaker, because Mr. Muhammad can speak, it is all the more important that we, the Congress of the United States, stand up and condemn those remarks.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Speaker, I rise today to support the Lantos resolution, and to discuss a subject as painful as it is important.

Last November, Khalid Abdul Muhammad, a spokesman for the Nation of Islam gave a speech at Kean College in New Jersey. It is a speech we have heard before.

Mr. Muhammad described a nightmare; a world of enemies and conspiracies; a world of division and violence; a world divided by prejudice and bigotry.

He described the same world seen by the Klan; the same world defined by Nazi ideology. It is the sameness and familiarity that is so striking. Only the details change.

If Mr. Muhammad's particular fascination with Jews is even more disturbing, it is because blacks and Jews have always stood together in support of civil rights, equal opportunity, and concern for the underprivileged. We have always worked side by side, challenging our country to live up to its ideals. I know that my good friends in the Congressional Black Caucus, some of whom joined me last year on a trip to Israel, are every bit as outraged and pained by these statements as I am.

But our partnership will continue and grow stronger because the bonds and values that tie us together are stronger than the forces that would push us apart. Perhaps because blacks and Jews still contend with discrimination today, and with memories of even greater injustice in years gone by, we know the lesson of history: hatred, like its victims, knows no color or creed—it is a universal temptation that must be rejected, wholly and completely, at every opportunity, whatever the source.

And so, I have no doubt that, in the end, Mr. Muhammad's words will join all the others like it: the Nuremberg Laws, the Apartheid Codes, the Jim Crow Statutes. Lies can never sustain themselves, only our silence gives them substance and life.

That is why it is so important that we join together, black and white, Jew and Gentile, Protestant, Catholic and Moslem. That we join together in support of the truth.

When Martin Luther King, Jr. addressed our Nation from the steps of the Lincoln Memorial, he urged that we "not seek to satisfy our thirst for freedom by drinking from the cup of bitterness or hatred."

We should not have to learn this lesson anew every generation.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from New Jersey [Mr. KLEIN].

Mr. KLEIN. I would like to thank my friend from California for bringing such an important issue to the floor of the House and for setting such a powerful example on the fight to protect civil rights for all people.

I find it particularly disturbing and offensive that anti-Semitism and bigotry should be on the rise again in a century that witnessed the Holocaust, the most horrific period of genocidal anti-Semitism the world has ever seen.

Yet, bias incidents and hate crimes have increased, and Congress must take a stand.

We should condemn hateful and bigoted statements, whether directed against blacks, Jews, Catholics, or any group. I am particularly disturbed that this speech occurred in my own State of New Jersey, but more so that as a result of that, there was an increase of one-third in just 1 year in bias incidents.

Now, I do not believe that the Kean College remarks represent the views of the majority of Americans. I truly believe that those who speak in the bigoted and hateful manner represent a small, albeit vocal, minority. The vast majority of Americans of all races, African-Americans, Anglo-Americans, Americans of all ethnicity, are good, caring people who believe they can work and live together in harmony.

But that does not mean that we should not be eternally vigilant, because even one incident of bigotry or anti-Semitism or racism anywhere, is a cause for condemnation and vigilance.

It is past time to erase the swastikas from our walls and smother the burning crosses on our lawns. My friends, join me in a simple condemnation of racism, anti-Catholicism, anti-Semitism, and ethnic or religious intolerance, wherever it may occur. Support H.R. 343.

Mr. HYDE. I am very pleased to yield 2 minutes to the distinguished gentleman from Connecticut [Mr. FRANKS].

Mr. FRANKS of Connecticut. Mr. Speaker, I thank the gentleman for yielding. Mr. Speaker, when I was 9 years old, some white racists burned a cross on my front lawn. The Ku Klux Klan killed a dog on our lawn and placed a dead possum in our mailbox, simply because we dared to live in a certain section of Waterbury.

It was members of the Jewish community that helped our family during those very trying days against the racist Ku Klux Klan.

A Catholic priest at Sacred Heart High School helped me to be able to get a good high school education and helped me to be able to go on to Yale University. The remarks made by Mr. Muhammad and supported to a degree

by Mr. Farrakhan were anti-white, anti-Catholic, and anti-Jewish. Yes, the Ku Klux Klan would hate blacks, Catholics, and Jews, while it seems like the Nation of Islam would hate whites, Catholics, and Jews.

Hatred and bigotry would be wrong regardless of the direction of the offense or the color of its victim. We as blacks cannot constantly point to others to explain why certain problems exist in our society. We must also look at ourselves.

I implore the Congressional Black Caucus not to utilize any of its taxpayer-supported resources aiding the efforts of the Nation of Islam. I heard from others that we have to appreciate the good done by the Nation of Islam. However, we must remember that there are thousands of people in jail today who have also done some good.

Hatred and bigotry cannot be tolerated, Mr. Speaker. Creating friction among the races is wrong. It is destructive, and it must not be condoned in any way.

Mr. HYDE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Washington [Mr. INSLEE].

Mr. INSLEE. Mr. Speaker, every single one of us in this Chamber I believe detests and decries the speech that we here consider. The suffering undergone by the people who are targets of this evil is incalculable. I condemn it. But there is a world of difference between myself condemning it and the U.S. Congress condemning it. There is only one thing that can make Mr. Muhammad's racist, hate-filled, bigoted speech worse; that is if the Congress now highlights, spotlights, and headlights his worthless prattle, and, in the process, drives us to take one small step backward from our commitment to the first amendment to the U.S. Constitution.

If this institution gets into the business of condemning citizens' speech, we will be condemning constantly anybody whittling away at the first amendment.

There are many eloquent champions of the first amendment, and maybe one of my favorite is Justice William O. Douglas, born and raised in my hometown. He said something about how you lose free speech that has always stuck with me. He says when the end of free speech comes in this country, it will not come as a curtain coming down instantaneously and dramatically. It will come incrementally, as the day ends to the night, in the twilight, bit by bit, inch by inch. What we see here is one little inch moving backward.

To those who would say this resolution does not infringe on free speech because it does nothing, I ask then, why do it at all? The reason it is proposed is because the official declaration of this national institution carries weight. It carries pressure. It carries warnings.

If free speech is not constitutionally protected, we shouldn't fiddle around with this resolution. We should make it a criminal offense and put the speaker in jail, a malicious harassment speech statute, like I proposed and helped adopt in the State of Washington. We should take warning from this resolution.

The warning is that we should be prepared to see no end to these condemnations. Voices will be heard. Why do we condemn the Caucasian citizen who spouts racist rhetoric and not the other? Let us not put this institution in the position of tacitly approving everything we do not condemn. This is a bad policy, it is a bad idea. It is bad business.

□ 1530

Mr. HYDE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, this is a very difficult resolution for me. As it happens, virtually my father's entire family was murdered by Hitler when they were living in Poland. I have very strong feelings about anti-Catholicism or gay bashing or bigotry in general.

My concern lies, among other things, that when we have people like David Duke, a former Nazi, when we have all kinds of people in the United States ranting and raving about sending blacks back to Africa or all kinds of absurd bigotry, I do not see resolutions coming down on the floor of the House. They are ignored.

My concern also is that while virtually every Member of this body condemns the horrendous and stupid remarks that we are discussing today, I fear very much that the people who follow Mr. Muhammad or Mr. Farrakhan are not going to stay up too many nights worrying that the U.S. Congress has condemned them. In fact, I suspect that if we want to see that movement grow, probably we have given them a shot in the arm today.

To be condemned by the U.S. Congress in many communities of America is a step forward.

I think the most important point that I would make, however, is that if we are concerned, as we must be, as to why that type of movement is gaining a foothold in the United States, we should ask some questions as to why people respond to that type of garbage and what we might do about it.

If we want to defeat the Nation of Islam and bigotry and racism and anti-Semitism, then most important, let us make the U.S. Congress begin to address the real problems facing the people in those communities.

My point is that in so many communities of America today, there is such hopelessness. There is such despair that people are responding to the worst

kind of nonsense. If we want to defeat that anti-Semitism and that racism, then let us give hope to people in America today who have lost hope. Let us provide jobs for the jobless, housing for the homeless, food for the hungry.

Let us tell those people in those communities that the U.S. Congress can do more than just condemn certain statements, but we understand their needs. We are going to respond to their needs, and we are going to do the best that we can to improve their lives.

Mr. HYDE. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. SANTORUM].

Mr. SANTORUM. Mr. Speaker, one of the greatest needs I have encountered while discussing the issue of welfare reform with people in Pennsylvania is the need to go beyond public policy rhetoric—to address the reality of systemic and individual racism which still lingers and obstructs opportunity for reconciliation and advancement.

Unfortunately, at a time when our words should be healing and reconciling to complement and enhance the proposed public policy objectives, there are still people in prominent public roles whose words tear down and destroy.

When Khalid Muhammad refers to Jews as bloodsuckers, the Pope as a cracker and accuses the white establishment of inventing the AIDS virus to commit genocide on African-Americans, his words cause greater destruction than can be easily rebuilt. What concerns me even more, however, is the unwillingness of Louis Farrakhan to reject these statements and try to rebuild community and goodwill with his words.

The only way we are going to address the almost insurmountable problems facing our inner city communities—drug abuse, teen pregnancy, welfare dependency, and violence—is by rebuilding the community—from both inside and out. Many members of the Nation of Islam are actively trying to address these critical problems—but a community is built by both word and deed.

I support this resolution because its words, when affirmed by this body together, will be a small step toward rebuilding some of the damage caused by the statements made, and not disclaimed, by Khalid Abdul Muhammad. It is a rare opportunity to model reconciliation and community in a place known for discord and division.

Mr. HYDE. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. Mr. Speaker, this is one of these "I was not intending to make a speech until I heard the remarks of my colleagues' speech."

Mr. Muhammad, a top ranking official to Mr. Farrakhan, is a private citizen. He is not an elected official and in any way connected to Government. His remarks are abhorrent, but I think that his right to express them is guaranteed by the first amendment.

I think this resolution, while I understand the intent and agree with the intent, puts the Congress in the awkward

position of being a screening board. And I think it would set a precedent for Congress to review all speeches, all remarks that contain any racial, sexist, or inflammatory sentiments for any kind of condemnation. I wonder if this is going to spill over into newspapers, I come to the floor as a former editor of a weekly newspaper and coming from three generations of editors of newspapers, or books or magazines. There is already an arena in place for this type of condemning action that the resolution does propose, and I credit the gentleman from California [Mr. LANTOS] for proposing it.

As elected officials, Members of Congress have the responsibility to speak out against intolerance and expressions of bigotry. We have done this. This has been the appropriate forum.

With grave concern, I think we are setting a precedent that we should not set. I will vote no.

Mr. Speaker, I really see this as a free speech issue. Mr. Muhammad, a top-ranking official to Louis Farrakhan, is a private citizen. He is not an elected official or in any way connected to the Government. As abhorrent as his remarks were, his right to express these views in a public forum are guaranteed by the first amendment.

This resolution to condemn the speech puts the Congress in the awkward position of being a type of screening board. This would set a precedent for Congress to review all speeches or remarks containing inflammatory, racial, sexist, et cetera, sentiments for condemnation. Will this then spill over into books, magazines, newspapers?

There is an arena already in place for this type of condemning action that the resolution proposes. As elected officials, Members of Congress have the responsibility to speak out against intolerance and expressions of bigotry. The appropriate forum for this type of action in Congress, in my view, is 1 minute and special orders and individual remarks. I strongly believe Members should make their opposition to these types of intolerant remarks be known—loud and clear. But, for Congress to officially condemn the speech across constitutional lines would set a dangerous precedent.

Mr. HYDE. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. HORN].

Mr. HORN. Mr. Speaker, this is a very close call, if looked at strictly in terms of the role of this House—the people's House. Should Congress be the grandnanny of America?

I think most of us would say "no." On the other hand, if good people do not stand up, bad people will poison the well of our representative democracy.

As one who was part of the Senate drafting team for the Civil Rights Act of 1964 and the Voting Rights Act of 1965, I remember who was often in the room besides the congressional staff and the floor leaders: Andrew Biemiller of the AFL-CIO; Clarence Mitchell of the National Association for the Advancement of Colored People; Joseph Rauh for the Leadership Conference on

Civil Rights; David Brody of the Anti-Defamation League; James Hamilton of the National Council of Churches. Those were the people who for years had walked the Halls of the House and the Senate to secure the rights of all Americans. Black and white, Christians and Jews they worked inside to establish justice and to achieve what Martin Luther King sought so eloquently outside. They worked together in a grand coalition because what we were doing was right.

By passing this resolution will we make false heroes out of some of these sick bigots. Perhaps. Do we need to speak out once this resolution is before us?

We do.

I shall support the resolution.

Mr. HYDE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I am deeply troubled that we are considering this resolution to condemn the speech given by Khalid Abdul Muhammad at Kean College last November. I am troubled not because the speech does not deserve condemnation, but because that condemnation ought not to issue through an official action of the Congress of the United States.

The first amendment to the Constitution states that "Congress shall make no law * * * abridging the freedom of speech or of the press; or the right of the people peaceably to assemble * * *"

This resolution does not make law, so the first amendment proscription is not literally violated. However, because I believe that it violates the spirit and intent of what the Framers of the Constitution intended when they drafted the first amendment, I will vote no.

The Constitution is clear that it's not the Government's place to tell citizens what they should and should not say. While what we consider today is a resolution that does not have the force of law, I believe that this body should not undertake to censure any individual American for saying what he believes—however mistakenly—to be true.

The weight of what we as a body say, whether as law or the sense of the House of Representatives, is too great to selectively choose which individual's speech we want to condemn, and which we choose to ignore. There are far too many statements made every day that reach the same level of stupidity and perfidy to which Mr. Muhammad has aspired. Are we to spend all of our time as thought police monitoring what all Americans say and considering resolutions to condemn the speech of those we don't agree with or find offensive?

Mr. Muhammad's speech was a racist, anti-Semitic diatribe that I would hope

all of us as individuals would condemn. But this institution has no place condemning the speech of Mr. Muhammad, or the speech of anyone else for that matter.

As Mr. Muhammad had the right to say what he did, so I urge all of my colleagues, as American citizens, to exercise their rights under the Constitution as individuals to condemn the hatred he has espoused. However, I also urge all of my colleagues, as Members of the House of Representatives, to refrain from putting the House on record in determining what speech is appropriate, and what is not, by voting no on this resolution.

Mr. HYDE. Mr. Speaker, since I believe the gentleman from California [Mr. LANTOS] only has one more speaker, if I may, I am pleased to yield 1 minute to the distinguished gentleman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Speaker, I want to rise to say that I am offended and think that I should speak out against the hatred, the bigotry, and the substance of which we condemn today, but I also want to say that I think we will do ourselves a disservice, those that have spoken out against the bigotry, which we may be the victims of, to use this House as a way to correct that.

I think the Constitution is too precious, too precious to even speak our views, to speak out against those who would be offended. I think as an offended citizen who feels that this indeed has been an offense to any civilized person, we must bear in mind that the first amendment is a very precious right, and that right should be protected.

Mr. Speaker, I urge Members, when we vote, to consider the right that America is very well known for; that is a right even for our enemy to condemn us in the most hateful way. This is America. I urge Members to support the first amendment.

Mr. HYDE. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, let me just say in summary that one of the great remarks made when our country was founded about this body is, "Here, sir, the people govern." We represent the people. We are a representative democracy. I do believe people of America, the good, decent people we represent, are affronted and offended by the venomous attacks made on people's religion, on their ethnicity, on their race, on their color, and I think we have every right to speak out institutionally, collectively, not to forbear the legal right to say what you say, but the moral right to say what they said. Nobody has the right to insult people, the moral right. They may have the legal right. They have the legal right.

We said, "Go ahead and burn the American flag." I resisted that, but if that is symbolic speech, certainly ac-

tual speech ought to be protected, and it is protected. However, we do not have to turn the other cheek and become accessories by silence, by inaction, ratify through inaction. Scripture tells us, "For every idle word, man must render an account." It is well said that for every idle silence, man should render an account. We should not remain silent even in the face of this egregious, poisonous, venomous attack on all that is decent in our land.

Speaking for the people, I am pleased not to forbid this language being uttered, it should be uttered if somebody is crazy enough to want to do that, but to condemn the lack of decency in its uttering.

Mr. Speaker, I yield whatever time I have remaining to the gentleman from California [Mr. LANTOS].

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman yields his remaining time to the gentleman from California [Mr. LANTOS].

Mr. LANTOS. Mr. Speaker, I want to thank my friend and colleague, the gentleman from Illinois [Mr. HYDE], for his statement and for his eloquent argument.

To close on our side, Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New Hampshire [Mr. SWETT].

Mr. SWETT. Mr. Speaker, I first want to commend my colleague, the gentleman from California [Mr. LANTOS] for bringing this resolution to the floor. We have heard, I think, one of the most interesting debates this House has engaged in since I have been a Member of this body. We have talked about symbols: On one hand, symbols of hatred, of division, derision, violence, and disrespect; on the other hand, this resolution, a symbol that can hopefully bring us back together.

As my colleague, the gentleman from Illinois [Mr. HYDE] said just before me, these symbols are important and we ought to consider their moral content. I think it is important for this Congress to take upon itself the responsibility of bringing clearly to the public's attention actions that abuse the respect and the dignity of human beings and fellow citizens in this country.

We are not passing laws to perpetrate any kind of action against the Nation of Islam and its members. We have not done anything but bring attention to the Nation that these symbols of hatred, division, and derision cannot be tolerated.

In 1838, Abraham Lincoln spoke these words:

All the armies of Europe, Asia and Africa combined, with all the treasure of the earth in their military chest; with a Bonaparte for a commander, could not by force take a drink from the Ohio or make a track on the Blue Ridge in a trial of a thousand years * * * If destruction be our lot we must ourselves be its author and finisher. As a nation of freemen we must live through all time, or die by suicide.

Mr. Speaker, if we do not stand up to these kinds of statements, if we do not make a symbol of this speech and say, "We cannot tolerate this kind of action in this country," we will surely die of suicide.

I support this resolution. I commend my colleague, the gentleman from California [Mr. LANTOS], for bringing it forward, and I ask my colleagues for their unequivocal support.

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

Mr. Speaker, just to conclude, let me say no one in this House is more committed to the first amendment than I am. As the only Member of Congress who lived under both a Fascist and a Communist police state, I treasure free speech beyond all. No one here attempts to deny the right of anyone to speak freely, but no one should deny the right of this body to condemn a speech of hatred and incitement to mass murder. That is what this body will do. That is what the other body did unanimously. We shall do no less.

Mr. FAZIO. Madam Speaker, I rise in strong opposition to the remarks made by Khalid Muhammad, aide to Nation of Islam Minister Louis Farrakhan, at Kean College in New Jersey last November. I found Mr. Muhammad's speech completely offensive. His remarks were obviously racist, anti-Semitic, bigoted, and homophobic—truly malicious.

In spite of my agreement with the spirit and intent of House Resolution 343, I am forced to acknowledge that it is not the job of Congress to evaluate and vote on personal expressions of bigotry and racism, no matter how offensive. Unfortunately, prejudice and intolerance always manage to rear their ugly heads. Congress could therefore devote entire days reacting to, rating and responding to the words of individuals like Mr. Muhammad.

We now have a President who values the diversity that is America, and who is totally committed to our ideals of equality, justice, and acceptance of and respect for all people, regardless of race, religion, gender, sexual preference or ethnicity. I would therefore like to think that, instead of re-visiting these same issues over and over again, each generation, we can focus on moving forward with our efforts to wipe out petty prejudices and intolerance.

Under this leadership, as Members of Congress, we can live up to our responsibility to stand up, to speak, and to be counted—not for the purpose of recognizing or validating or drawing even further attention to the rantings of the Muhammads of this world—but instead for reaffirming our beliefs in what we know to be fair, right, and good. It is this way that we can silence the voice of bigotry and intolerance—that we can work toward healing old wounds and becoming the America we can and should be.

Condemning and striking out are not enough. We have to have the foresight and commitment to follow through—to take the positive steps necessary to unite in our broad-based intolerance for all prejudice, hatred, and bigotry, regardless of to whom it is directed.

I in no way wish to associate myself with any approval whatsoever of Mr. Muhammad's

remarks. And I do not believe that they are worthy of legislative action. Therefore, I find myself in the position of having to abstain from voting on what is a most unfortunate issue to come before the House.

Remarks like Mr. Muhammads are offensive and detrimental to all Americans. They serve only to promote hatred and intolerance—to inflame and divide. He has more than benefitted from the notoriety and visibility that we have already lavished on him. Neither his statement nor its author merit further time or attention from this body. We therefore need to move quickly and decisively, get him out of the spotlight, and put this issue behind us so that we can get on with the more important, relevant business of working together to run the country.

Mr. FILNER. Mr. Speaker, when I came to Congress, I decided I was always going to vote my conscience.

As a Jew and a civil rights activist, I was sickened at the remarks of Khalid Abdul Muhammad. His litany of hate offends me deeply.

But as a Member of the U.S. Congress—an institution that is bound to preserve, protect, and defend the Constitution—I cannot in good conscience vote for an official congressional joint resolution restricting Mr. Muhammad's freedom of speech, as given to him by the first amendment. As a body of government, we must uphold the rights of all individuals, whether or not we agree with their stated beliefs.

I have condemned Mr. Muhammad's viciousness against Catholics, blacks, gays and lesbians, and Jews—and I do so again today. Our future as a nation lies in our celebration of diversity and our burying forever the evils of racism and anti-Semitism.

As a Member of Congress, I am sworn to protect the Constitution—a Constitution which has preserved our freedom and liberty for 200 years. Freedom of speech—no matter how abhorrent—is one of the bulwarks of our constitutional liberties. And Congress "shall make no law abridging the freedom of speech!"

Today we can condemn the vile remarks of Mr. Muhammad. But my question is, who will be next? Does a majority decide at any point what speech is abhorrent? That is exactly what the first amendment is all about—to protect us from going down this slippery slope. I vote today to protect that right!

Together, we can build a nation strong enough to withstand the racism of Mr. Muhammad. What our Nation cannot survive is the slow erosion of our basic freedoms.

Mr. DURBIN. Mr. Speaker, I have asked the sponsors of this resolution if there is any precedent in this Congress for condemning an American for statements he has made. Neither Mr. LANTOS nor Mr. HYDE can recall such a condemnation ever having been made in the history of this House.

Make no mistake, the statement of this extremist was reprehensible. His bigotry extended not only to Jewish-Americans but also to Catholic-Americans such as myself. His words truly represent outrageous hate-mongering of the most vicious and violent nature.

As an American, I condemn the statement of Khalid Abdul Muhammad. However, I recognize his right to speak these awful words

under the protection of the Constitution which I have sworn to uphold—even when the exercise of one's constitutional rights offends me deeply.

If the job of Congress is to condemn irresponsible speeches in America, then we have taken on a monumental task. We cannot stop with this speech in New Jersey nor with the rally recently organized by the Ku Klux Klan in my hometown of Springfield. To be consistent, we must monitor all speeches for these excesses.

This resolution, which sets a precedent for Government action against such outrageous speech, is a mistake. Let us spend our time attacking the causes of all bigotry in America and not attacking words of hatred, however painful they may be.

Mr. STOKES. Mr. Speaker, I rise today in strong support of House Resolution 343, condemning the remarks by Khalid Abdul Muhammad at Kean College in late November. I want to commend my colleague, Mr. LANTOS, for bringing this matter to the floor. All of us in this body recognize his strong record on human rights and defense of the oppressed. As a survivor of the Holocaust, Representative LANTOS knows the depth of suffering and how critical it is to denounce this type of bigoted speech anywhere and anytime.

Mr. Speaker, I recently had an occasion to speak on this subject before the Cleveland Chapter of the American Jewish Congress. In addressing this matter, I issued the following statement, which I would like inserted into the RECORD. I intend to vote in favor of this resolution and ask that my colleagues join in condemning these evil and vicious remarks.

CONGRESSMAN STOKES RESPONDS TO FARRAKHAN CONTROVERSY

Last year Rabbi Kamin and I wrote an op-ed piece which was published in the Cleveland Plain Dealer. The article was entitled, "Blacks and Jews Can Renew Their Old Alliance." In the article, we stated, "The personal and spiritual cooperation between blacks and Jews was a foundation of the non-violent freedom movement of a generation ago, and in drawing from both communities, this unity symbolized the finest of American traditions." In that same article, we referred to what we described as "the rising flag of bigotry in America."

Fitting into this category is the recent speech made by Mr. Khalid Abdul Muhammad at Kean College in New Jersey. His remarks on this occasion were, as described by Congressman Kweisi Mfume, who spoke on behalf of the Congressional Black Caucus, "evil and vicious." More specifically, he described his remarks as "racist, sexist, anti-semitic, anti-Catholic and homophobic."

I agree fully with that statement. I find Mr. Muhammad's words repugnant and antithetical to everything I believe in. As one who has dedicated his life to fighting racism and bigotry in any form in this country or wherever it exists, I found his speech obscene.

Now there exists some public misperception regarding a so-called "covenant" between the Congressional Black Caucus and the Nation of Islam. No such covenant exists nor has it ever existed.

During the Congressional Black Caucus Weekend, Chairman Kweisi Mfume, in an effort to reach out to the Nation of Islam to find ways to save youth from crime, drugs and violence, stated that we were establish-

ing a "covenant" with the Nation of Islam. In a press conference this past week in Washington, DC, he confirmed the fact that there had never been a meeting of the Congressional Black Caucus to discuss the establishment of such a "covenant" and that repented his own effort to "reach out."

Minister Louis Farrakhan described his aide, Khalid Abdul Muhammad's speech as "vile and repugnant." Farrakhan has also called for a closed door summit of black leaders. There has been no discussion of such a meeting by members of the Congressional Black Caucus. There are many of us who have reservations about such a meeting and would not meet with him until he has openly and clearly disavowed his anti-semitic inferences and statements.

Lastly, we must continue to expose all who espouse hate in our society, but we must also get past the rhetoric and get to the real problems.

In an editorial in today's Washington Post (February 7, 1994) entitled, "The Farrakhan Furor," it says, "Finally, it is all too easy for white Americans to see and cite obligations for African-American leaders without understanding that these are their own obligations as well. We are speaking here not only of a duty to condemn comparable hateful talk when it is perpetrated by one of their own, but also of shared responsibility for creating an environment in which messages of scapegoating and spite cannot find resonance. Black and white leaders and citizens alike need to reject the diverting hatred. But that, in a way, may be the easier part. They must also pursue the essential purpose of eliminating the conditions in which such hatred can flourish."

Mr. GALLO. Mr. Speaker, my State prides itself on being the Garden State, but no one should make the mistake of thinking that it provides fertile ground for the kind of vile hate-mongering that Khalid Abdul Muhammad has attempted to plant in New Jersey.

I commend the House for acting today to add its voice of condemnation to that of public officials in New Jersey, which include Governor Whitman and the bipartisan membership of the New Jersey congressional delegation.

Those of us from New Jersey, who had this venom spewn forth on our own soil, know that hate-filled diatribes like this must be met head on by men and women everywhere who believe in loving thy neighbor.

The only way America can hope to be true to the words of our founding document, "that all men are created equal," is to forcefully condemn the words and actions of those who seek to divide us, driven by bigotry, ignorance, hatred, and intolerance.

Thank you.

Mr. EMERSON. Mr. Speaker, I abhor the statement of Khalid Abdul Muhammad with every sense of outrage I possess. Let there be no mistake about that. Mr. Muhammad is a private citizen and is not a prominent individual. We should individually express our displeasure, horror, outrage, and shock at the sentiments Mr. Muhammad purveyed, but he is not an elected official or associated with Government. We cannot, the Congress cannot, be a screening board for the purpose of approving or disapproving the sentiments expressed by private citizens. As an individual Congressman I strongly personally repudiate the sentiments of Khalid Abdul Muhammad which are the subject of House Resolution 343.

Ms. NORTON. Mr. Speaker, I was not able to participate in the debate today on House Resolution 343—a resolution to condemn the bigoted speech given by Khalid Abdul Muhammad at Kean College on November 29, 1993. In a letter I sent to my constituents, I wrote that—

I bring my view that all bigotry is the same from my own experiences growing up in segregated Washington, my work as a young person in the civil rights movement, and my professional life as a civil rights lawyer, former Chair of the New York City Human Rights Committee and former Chair of the Equal Employment Opportunity Commission. I remain a disciple of Dr. Martin Luther King, Jr. and wish more than ever for his leadership. The bigotry and insensitivity to groups other than one's own that we have seen in recent years are a challenge to me and to others to help revive King's teachings, and my own lifelong personal commitment as well, that anti-Semitism and bigotry of all kinds against religious and ethnic groups must be exposed and expunged.

I would like to place in the RECORD today remarks I made upon receiving the 1994 Civil Rights Leadership Award at the Dr. Martin Luther King Jr. Commemorative Observance at the Embassy of Israel on January 27, 1994.

I accept with appreciation this civil rights leadership award at this special moment that cries out for civil rights leadership.

The experience of being black in America has taught most of us how to respond when African Americans, the traditional and continuing targets of bigotry, are attacked or when there is even a whisper of insensitivity toward race. But too many have lost their voices or worse, engaged in apologies, when the targets were not ourselves.

What is at stake is not the moral authority black people have historically brought to the great moral and human rights issues of the time. Too much of that authority has already been squandered in the failure to adequately communicate the indivisibility and reciprocity of human and civil rights. The traditional moral authority of the civil rights movement has not been entirely preserved. It must now be entirely reclaimed.

It is African Americans who have set such high standards for judging bigotry and prejudice. No wonder others insist upon holding us to those standards. We cannot continue to allow large audiences in arenas and most of all on college campuses to hear unrebuted, raw bigotry of the kind that turned our stomachs when analogous stereotypes were spoken of blacks and galvanized the civil rights movement in the first place.

There is special, tragic irony in anti-semitism in the black community in particular. American Jews have always been first in line for human rights in general and black civil rights in particular. How perverse it is to single out for bigoted references those who have always been our foremost allies in every step toward freedom that we have taken and in the legislation brought forward every day by the Congressional Black Caucus. Whether the words are casual references that remark on Jews or Catholics or others or whether they are plainly ignorant conspiracy theories, they need strong but careful rebuttal and thoughtful teaching.

This is moral leadership that must be taken on with care. It is not sufficient to repudiate antisemitism. We must go further. We must take a leaf from the teachings of Martin Luther King, Jr. Without contributing to existing polarization, he found ways

to approach with compassion those who hated blacks. In the same spirit, Black leadership must find constructive but candid, unadorned ways to reach those among us whose words betray their own lofty and principled heritage.

In the name of that heritage, in the name of the great American civil rights movement that has always insisted that human rights is a universal principle judged by one and only one standard, I accept today's award as a worthy and urgent challenge.

Mrs. UNSOELD. Mr. Speaker, I joined with a minority of my colleagues in voting against House Resolution 343, a resolution to condemn the bigoted speech given by Khalid Abdul Muhammad at Kean College this past November. Few of the votes I have cast while serving in this body have been more troubling than this one.

Mr. Muhammad's speech was one of the most venomous, hate-filled diatribes I have ever read. As a long-time supporter of Israel, I was especially nauseated by the speech's anti-Semitic content. In addition, it attacked women, Catholics, gays, and lesbians all in language seemingly intended to stir the most vile emotions. Perhaps even more disturbing than the speech was the enthusiastic reception it received from the young, impressionable audience. It is indeed incumbent upon all Members of this body to loudly condemn such poison and do all we can to ensure that all who hear Mr. Muhammad's message have the knowledge and wisdom to see that his message is rejected.

However, as abhorrent as were Mr. Muhammad's remarks, I could not bring myself to support this resolution. As disgusting as his comments were, his right to free speech is protected by our Constitution.

My friends in the Jewish community have often told me of their efforts to fight hate while protecting the rights guaranteed to each and every American in the Constitution. They, like I was yesterday, are often confronted with the difficult dilemma of whether to safeguard the constitutional rights of despicable bigots or limit the claims of these hateful few from the protections given all Americans. To limit the rights of some is the beginning of the erosion of the rights of all. As vile and repulsive as Mr. Muhammad's ideas are, unfortunately, they fall into the category of protected speech.

While this resolution does not make law, I fear that it violates the principle and spirit of the first amendment. Our Nation's founders never thought that Government should be passing judgment on the speech of its citizens, however heinous those comments might be. The Congress must never take lightly its mandate to shield all citizens, whether we like them or not, from the tyranny which they themselves may espouse. This body should not put itself in such a position, but I fear that is what we have done with this resolution.

This is not to say that we should let such malevolent talk occur without condemnation. Elie Wiesel once said that "Indifference is the epitome of evil." To permit Mr. Muhammad's speech to pass unnoticed would provide fertile ground for the seed of his hate to grow.

As an American who believes deeply in the principles upon which this country was founded, I denounce Mr. Muhammad's diatribe and urge all Americans to reject his loathsome

ideas. Those of us in the Congress must individually use our positions to condemn such divisive and revolting comments. However, our institution cannot afford to give in to the passions released by such hate-filled speech, and collectively pass judgment as a Government as to what speech to condemn, and which to not.

Mr. SHAW. Mr. Speaker, I rise to denounce the repugnant statements made by Khalid Abdul Muhammad of the Nation of Islam. The resolution we will approve today correctly condemns these vile statements as racist, anti-Catholic and anti-Semitic. I commend Mr. LANTOS, the author of this resolution and himself a victim of the Nazi Holocaust, for bringing this before the House of Representatives.

Last year we witnessed a great moment in our country's history, the opening of the Holocaust Museum in Washington, DC. This museum is dedicated to the memory of those who died in the Nazi Holocaust, which remains a living memory for millions of Americans, and especially Jewish-Americans. On one of the museum's walls is inscribed a reminder of the danger of silence in the face of outrageous lies. It bears repeating:

First they came for the socialists, and I did not speak out—because I was not a socialist.

Then they came for the trade-unionists, and I did not speak out—because I was not a trade-unionist.

Then they came for the Jews, and I did not speak out—because I was not a Jew.

Then they came for me—and there was no one left to speak for me.—Reverend Martin Niemöller, 1937.

All who value truth understand that the Holocaust was born of racist and bigoted thoughts. Those who wrongly believe there is merit in comments such as Mr. Muhammad's fail to recognize our resolve to state the truth, again and again. We have not forgotten the lessons of our century.

Let this be our challenge—to vocally oppose those who cast lies as truth. Today we speak for our country in condemning false charges based not on fact, but on hatred alone. This challenge demands our eternal vigilance, a duty from which we as Americans must never shrink.

The SPEAKER pro tempore. All time has expired.

Pursuant to the order of the House of Tuesday, February 22, 1994, the previous question is ordered on the resolution.

The question is on the resolution.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 361, nays 34, answered "present" 29, not voting 9, as follows:

[Roll No. 29]

YEAS—361

Ackerman	Armey	Ballenger
Allard	Bacchus (FL)	Barca
Andrews (ME)	Bachus (AL)	Barcia
Andrews (NJ)	Baessler	Barlow
Applegate	Baker (CA)	Barrett (NE)
Archer	Baker (LA)	Barrett (WI)

Bartlett
Barton
Bateman
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Billey
Blute
Boehlert
Boehner
Bonilla
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Combest
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doolittle
Dreier
Duncan
Dunn
Edwards (TX)
Ehlers
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fields (TX)
Fingerhut
Fish
Foglietta
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo

Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrist
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Hefner
Callahan
Hinchee
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kaptur
Kasich
Kennelly
Kildee
Kim
King
Kingston
Klein
Klink
Klug
Knollenberg
Kolbe
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-
Mezvinsky

Markey
Martinez
Matsui
McCandless
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mica
Michel
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinar
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Oliver
Ortiz
Owens
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Sabo
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Schenk
Schiff
Schumer
Scott
Sensenbrenner
Serrano
Sharp

Shaw
Shays
Shepherd
Shuster
Sisisky
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm

Abercrombie
Clay
Dellums
Dooley
Durbin
Edwards (CA)
Emerson
Fields (LA)
Filner
Gonzalez
Hamburg
Inlee

Becerra
Beilenson
Bonior
Clayton
Collins (MI)
Condit
Dornan
Fazio
Ford (MI)
Ford (TN)

Andrews (TX)
Flake
Goodling

Stokes
Stump
Sunquist
Swett
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (WY)
Thurman
Torkildsen
Torres
Torrice
Tucker
Upton
Velazquez
Vento
Visclosky

NAYS—34

Kanjorski
Klecza
Kopetski
Mazzoli
McKinney
Miller (CA)
Payne (NJ)
Penny
Roberts
Rush
Sanders
Skaggs

ANSWERED "PRESENT"—29

Hughes
LaRocco
Lewis (CA)
McCloskey
McDermott
Mfume
Murphy
Orton
Pastor
Rose

NOT VOTING—9

Hastings
Hilliard
Kennedy
Smith (OR)
Thornton
Wilson

□ 1609

Mr. BEVILL changed his vote from "nay" to "yea."

Messrs. TRAFICANT, ROSE, SAWYER, and CONDIT, Mrs. SCHROEDER, and Messrs. HUGHES, STUPAK, and LEWIS of California changed their vote from "yea" to "present."

Mr. BECERRA changed his vote from "nay" to "present." Ms. MCKINNEY changed her vote from "present" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1610

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF HOUSE RESOLUTION 343, EXPRESSING THE SENSE OF CONGRESS ON A SENIOR REPRESENTATIVE OF THE NATION OF ISLAM

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that the clerk be directed to correct the engrossment of House Resolution 343 to reflect the correct spelling of "Khalid Abdul Muhammad."

The SPEAKER pro tempore (Mr. LEWIS of Georgia). Is there objection to

the request of the gentleman from California?

There was no objection.

GENERAL LEAVE

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just approved.

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

There was no objection.

REQUEST FOR CONSIDERATION OF SENSE-OF-THE-HOUSE RESOLUTION

The SPEAKER pro tempore. For what purpose does the gentleman from Maryland rise?

Mr. MFUME. Mr. Speaker, I rise to ask unanimous consent to bring before the House a sense-of-the-House resolution condemning the racist and offensive comments attributed to a notable resident of the State of South Carolina.

The SPEAKER pro tempore. Under the Speaker's guidelines, the gentleman is not recognized to offer the resolution.

Mr. MFUME. May I ask the Speaker what the guidelines state?

The SPEAKER pro tempore. The Speaker has announced a policy of conferring recognition for unanimous consent requests for the consideration of unreported bills and resolutions only when assured that the majority and minority floor and committee leadership have no objection.

PARLIAMENTARY INQUIRY

Mr. MFUME. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MFUME. Mr. Speaker, would it be proper and in order to seek unanimous consent to waive the rule that the Speaker just read to the body?

The SPEAKER pro tempore. No, it would not be proper.

It is the policy of the Speaker that recognition for unanimous consent requests will not be conferred under the Speaker's guidelines.

Mr. MFUME. I thank the Speaker.

GOALS 2000; EDUCATE AMERICA ACT

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1804) to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systematic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all American students; to provide a

framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system to skill standards and certifications; and for other purposes", with a Senate amendment thereto and concur in the Senate amendment with an amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment and the House amendment to the Senate amendment.

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—Titles I through IV of this Act may be cited as the "Goals 2000: Educate America Act".

(b) **TABLE OF CONTENTS.**—The table of contents is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Purpose.

Sec. 3. Definitions.

TITLE I—NATIONAL EDUCATION GOALS

Sec. 101. Purpose.

Sec. 102. National education goals.

TITLE II—NATIONAL EDUCATION REFORM LEADERSHIP, STANDARDS, AND ASSESSMENTS

PART A—NATIONAL EDUCATION GOALS PANEL

Sec. 201. Purpose.

Sec. 202. National education goals panel.

Sec. 203. Duties.

Sec. 204. Powers of the goals panel.

Sec. 205. Administrative provisions.

Sec. 206. Director and staff; experts and consultants.

Sec. 207. Early childhood assessment.

PART B—NATIONAL EDUCATION STANDARDS AND IMPROVEMENT COUNCIL

Sec. 211. Purpose.

Sec. 212. National Education Standards and Improvement Council.

Sec. 213. Duties.

Sec. 214. Annual reports.

Sec. 215. Powers of the council.

Sec. 216. Administrative provisions.

Sec. 217. Director and staff; experts and consultants.

Sec. 218. Opportunity-to-learn development grants.

PART C—LEADERSHIP IN EDUCATIONAL TECHNOLOGY

Sec. 221. Purposes.

Sec. 222. Federal leadership.

Sec. 223. Office of Educational Technology.

Sec. 224. Uses of funds.

Sec. 225. Non-Federal share.

Sec. 226. Office of Training Technology Transfer.

PART D—AUTHORIZATION OF APPROPRIATIONS

Sec. 231. Authorization of appropriations.

TITLE III—STATE AND LOCAL EDUCATION SYSTEMIC IMPROVEMENT

Sec. 301. Findings.

Sec. 302. Purpose.

Sec. 303. Authorization of appropriations.

Sec. 304. Allotment of funds.

Sec. 305. State applications.

Sec. 306. State improvement plans.

Sec. 307. Secretary's review of applications; payments.

Sec. 308. State use of funds.

Sec. 309. Subgrants for local reform and professional development.

Sec. 310. Availability of information and training.

Sec. 311. Waivers of statutory and regulatory requirements.

Sec. 312. Progress reports.

Sec. 313. National leadership.

Sec. 314. Assistance to the outlying areas and to the Secretary of the Interior.

Sec. 315. Clarification regarding State standards and assessments.

Sec. 316. State planning for improving student achievement through integration of technology into the curriculum.

TITLE IV—MISCELLANEOUS

Sec. 401. Public schools.

Sec. 402. Construction.

Sec. 403. Kalid Abdul Mohammed.

Sec. 404. Prohibition on Federal mandates, direction, and control.

Sec. 405. School prayer.

Sec. 406. Daily silence for students.

Sec. 407. Funding for the Individuals With Disabilities Education Act.

Sec. 408. National Board for Professional Teaching Standards.

Sec. 409. Forgiveness of certain overpayments.

Sec. 410. Study of Goals 2000 and students with disabilities.

Sec. 411. Mentoring, peer counseling and peer tutoring.

Sec. 412. Content and performance standards.

Sec. 413. State-sponsored higher education trust fund savings plan.

Sec. 414. Amendments to summer youth employment and training program.

Sec. 415. State and local government control of education.

Sec. 416. Protection of pupils.

Sec. 417. Contraceptive devices.

Sec. 418. Educational agencies not denied funds for adopting constitutional policy relative to prayer in schools.

TITLE V—NATIONAL SKILL STANDARDS BOARD

Sec. 501. Short title.

Sec. 502. Purpose.

Sec. 503. Establishment of National Board.

Sec. 504. Functions of the National Board.

Sec. 505. Deadlines.

Sec. 506. Reports.

Sec. 507. Authorization of appropriations.

Sec. 508. Definitions.

Sec. 509. Sunset provision.

TITLE VI—SAFE SCHOOLS

PART A—SAFE SCHOOLS PROGRAM

Sec. 601. Short title; statement of purpose.

Sec. 602. Safe schools program authorized.

Sec. 603. Eligible applicants.

Sec. 604. Applications and plans.

Sec. 605. Use of funds.

Sec. 606. National leadership.

Sec. 607. National cooperative education statistics system.

Sec. 608. Coordination of Federal assistance.

Sec. 609. Effective date.

PART B—STATE LEADERSHIP ACTIVITIES TO PROMOTE SAFE SCHOOLS

Sec. 621. State leadership activities to promote safe schools program.

TITLE VII—MIDNIGHT BASKETBALL LEAGUE TRAINING AND PARTNERSHIP

Sec. 701. Short title.

Sec. 702. Grants for midnight basketball league training and partnership programs.

Sec. 703. Public housing midnight basketball league programs.

TITLE VIII—YOUTH VIOLENCE IN SCHOOLS AND COMMUNITIES

Sec. 801. Purpose.

Sec. 802. Findings.

Sec. 803. Provisions.

TITLE IX—EDUCATIONAL RESEARCH AND IMPROVEMENT

Sec. 901. Short title.

PART A—OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT

Sec. 911. Repeal.

Sec. 912. Office of Educational Research and Improvement.

Sec. 913. Savings provisions.

Sec. 914. Field readers.

PART B—EDUCATIONAL IMPROVEMENT PROGRAMS

SUBPART 1—INTERNATIONAL EDUCATION PROGRAM

Sec. 921. International Education Program. SUBPART 2—AMENDMENTS TO THE CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT

Sec. 931. National Occupational Information Coordinating Committee.

SUBPART 3—ELEMENTARY MATHEMATICS AND SCIENCE EQUIPMENT PROGRAM

Sec. 941. Short title.

Sec. 942. Statement of purpose.

Sec. 943. Program authorized.

Sec. 944. Allotments of funds.

Sec. 945. State application.

Sec. 946. Local application.

Sec. 947. Participation of private schools.

Sec. 948. Program requirements.

Sec. 949. Federal administration.

Sec. 950. Authorization of appropriations.

SUBPART 4—MEDIA INSTRUCTION

Sec. 951. Media instruction.

SUBPART 5—STAR SCHOOLS

Sec. 961. Star schools.

SUBPART 6—OFFICE OF COMPREHENSIVE SCHOOL HEALTH EDUCATION

Sec. 971. Office of Comprehensive School Health Education.

SUBPART 7—MINORITY-FOCUSED CIVICS EDUCATION

Sec. 981. Short title.

Sec. 982. Purposes.

Sec. 983. Grants authorized; authorization of appropriations.

Sec. 984. Definitions.

Sec. 985. Applications.

PART C—DEFINITIONS

Sec. 991. Definitions.

TITLE X—PARENTS AS TEACHERS

Sec. 1001. Findings.

Sec. 1002. Statement of purpose.

Sec. 1003. Definitions.

Sec. 1004. Program established.

Sec. 1005. Program requirements.

Sec. 1006. Special rules.

Sec. 1007. Parents As Teachers Centers.

Sec. 1008. Evaluations.

Sec. 1009. Application.

Sec. 1010. Payments and Federal share.

Sec. 1011. Authorization of appropriations.

Sec. 1012. Home instruction program for pre-school youngsters.

TITLE XI—GUN-FREE SCHOOLS

Sec. 1101. Short title.

Sec. 1102. Gun-free requirements in elementary and secondary schools.

TITLE XII—ENVIRONMENTAL TOBACCO SMOKE

Sec. 1201. Short title.

Sec. 1202. Findings.

Sec. 1203. Definitions.

Sec. 1204. Nonsmoking policy for children's services.

Sec. 1205. Technical assistance.

Sec. 1206. Federally funded programs.

Sec. 1207. Report by the Administrator.
Sec. 1208. Preemption.

SEC. 2. PURPOSE.

It is the purpose of this Act to provide a framework for meeting the National Education Goals described in title I of this Act by—

- (1) promoting coherent, nationwide, systemic education reform;
- (2) improving the quality of teaching and learning in the classroom;
- (3) defining appropriate and coherent Federal, State, and local roles and responsibilities for education reform;
- (4) establishing valid, reliable, and fair mechanisms for—
 - (A) building a broad national consensus on United States education reform;
 - (B) assisting in the development and certification of high-quality, internationally competitive content and student performance standards;
 - (C) assisting in the development and certification of opportunity-to-learn standards; and
 - (D) assisting in the development and certification of high-quality assessment measures that reflect the internationally competitive content and student performance standards;
- (5) supporting new initiatives at the Federal, State, local, and school levels to provide equal educational opportunity for all students to meet high standards; and
- (6) providing a framework for the reauthorization of all Federal education programs by—
 - (A) creating a vision of excellence and equity that will guide all Federal education and related programs;
 - (B) providing for the establishment of high-quality, internationally competitive content and student performance standards that all students, including disadvantaged students, students with diverse racial, ethnic, and cultural backgrounds, students with disabilities, students with limited-English proficiency, and academically talented students, will be expected to achieve;
 - (C) providing for the establishment of high quality, internationally competitive opportunity-to-learn standards that all States, local educational agencies, and schools should achieve;
 - (D) encouraging and enabling all State educational agencies and local educational agencies to develop comprehensive improvement plans that will provide a coherent framework for the implementation of reauthorized Federal education and related programs in an integrated fashion that effectively educates all children;
 - (E) providing resources to help individual schools, including schools serving students with high needs, develop and implement comprehensive improvement plans; and
 - (F) promoting the use of technology to enable all students to achieve the National Education Goals.

SEC. 3. DEFINITIONS.

As used in this Act (other than in titles V and IX)—

- (1) the term "all children" means children from all backgrounds and circumstances, including disadvantaged children, children with diverse racial, ethnic, and cultural backgrounds, children with disabilities, children with limited-English proficiency, children who have dropped out of school, and academically talented children;
- (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 "assessment" means the overall process and instrument used to measure student attainment of content standards, except that such term need not include the discrete items that comprise each assessment;

(4) the term "content standards" means broad descriptions of the knowledge and skills students should acquire in a particular subject area;

(5) the term "Governor" means the chief executive of the State;

(6) the term "intergenerational mentoring program" means a program that—

(A) matches adult mentors, with a particular emphasis on older mentors, with elementary and secondary school age children for the purposes of sharing experience and skills;

(B) is operated by a nonprofit organization or governmental agency;

(C) provides opportunities for older individuals to be involved in the design and operation of the program; and

(D) has established, written mechanisms for screening mentors, orienting mentors and proteges, matching mentors and proteges, and monitoring mentoring relationships;

(7) the terms "interoperable" and "interoperability" refers to the ability to easily exchange data with, and connect to, other hardware and software in order to provide the greatest accessibility for all students;

(8) the term "local educational agency" has the meaning given such term in section 1471(12) of the Elementary and Secondary Education Act of 1965, except that such term may include a public school council if such council is mandated by State law;

(9) the term "opportunity-to-learn standards" means the conditions of teaching and learning necessary for all students to have a fair opportunity to learn, including ways of measuring the extent to which such standards are being met;

(10) the term "outlying areas" means Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, Palau (until the effective date of the Compact of Free Association with the Government of Palau), and the Freely Associated States;

(11) the term "performance standards" means concrete examples and explicit definitions of what students have to know and be able to do to demonstrate that such students are proficient in the skills and knowledge framed by content standards;

(12) the term "public telecommunication entity" has the same meaning given to such term in section 397(12) of the Communications Act of 1934;

(13) the term "related services" includes the types of services described in section 602(17) of the Individuals with Disabilities Education Act;

(14) the term "school" means a public school that is under the authority of the State educational agency or a local educational agency or, for the purpose of carrying out section 314(b), a school that is operated or funded by the Bureau of Indian Affairs;

(15) the term "Secretary", unless otherwise specified, means the Secretary of Education;

(16) the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico;

(17) the term "State educational agency" has the same meaning given such term in

section 1471(23) of the Elementary and Secondary Education Act of 1965; and

(18) 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 fiber optic transmission, computer, video and audio laser and CD-ROM disks, and video and audio tapes, or other technologies.

TITLE I—NATIONAL EDUCATION GOALS

SEC. 101. PURPOSE.

It is the purpose of this title to establish National Education Goals.

SEC. 102. NATIONAL EDUCATION GOALS.

The Congress declares the National Education Goals are as follows:

(1) SCHOOL READINESS.—

(A) GOAL.—By the year 2000, all children in America will start school ready to learn.

(B) OBJECTIVES.—The objectives for the goal described in subparagraph (A) are that—

- (i) all children, including disadvantaged and disabled children, will have access to high-quality and developmentally appropriate preschool programs that help prepare children for school;
- (ii) every parent in the United States will be a child's first teacher and devote time each day to helping such parent's preschool child learn, and parents will have access to the training and support parents need; and
- (iii) children will receive the nutrition, physical activity experiences, and health care needed to arrive at school with healthy minds and bodies, and the number of low-birthweight babies will be significantly reduced through enhanced prenatal health systems.

(2) SCHOOL COMPLETION.—

(A) GOAL.—By the year 2000, the high school graduation rate will increase to at least 90 percent.

(B) OBJECTIVES.—The objectives for the goal described in subparagraph (A) are that—

- (i) the Nation must dramatically reduce its high school dropout rate, and 75 percent of high school students who do drop out of school will successfully complete a high school degree or its equivalent; and
- (ii) the gap in high school graduation rates between United States students from minority backgrounds and their nonminority counterparts will be eliminated.

(3) STUDENT ACHIEVEMENT AND CITIZENSHIP.—

(A) GOAL.—By the year 2000, United States students will leave grades 4, 8, and 12 having demonstrated competency over challenging subject matter including English, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography, and every school in the United States will ensure that all students learn to use their minds well, so students may be prepared for responsible citizenship, further learning, and productive employment in our Nation's modern economy.

(B) OBJECTIVES.—The objectives for the goal described in subparagraph (A) are that—

- (i) the academic performance of elementary and secondary students will increase significantly in every quartile, and the distribution of minority students in each quartile will more closely reflect the student population as a whole;
- (ii) the percentage of students who demonstrate the ability to reason, solve problems, apply knowledge, and write and communicate effectively will increase substantially;
- (iii) all students will be involved in activities that promote and demonstrate good citi-

zanship, good health, community service, and personal responsibility;

(iv) all students will have access to physical education and health education to ensure all students are healthy and fit;

(v) the percentage of students who are competent in more than one language will substantially increase; and

(vi) all students will be knowledgeable about the diverse heritage of our Nation and about the world community.

(4) MATHEMATICS AND SCIENCE.—

(A) GOAL.—By the year 2000, United States students will be first in the world in mathematics and science achievement.

(B) OBJECTIVES.—The objectives for the goal described in subparagraph (A) are that—

(i) mathematics and science education, including the metric system of measurement, will be strengthened throughout the educational system, especially in the early grades;

(ii) the number of teachers with a substantive background in mathematics and science will increase by 50 percent from the number of such teachers in 1992; and

(iii) the number of United States undergraduate and graduate students, especially women and minorities, who complete degrees in mathematics, science, and engineering will increase significantly.

(5) ADULT LITERACY AND LIFELONG LEARNING.—

(A) GOAL.—By the year 2000, every adult United States citizen will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

(B) OBJECTIVES.—The objectives for the goal described in subparagraph (A) are that—

(i) every major United States business will be involved in strengthening the connection between education and work;

(ii) all workers will have the opportunity to acquire the knowledge and skills, from basic to highly technical, needed to adapt to emerging new technologies, work methods, and markets through public and private educational, vocational, technical, workplace, or other programs;

(iii) the number of quality programs, including programs at libraries, that are designed to serve more effectively the needs of the growing number of part-time and mid-career students, will increase substantially;

(iv) the proportion of qualified students, especially minorities, who enter college, who complete at least 2 years of college, and who complete their degree programs, will increase substantially; and

(v) the proportion of college graduates who demonstrate an advanced ability to think critically, communicate effectively, and solve problems will increase substantially.

(6) SAFE, DISCIPLINED, AND ALCOHOL- AND DRUG-FREE SCHOOLS.—

(A) GOAL.—By the year 2000, every school in the United States will be free of drugs, firearms, alcohol, and violence and will offer a disciplined environment conducive to learning.

(B) OBJECTIVES.—The objectives for the goal described in subparagraph (A) are that—

(i) every school will implement a firm and fair policy on use, possession, and distribution of drugs and alcohol;

(ii) parents, businesses, governmental and community organizations will work together to ensure that schools provide a healthy environment and are a safe haven for all children;

(iii) every school district will develop a sequential, comprehensive kindergarten

through twelfth grade drug and alcohol prevention education program;

(iv) drug and alcohol curriculum should be taught as an integral part of sequential, comprehensive health education;

(v) community-based teams should be organized to provide students and teachers with needed support; and

(vi) every school should work to eliminate sexual harassment.

(7) PARENTAL PARTICIPATION.—

(A) GOAL.—By the year 2000, every school will promote partnerships that will increase parental involvement and participation in promoting the social, emotional and academic growth of children.

(B) OBJECTIVES.—The objectives for the goal established under subparagraph (A) are that—

(i) every State will develop policies to assist local schools and school districts to establish programs for increasing partnerships that respond to the varying needs of parents and the home, including parents of children who are disadvantaged or bilingual, or parents of children with disabilities;

(ii) every school will actively engage parents and families in a partnership which supports the academic work of children at home and shared educational decision-making at school; and

(iii) parents and families will help to ensure that schools are adequately supported and will hold schools and teachers to high standards of accountability.

(8) TEACHER EDUCATION AND PROFESSIONAL DEVELOPMENT.—

(A) GOAL.—By the year 2000, the Nation's teaching force will have access to programs for the continued improvement of their professional skills and the opportunity to acquire the knowledge and skills needed to instruct and prepare all American students for the next century.

(B) OBJECTIVES.—The objectives for the goal established under subparagraph (A) are that—

(i) all teachers will have access to preservice teacher education and continuing professional development activities that will provide such teachers with the knowledge and skills needed to teach to an increasingly diverse student population with a variety of educational, social, and health needs;

(ii) all teachers will have continuing opportunities to acquire additional knowledge and skills needed to teach challenging subject matter and to use emerging new methods, forms of assessment, and technologies;

(iii) States and school districts will create integrated strategies to attract, recruit, prepare, retrain, and support the continued professional development of teachers, administrators, and other educators, so that there is a highly talented work force of professional educators to teach challenging subject matter; and

(iv) partnerships will be established, whenever possible, among local educational agencies, institutions of higher education, parents, and local labor, business, and professional associations to provide and support programs for the professional development of educators.

TITLE II—NATIONAL EDUCATION REFORM LEADERSHIP, STANDARDS, AND ASSESSMENTS

PART A—NATIONAL EDUCATION GOALS PANEL

SEC. 201. PURPOSE.

It is the purpose of this part to establish a bipartisan mechanism for—

(1) building a national consensus for educational improvement;

(2) reporting on progress toward achieving the National Education Goals;

(3) periodically reviewing the goals and objectives described in title I and recommending adjustments to such goals and objectives, as needed, in order to guarantee education reform that continues to provide guidance for quality, world class education for all students; and

(4) reviewing and approving the voluntary national content standards, voluntary national student performance standards and voluntary national opportunity-to-learn standards certified by the National Education Standards and Improvement Council, as well as the criteria for the certification of such standards, and the criteria for the certification of State assessments or systems of assessments certified by such Council.

SEC. 202. NATIONAL EDUCATION GOALS PANEL.

(a) ESTABLISHMENT.—There is established in the executive branch a National Education Goals Panel (hereafter in this title referred to as the "Goals Panel").

(b) COMPOSITION.—The Goals Panel shall be composed of 18 members (hereafter in this part referred to as "members"), including—

(1) two members appointed by the President;

(2) eight members who are Governors, 3 of whom shall be from the same political party as the President and 5 of whom shall be of the opposite political party of the President, appointed by the Chairperson and Vice Chairperson of the National Governors' Association, with the Chairperson and Vice Chairperson each appointing representatives of such Chairperson's or Vice Chairperson's respective political party, in consultation with each other;

(3) four Members of the Congress, of whom—

(A) one member shall be appointed by the Majority Leader of the Senate from among the Members of the Senate;

(B) one member shall be appointed by the Minority Leader of the Senate from among the Members of the Senate;

(C) one member shall be appointed by the Majority Leader of the House of Representatives from among the Members of the House of Representatives; and

(D) one member shall be appointed by the Minority Leader of the House of Representatives from among the Members of the House of Representatives; and

(4) four members of State legislatures appointed by the President of the National Conference of State Legislatures, of whom 2 shall be of the same political party as the President of the United States.

(c) SPECIAL APPOINTMENT RULES.—

(1) IN GENERAL.—The members appointed pursuant to subsection (b)(2) shall be appointed as follows:

(A) If the Chairperson of the National Governors' Association is from the same political party as the President, the Chairperson shall appoint 3 individuals and the Vice Chairperson of such association shall appoint 5 individuals.

(B) If the Chairperson of the National Governors' Association is from the opposite political party as the President, the Chairperson shall appoint 5 individuals and the Vice Chairperson of such association shall appoint 3 individuals.

(2) SPECIAL RULE.—If the National Governors' Association has appointed a panel that meets the requirements of subsections (b) and (c), except for the requirements of paragraph (4) of subsection (b), prior to the date of enactment of this Act, then the members serving on such panel shall be deemed to

be in compliance with the provisions of such subsections and shall not be required to be reappointed pursuant to such subsections.

(d) TERMS.—The terms of service of members shall be as follows:

(1) PRESIDENTIAL APPOINTEES.—Members appointed under subsection (b)(1) shall serve at the pleasure of the President.

(2) GOVERNORS.—Members appointed under paragraph (2) of subsection (b) shall serve a 2-year term, except that the initial appointments under such paragraph shall be made to ensure staggered terms with one-half of such members' terms concluding every 2 years.

(3) CONGRESSIONAL APPOINTEES AND STATE LEGISLATORS.—Members appointed under paragraphs (3) and (4) of subsection (b) shall serve for 2-year terms.

(e) DATE OF APPOINTMENT.—The initial members shall be appointed not later than 60 days after the date of enactment of this Act.

(f) INITIATION.—The Goals Panel may begin to carry out its duties under this part when 10 members of the Goals Panel have been appointed.

(g) VACANCIES.—A vacancy on the Goals Panel shall not affect the powers of the Goals Panel, but shall be filled in the same manner as the original appointment.

(h) TRAVEL.—Each member may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for each day the member is engaged in the performance of duties for the Goals Panel away from the home or regular place of business of the member.

(i) CHAIRPERSON.—

(1) IN GENERAL.—The members shall select a Chairperson from among the members described in paragraph (2) of subsection (b).

(2) TERM AND POLITICAL AFFILIATION.—The Chairperson of the Goals Panel shall serve a 1-year term and shall alternate between political parties.

SEC. 203. DUTIES.

(a) IN GENERAL.—The Goals Panel shall—

(1) report on the progress the Nation and the States are making toward achieving the National Education Goals described in title I, including issuing an annual national report card;

(2) submit to the President nominations for appointment to the National Education Standards and Improvement Council in accordance with subsections (b) and (c) of section 212;

(3) review and approve (or explain why approval is withheld) the—

(A) criteria developed by the National Education Standards and Improvement Council for the certification of content and student performance standards, assessments or systems of assessments, and opportunity-to-learn standards; and

(B) voluntary national content standards, voluntary national student performance standards and voluntary national opportunity-to-learn standards certified by such Council;

(4) report on promising or effective actions being taken at the national, State, and local levels, and in the public and private sectors, to achieve the National Education Goals; and

(5) help build a nationwide, bipartisan consensus for the reforms necessary to achieve the National Education Goals.

(b) NATIONAL REPORT CARD.—

(1) IN GENERAL.—The Goals Panel shall annually prepare and submit to the President, the Secretary, the appropriate committees of the Congress, and the Governor of each State a national report card that shall—

(A) report on the progress of the United States toward achieving the National Education Goals; and

(B) identify actions that should be taken by Federal, State, and local governments to enhance progress toward achieving the National Education Goals.

(2) FORM; DATA.—National report cards shall be presented in a form, and include data, that is understandable to parents and the general public.

SEC. 204. POWERS OF THE GOALS PANEL.

(a) HEARINGS.—

(1) IN GENERAL.—The Goals Panel shall, for the purpose of carrying out this part, conduct such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Goals Panel considers appropriate.

(2) REPRESENTATION.—In carrying out this part, the Goals Panel shall conduct hearings to receive reports, views, and analyses of a broad spectrum of experts and the public on the establishment of voluntary national content, voluntary national student performance standards, voluntary national opportunity-to-learn standards, and State assessments or systems of assessments described in section 213(e).

(b) INFORMATION.—The Goals Panel may secure directly from any department or agency of the Federal Government information necessary to enable the Goals Panel to carry out this part. Upon request of the Chairperson of the Goals Panel, the head of any such department or agency shall furnish such information to the Goals Panel to the extent permitted by law.

(c) POSTAL SERVICES.—The Goals Panel may use the United States mail in the same manner and under the same conditions as departments and agencies of the Federal Government.

(d) GIFTS; USE OF FACILITIES.—The Goals Panel may—

(1) accept, administer, and utilize gifts or donations of services, money, or property, whether real or personal, tangible or intangible; and

(2) use the research, equipment, services, and facilities of any department, agency or instrumentality of the Federal Government, or of any State or political subdivision thereof with the consent of such department, agency, instrumentality, State or subdivision, respectively.

(e) ADMINISTRATIVE ARRANGEMENTS AND SUPPORT.—

(1) IN GENERAL.—The Secretary shall provide to the Goals Panel, on a reimbursable basis, such administrative support services as the Goals Panel may request.

(2) CONTRACTS AND OTHER ARRANGEMENTS.—The Secretary shall, to the extent appropriate, and on a reimbursable basis, make contracts and other arrangements that are requested by the Goals Panel to help the Goals Panel compile and analyze data or carry out other functions necessary to the performance of the Goals Panel's responsibilities.

SEC. 205. ADMINISTRATIVE PROVISIONS.

(a) MEETINGS.—The Goals Panel shall meet on a regular basis, as necessary, at the call of the Chairperson of the Goals Panel or a majority of the members of the Goals Panel.

(b) QUORUM.—A majority of the members shall constitute a quorum for the transaction of business.

(c) VOTING AND FINAL DECISIONS.—

(1) IN GENERAL.—No individual may vote, or exercise any of the duties or powers of a member of the Goals Panel, by proxy.

(2) FINAL DECISIONS.—

(A) In making final decisions of the Goals Panel with respect to the exercise of its duties and powers the Goals Panel shall operate on the principle of consensus among the members of the Goals Panel.

(B) If a vote of the membership of the Goals Panel is required to reach a final decision with respect to the exercise of its duties and powers, then such final decision shall be made by a three-fourths vote of the members of the Goals Panel who are present and voting.

(d) PUBLIC ACCESS.—The Goals Panel shall ensure public access to the proceedings of the Goals Panel (other than proceedings, or portions of proceedings, relating to internal personnel and management matters) and shall make available to the public, at reasonable cost, transcripts of such proceedings.

SEC. 206. DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.

(a) DIRECTOR.—The Chairperson of the Goals Panel, without regard to the provisions of title 5, United States Code, relating to the appointment and compensation of officers or employees of the United States, shall appoint a Director to be paid at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule.

(b) APPOINTMENT AND PAY OF EMPLOYEES.—

(1) IN GENERAL.—(A) The Director may appoint not more than 4 additional employees to serve as staff to the Goals Panel without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(B) The employees appointed under subparagraph (A) may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, but shall not be paid a rate that exceeds the maximum rate of basic pay payable for GS-15 of the General Schedule.

(2) ADDITIONAL EMPLOYEES.—The Director may appoint additional employees to serve as staff to the Goals Panel in accordance with title 5, United States Code.

(c) EXPERTS AND CONSULTANTS.—The Goals Panel may procure temporary and intermittent services of experts and consultants under section 3109(b) of title 5, United States Code.

(d) STAFF OF FEDERAL AGENCIES.—Upon the request of the Goals Panel, the head of any department or agency of the United States may detail any of the personnel of such department to the Goals Panel to assist the Goals Panel in carrying out its responsibilities under this part.

SEC. 207. EARLY CHILDHOOD ASSESSMENT.

(a) IN GENERAL.—The Goals Panel shall support the work of its Resource and Technical Planning Groups on School Readiness (hereafter in this subsection referred to as the "Groups") to improve the methods of assessing the readiness of all children for school.

(b) ACTIVITIES.—The Groups shall—

(1) develop a model of elements of school readiness that address a broad range of early childhood developmental needs, including the needs of children with disabilities;

(2) create clear guidelines regarding the nature, functions, and uses of early childhood assessments, including norm-referenced assessments and assessment formats that are appropriate for use in culturally and linguistically diverse communities, based on model elements of school readiness;

(3) monitor and evaluate early childhood assessments, including the ability of existing assessments to provide valid information on the readiness of children for school; and

(4) monitor and report on the long-term collection of data on the status of young children to improve policy and practice, including the need for new sources of data necessary to assess the broad range of early childhood developmental needs.

(c) **ADVICE.**—The Groups shall advise and assist the Congress, the Secretary, the Goals Panel, and others regarding how to improve the assessment of young children and how such assessments can improve services to children.

(d) **REPORT.**—The Goals Panel shall provide reports on the work of the Groups to the Congress, the Secretary, and the public.

PART B—NATIONAL EDUCATION STANDARDS AND IMPROVEMENT COUNCIL

SEC. 211. PURPOSE.

It is the purpose of this part to establish a mechanism to—

(1) certify voluntary national content standards and voluntary national student performance standards that define what all students should know and be able to do;

(2) certify challenging State content standards and challenging State student performance standards submitted by States on a voluntary basis, if such standards are comparable in rigor and quality to the voluntary national content standards and voluntary national student performance standards certified by the National Education Standards and Improvement Council;

(3) certify voluntary national opportunity-to-learn standards that describe the conditions of teaching and learning necessary for all students to have a fair opportunity to achieve the knowledge and skills described in the voluntary national content standards and the voluntary national student performance standards certified by the National Education Standards and Improvement Council;

(4) certify comprehensive State opportunity-to-learn standards submitted by States on a voluntary basis that—

(A) describe the conditions of teaching and learning necessary for all students to have a fair opportunity to learn; and

(B) address the elements described in section 213(c)(3); and

(5) certify assessments or systems of assessments submitted by States or groups of States on a voluntary basis, if such assessments or systems—

(A) are aligned with and support State content standards certified by such Council; and

(B) are valid, reliable, and fair when used for their intended purposes.

SEC. 212. NATIONAL EDUCATION STANDARDS AND IMPROVEMENT COUNCIL.

(a) **ESTABLISHMENT.**—There is established in the executive branch a National Education Standards and Improvement Council (hereafter in this part referred to as the "Council").

(b) **COMPOSITION.**—The Council shall be composed of 19 members (hereafter in this part referred to as "members") appointed by the President from nominations submitted by the Goals Panel.

(c) **QUALIFICATIONS.**—

(1) **IN GENERAL.**—The members of the Council shall include—

(A) five professional educators appointed from among elementary and secondary classroom teachers, preschool educators, related services personnel, and other school-based professionals, State or local educational agency administrators, or other educators;

(B) four representatives of business and industry or postsecondary educational institutions, including at least 1 representative of business and industry who is also a member

of the National Skill Standards Board established pursuant to title V;

(C) five representatives of the public, appointed from among representatives of advocacy, civil rights, and disability groups, parents, civic leaders, tribal governments, or State or local education policymakers (including members of State or local school boards); and

(D) five education experts, appointed from among experts in measurement and assessment, curriculum, school finance and equity, or school reform.

(2) **NOMINATIONS.**—The Goals Panel shall submit to the President at least 15 nominations for each of the 4 categories of appointment described in subparagraphs (A) through (D) of paragraph (1).

(3) **REPRESENTATION.**—To the extent feasible, the membership of the Council shall—

(A) be geographically representative of the United States and reflect the diversity of the United States with respect to race, ethnicity, gender and disability characteristics; and

(B) include persons from each of the 4 categories described in subparagraphs (A) through (D) of paragraph (1) who have expertise in the education of subgroups of students who are at risk of school failure.

(d) **TERMS.**—

(1) **IN GENERAL.**—Members shall be appointed for 3-year terms, with no member serving more than 2 consecutive terms.

(2) **INITIAL TERMS.**—The President shall establish initial terms for members of 1, 2, or 3 years in order to establish a rotation in which one-third of the members are selected each year.

(e) **DATE OF APPOINTMENT.**—The initial members shall be appointed not later than 120 days after the date of enactment of this Act.

(f) **INITIATION.**—The Council shall begin to carry out the duties of the Council under this part when all 19 members have been appointed.

(g) **RETENTION.**—In order to retain an appointment to the Council, a member shall attend at least two-thirds of the scheduled meetings, and hearings when appropriate, of the Council in any given year.

(h) **VACANCY.**—A vacancy on the Council shall not affect the powers of the Council, but shall be filled in the same manner as the original appointment.

(i) **COMPENSATION.**—Members who are not regular full-time employees of the United States, while attending meetings or hearings of the Council, may be provided compensation at a rate fixed by the Secretary, but not exceeding the maximum rate of basic pay payable for GS-15 of the General Schedule.

(j) **TRAVEL.**—Each member of the Council may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for each day the member is engaged in the performance of duties for the Council away from the home or regular place of business of the member.

(k) **OFFICERS.**—The members shall select officers of the Council from among the members. The officers of the Council shall serve for 1-year terms.

(l) **CONFLICT OF INTEREST.**—No member, staff, expert, or consultant assisting the Council shall be appointed to the Council—

(1) if such member, staff, expert, or consultant has a fiduciary interest in an educational assessment; and

(2) unless such member, staff, expert, or consultant agrees that such member, staff, expert, or consultant, respectively, will not

obtain such an interest for a period of 2 years from the date of termination of such member's service on the Council.

SEC. 213. DUTIES.

(a) **VOLUNTARY NATIONAL CONTENT STANDARDS; VOLUNTARY NATIONAL STUDENT PERFORMANCE STANDARDS.**—

(1) **IN GENERAL.**—The Council, upon recommendation from a working group on voluntary national content standards, shall—

(A) identify areas in which voluntary national content standards need to be developed;

(B) certify voluntary national content standards and voluntary national student performance standards that define what all students should know and be able to do; and

(C) forward such voluntary national content standards and voluntary national student performance standards to the Goals Panel for approval.

(2) **CRITERIA.**—(A) The Council, upon recommendation from a working group on voluntary national content standards and voluntary national student performance standards, shall—

(i) identify and develop criteria to be used for certifying the voluntary national content standards and voluntary national student performance standards; and

(ii) before applying such criteria, forward such criteria to the Goals Panel for approval.

(B) The criteria developed by the Council shall address—

(i) the extent to which the proposed standards are internationally competitive and comparable to the best standards in the world;

(ii) the extent to which the proposed voluntary national content standards and voluntary national student performance standards reflect the best available knowledge about how all students learn and about how a content area can be most effectively taught;

(iii) the extent to which the proposed voluntary national content standards and voluntary national student performance standards have been developed through an open and public process that provides for input and involvement of all relevant parties, including teachers, related services personnel, and other professional educators, employers and postsecondary education institutions, curriculum and subject matter specialists, parents, secondary school students, and the public; and

(iv) other factors that the Council deems appropriate.

(C) In developing the criteria, the Council shall work with entities that are developing, or have already developed, content standards, and any other entities that the Council deems appropriate, to identify appropriate certification criteria.

(b) **VOLUNTARY STATE CONTENT STANDARDS; VOLUNTARY STATE STUDENT PERFORMANCE STANDARDS.**—The Council may certify challenging State content standards and challenging State student performance standards presented on a voluntary basis by a State or group of States, if such standards are comparable in rigor and quality to the voluntary national content standards and voluntary national student performance standards certified by the Council.

(c) **VOLUNTARY NATIONAL OPPORTUNITY-TO-LEARN STANDARDS.**—

(1) **IN GENERAL.**—The Council, upon recommendation from a working group on voluntary national opportunity-to-learn standards, shall certify exemplary, voluntary national opportunity-to-learn standards that will establish a basis for providing all stu-

dents a fair opportunity to achieve the knowledge and skills described in the voluntary national content standards certified by the Council. In carrying out the preceding sentence the Council and the working group are authorized to consider proposals for voluntary national opportunity-to-learn standards from groups other than those that receive grants under section 218.

(2) **REQUIREMENT.**—The voluntary national opportunity-to-learn standards shall be sufficiently general to be used by any State without unduly restricting State and local prerogatives regarding instructional methods to be employed.

(3) **ELEMENTS ADDRESSED.**—The voluntary national opportunity-to-learn standards certified by the Council shall address—

(A) the quality and availability of curricula, instructional materials, and technologies;

(B) the capability of teachers to provide high-quality instruction to meet diverse learning needs in each content area;

(C) the extent to which teachers and administrators have ready and continuing access to professional development, including the best knowledge about teaching, learning, and school improvement;

(D) the extent to which curriculum, instructional practices, and assessments are aligned to content standards;

(E) the extent to which school facilities provide a safe and secure environment for learning and instruction and have the requisite libraries, laboratories, and other resources necessary to provide an opportunity-to-learn; and

(F) other factors that the Council deems appropriate to ensure that all students receive a fair opportunity to achieve the knowledge and skills described in the voluntary national content standards and the voluntary national student performance standards certified by the Council.

(4) **ADDITIONAL DUTIES.**—In carrying out this subsection, the Council shall—

(A) identify what other countries with rigorous content standards do to—

(i) provide their children with opportunities to learn;

(ii) prepare their teachers; and

(iii) provide continuing professional development opportunities for their teachers; and

(B) develop criteria to be used for certifying the voluntary national opportunity-to-learn standards and, before applying such criteria, forward such criteria to the Goals Panel for approval.

(5) **RECOMMENDATIONS AND COORDINATION.**—The Council shall assist in the development of the voluntary national opportunity-to-learn standards by—

(A) making recommendations to the Secretary regarding priorities and selection criteria for each grant awarded under section 218; and

(B) coordinating with each consortium receiving a grant under section 218 to ensure that the opportunity-to-learn standards the consortium develops for all students are of high quality and are consistent with the criteria developed by the Council for the certification of such standards.

(6) **APPROVAL.**—The Council shall forward the voluntary national opportunity-to-learn standards that the Council certifies to the Goals Panel for approval.

(d) **VOLUNTARY STATE OPPORTUNITY-TO-LEARN STANDARDS.**—The Council may certify comprehensive State opportunity-to-learn standards presented on a voluntary basis by a State that—

(1) describe the conditions of teaching and learning necessary for all students to have a fair opportunity to learn; and

(2) address the elements described in section 213(c)(3).

(e) **ASSESSMENTS.**—

(1) **IN GENERAL.**—(A) The Council shall certify, for a period not to exceed 5 years, an assessment of a single subject area or a system of assessments involving several subject areas presented on a voluntary basis by a State or group of States if such assessment or system of assessments—

(i) is aligned with such State's or group of States' challenging State content standards certified by the Council;

(ii) involves multiple measures of student performance; and

(iii) provides for—

(I) the participation of all students with diverse learning needs in such assessment or system; and

(II) the adaptations and accommodations necessary to permit such participation.

(B) Assessments or systems of assessments shall be certified for the purpose of—

(i) exemplifying for students, parents, and teachers the kinds and levels of achievement that should be expected, including the identification of student performance standards;

(ii) improving classroom instruction and improving the learning outcomes for all students;

(iii) informing students, parents, and teachers about student progress toward such standards;

(iv) measuring and motivating individual students, schools, districts, States, and the Nation to improve educational performance; and

(v) assisting education policymakers in making decisions about education programs.

(2) **IMPLEMENTATION.**—(A)(i) The Council shall develop, and not sooner than 3 years nor later than 4 years after the date of enactment of this Act, begin utilizing, criteria for the certification of an assessment or a system of assessments in accordance with this subsection.

(ii) The Council shall not certify an assessment or system of assessments for a period of 3 years beginning on the date of enactment of this Act, if such assessment or system will be used to make decisions regarding graduation, grade promotion, or retention of students.

(iii) Before utilizing the criteria described in clause (i), the Council shall forward such criteria to the Goals Panel for approval.

(B) The certification criteria described in this paragraph shall address the extent to which an assessment or a system of assessments—

(i) is aligned with a State's or a group of States' challenging State content standards, if such State or group has challenging State content standards that have been certified by the Council; and

(ii) will support effective curriculum and instruction;

(iii) is to be used for a purpose for which such assessment or system is valid, reliable, fair, and free of discrimination; and

(iv) includes all students, especially students with disabilities or with limited-English proficiency.

(C) In determining appropriate certification criteria under this paragraph, the Council shall—

(i) consider standards and criteria being developed by other national organizations and recent research on assessment;

(ii) recommend needed research;

(iii) encourage the development and field testing of assessments or systems of assessments; and

(iv) provide a public forum for discussing, debating, and building consensus for the criteria to be used for the certification of assessments or systems of assessments.

(D) Prior to determining the certification criteria described in this paragraph, the Council shall take public comment on its proposed certification criteria.

(f) **PERFORMANCE OF DUTIES.**—In carrying out its responsibilities under this title, the Council shall—

(1) work with Federal and non-Federal departments, agencies, or organizations that are conducting research, studies, or demonstration projects to determine internationally competitive education standards and assessments, and may establish subject matter and other panels to advise the Council on particular content, student performance, and opportunity-to-learn standards and on assessments or systems of assessments;

(2) establish cooperative arrangements with the National Skill Standards Board to promote the coordination of the development of content and student performance standards under this title with the development of skill standards described in title V;

(3) recommend studies to the Secretary that are necessary to carry out the Council's responsibilities;

(4) inform the public about what constitutes high quality, internationally competitive, content, student performance, and opportunity-to-learn standards, and assessments or systems of assessments;

(5) on a regular basis, review and update criteria for certifying content, student performance, and opportunity-to-learn standards, and assessments or systems of assessments; and

(6) periodically recertify, as appropriate, the voluntary national content standards, the voluntary national student performance standards, and the voluntary national opportunity-to-learn standards.

(g) **CONSTRUCTION.**—Nothing in this Act shall be construed to—

(1) require any State to have standards certified pursuant to subsection (b) or (d) in order to participate in any Federal program; or

(2) create a legally enforceable right for any person against a State, local educational agency, or school based on a standard or assessment certified by the Council or the criteria developed by the Council for such certification.

SEC. 214. ANNUAL REPORTS.

Not later than 1 year after the date the Council concludes its first meeting, and each year thereafter, the Council shall prepare and submit a report regarding its work to the President, the Secretary, the appropriate committees of the Congress, the Governor of each State, and the Goals Panel.

SEC. 215. POWERS OF THE COUNCIL.

(a) **HEARINGS.**—

(1) **IN GENERAL.**—The Council shall, for the purpose of carrying out its responsibilities, conduct such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Council considers appropriate.

(2) **LOCATION.**—In carrying out this part, the Council shall conduct public hearings in different geographic areas of the United States, both urban and rural, to receive the reports, views, and analyses of a broad spectrum of experts and the public on the establishment of voluntary national content standards, voluntary national student per-

formance standards, voluntary national opportunity-to-learn standards, and assessments or systems of assessments described in section 213(e).

(b) INFORMATION.—The Council may secure directly from any department or agency of the Federal Government information necessary to enable the Council to carry out this part. Upon request of the Chairperson of the Council, the head of such department or agency shall furnish such information to the Council to the extent permitted by law.

(c) POSTAL SERVICES.—The Council may use the United States mail in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS; USE OF FACILITIES.—The Council may—

(1) accept, administer, and utilize gifts or donations of services, money, or property, whether real or personal, tangible or intangible; and

(2) use the research, equipment, services, and facilities of any department, agency, or instrumentality of the United States, or of any State or political subdivision thereof with the consent of such department, agency, instrumentality, State or subdivision, respectively.

(e) ADMINISTRATIVE ARRANGEMENTS AND SUPPORT.—

(1) IN GENERAL.—The Secretary shall provide to the Council, on a reimbursable basis, such administrative support services as the Council may request.

(2) CONTRACTS AND OTHER ARRANGEMENTS.—The Secretary, to the extent appropriate and on a reimbursable basis, shall enter into contracts and other arrangements that are requested by the Council to help the Council compile and analyze data or carry out other functions necessary to the performance of the Council's responsibilities.

SEC. 216. ADMINISTRATIVE PROVISIONS.

(a) MEETINGS.—The Council shall meet on a regular basis, as necessary, at the call of the Chairperson of the Council or a majority of its members.

(b) QUORUM.—A majority of the members shall constitute a quorum for the transaction of business.

(c) VOTING.—The Council shall take all action of the Council by a majority vote of the total membership of the Council, ensuring the right of the minority to issue written views. No individual may vote or exercise any of the powers of a member by proxy.

(d) PUBLIC ACCESS.—The Council shall ensure public access to its proceedings (other than proceedings, or portions of proceedings, relating to internal personnel and management matters) and shall make available to the public, at reasonable cost, transcripts of such proceedings.

SEC. 217. DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.

(a) DIRECTOR.—The Chairperson of the Council, without regard to the provisions of title 5, United States Code, relating to the appointment and compensation of officers or employees of the United States, shall appoint a Director to be paid at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule.

(b) APPOINTMENT AND PAY OF EMPLOYEES.—

(1) IN GENERAL.—(A) The Director may appoint not more than 4 additional employees to serve as staff to the Council without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(B) The employees appointed under subparagraph (A) may be paid without regard to

the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, but shall not be paid a rate that exceeds the maximum rate of basic pay payable for GS-15 of the General Schedule.

(2) ADDITIONAL EMPLOYEES.—The Director may appoint additional employees to serve as staff of the Council consistent with title 5, United States Code.

(c) EXPERTS AND CONSULTANTS.—The Council may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(d) STAFF OF FEDERAL AGENCIES.—Upon the request of the Council, the head of any department or agency of the Federal Government may detail any of the personnel of such department or agency to the Council to assist the Council in carrying out its duties under this part.

SEC. 218. OPPORTUNITY-TO-LEARN DEVELOPMENT GRANTS.

(a) OPPORTUNITY-TO-LEARN DEVELOPMENT GRANTS.—

(1) IN GENERAL.—The Secretary is authorized to award more than one grant, on a competitive basis, to consortia of individuals and organizations to enable such consortia to develop voluntary national opportunity-to-learn standards, and a listing of model programs for use, on a voluntary basis, by States in—

(A) assessing the capacity and performance of individual schools; and

(B) developing appropriate actions to be taken in the event that the schools fail to achieve such standards.

(2) COMPOSITION OF CONSORTIUM.—To the extent possible, each consortium described in paragraph (1) shall include the participation of—

(A) Governors (other than Governors serving on the Goals Panel);

(B) chief State school officers;

(C) teachers, especially teachers involved in the development of content standards, and related services personnel;

(D) principals;

(E) superintendents;

(F) State and local school board members;

(G) curriculum and school reform experts;

(H) parents;

(I) State legislators;

(J) representatives of businesses;

(K) representatives of higher education;

(L) representatives of regional accrediting associations;

(M) representatives of advocacy groups; and

(N) secondary school students.

(b) APPLICATIONS.—Each consortium that desires to receive a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

(c) AWARD CONSIDERATION.—In establishing priorities and selection criteria for awarding more than one grant under this section, the Secretary shall give serious consideration to the recommendations made by the Council pursuant to section 213(c)(5)(A).

PART C—LEADERSHIP IN EDUCATIONAL TECHNOLOGY

SEC. 221. PURPOSES.

It is the purpose of this part to promote achievement of the National Education Goals and—

(1) to provide leadership at the Federal level, through the Department of Education, 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 at the State and local level;

(B) to coordinate educational technology activities 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 and administrators regarding the integration of technology into instruction and administration;

(7) to promote the effective uses of technology in existing Federal education programs, such as chapter 1 of title I of the Elementary and Secondary Education Act of 1965 and vocational education programs; and

(8) to monitor, and disseminate information regarding, advancements in technology to encourage the development of effective educational uses of technology.

SEC. 222. 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 part, the Secretary, in consultation with the Office of Science and Technology Policy, the National Science Foundation, the Department of Commerce, the Department of Energy, the National Aeronautics and Space Administration, and other appropriate Federal departments or agencies, may carry out activities designed to achieve the purposes of this part.

(2) TRANSFER OF FUNDS.—For the purpose of carrying out coordinated or joint activities to achieve the purposes of this part, the Secretary may accept funds from, and 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 this Act, 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 part.

(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 educational applications of

technology, representatives of a distance learning consortia, representatives of telecommunications partnerships receiving assistance under the Star Schools Program Assistance 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 part, including—

(A) how the Secretary will encourage the effective use of technology to provide all students the opportunity to achieve challenging State content standards and challenging State student performance standards, especially through programs administered by the Department of Education;

(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 Aeronautics and Space Administration, the National Science Foundation, 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 concentration 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; and

(v) 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 utilize the outcomes of the evaluation undertaken pursuant to section 908 of the Star Schools Program Assistance Act to promote the purposes of this part; and

(G) the Secretary's long-range measurable goals and objectives relating to the purposes of this part.

(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 316.

SEC. 223. OFFICE OF EDUCATIONAL TECHNOLOGY.

(a) **AMENDMENT TO THE DEPARTMENT OF EDUCATION ORGANIZATION ACT.**—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 EDUCATIONAL TECHNOLOGY

"SEC. 216. There shall be in the Department of Education an Office of Educational Technology, to be administered by the Director of Educational Technology. The Director of Educational Technology shall report directly to the Secretary and shall perform such additional functions as the Secretary may prescribe. Such Office shall be established in accordance with section 405A of the General Education Provisions Act."

(b) **AMENDMENT TO THE GENERAL EDUCATION PROVISIONS ACT.**—Part A of the General Education Provisions Act (20 U.S.C. 1221c et seq.) is amended by inserting after section 405 the following new section:

"SEC. 405A. OFFICE OF EDUCATIONAL TECHNOLOGY.

"(a) **ESTABLISHMENT.**—The Secretary shall establish an Office of Educational Technology (hereafter in this section referred to as the 'Office').

"(b) **FUNCTIONS OF THE OFFICE.**—The Director of the Office of Educational Technology (hereafter in this section referred to as the 'Director'), through the Office, shall—

"(1) in support of the overall national technology policy and in consultation with other Federal departments or agencies which the Director determines appropriate, provide leadership to the Nation in the use of technology to promote achievement of the National Education Goals and to increase opportunities for all students to achieve challenging State content and challenging State student performance standards;

"(2) review all programs and training functions administered by the Department and recommend policies in order to promote increased use of technology and technology planning throughout all such programs and functions;

"(3) review all relevant programs supported by the Department to ensure that such programs are coordinated with and support the national long-range technology plan developed pursuant to this Act; and

"(4) perform such additional functions as the Secretary may require.

"(c) **PERSONNEL.**—The Director is authorized to select, appoint, and employ such officers and employees as may be necessary to carry out the functions of the Office, subject to the provisions of title 5, United States Code (governing appointments in the competitive service), and the provisions of chapter 51 and subchapter III of chapter 53 of such title (relating to classification and General Schedule pay rates).

"(d) **EXPERTS AND CONSULTANTS.**—The Secretary may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code."

(c) **COMPENSATION OF THE DIRECTOR.**—Section 5315 of title 5, United States Code, is amended by adding at the end the following: "Director of the Office of Educational Technology."

SEC. 224. USES OF FUNDS.

(a) **IN GENERAL.**—The Secretary shall use funds appropriated pursuant to the authority of section 231(d) for activities designed to carry out the purpose of this part, including—

(1) providing assistance to technical assistance providers to enable such providers to improve substantially the services such pro-

viders offer to educators regarding the educational uses of technology, including professional development;

(2) consulting with representatives of industry, elementary and secondary education, higher education, and appropriate experts in technology and the educational applications of technology, in carrying out the activities assisted under this part;

(3) research on, and the development of, guidelines to facilitate maximum interoperability, efficiency and easy exchange of data for effective use of technology in education;

(4) research on, and the development of, educational applications of the most advanced and newly emerging technologies;

(5) 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;

(6) 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, challenging State content standards and challenging State student performance standards;

(7) the development, demonstration, and evaluation of model strategies for preparing teachers and other personnel to use technology effectively to improve teaching and learning;

(8) the development of model programs that demonstrate the educational effectiveness of technology in urban and rural areas and economically distressed communities;

(9) 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;

(10) a biannual 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 and local governments may rely for decision-making 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;

(11) conferences on, and dissemination of information regarding, the uses of technology in education;

(12) the development of model strategies to promote gender equity in the use of technology;

(13) encouraging collaboration between the Department of Education and other Federal agencies in the development, implementation, evaluation and funding of applications of technology for education, as appropriate; and

(14) such other activities as the Secretary determines will meet the purposes of this part.

(b) **SPECIAL RULES.**—

(1) **IN GENERAL.**—The Secretary shall carry out the activities described in subsection (a) directly or by grant or contract.

(2) **GRANTS AND CONTRACTS.**—Each grant or contract under this part shall be awarded—

(A) on a competitive basis; and

(B) pursuant to a peer review process.

SEC. 225. NON-FEDERAL SHARE.

(a) **IN GENERAL.**—Subject to subsections (b) and (c), the Secretary may require any recipient of a grant or contract under this part 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.

(b) INCREASE.—The Secretary may increase the non-Federal share that is required of a recipient of a grant or contract under this part after the first year such recipient receives funds under such grant or contract.

(c) 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 part.

SEC. 226. OFFICE OF TRAINING TECHNOLOGY TRANSFER.

(a) TRANSFER.—

(1) IN GENERAL.—The Office of Training Technology Transfer as established under section 6103 of the Training Technology Transfer Act of 1988 (20 U.S.C. 5093) is transferred to the Office of Educational Technology.

(2) TECHNICAL AMENDMENT.—The first sentence of section 6103(a) of the Training Technology Transfer Act of 1988 (20 U.S.C. 5093(a)) is amended by striking "Office of Educational Research and Improvement" and inserting "Office of Educational Technology".

(b) AUTHORIZATION OF APPROPRIATIONS.—The Training Technology Transfer Act of 1988 (20 U.S.C. 5091 et seq.) is amended by adding at the end the following new section: "SEC. 6108. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated \$3,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out this chapter."

PART D—AUTHORIZATION OF APPROPRIATIONS

SEC. 231. AUTHORIZATION OF APPROPRIATIONS.

(a) NATIONAL EDUCATION GOALS PANEL.—There are authorized to be appropriated \$3,000,000 for fiscal year 1994, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out part A.

(b) NATIONAL EDUCATION STANDARDS AND IMPROVEMENT COUNCIL.—There are authorized to be appropriated \$3,000,000 for fiscal year 1994, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out part B.

(c) OPPORTUNITY-TO-LEARN DEVELOPMENT GRANTS.—There are authorized to be appropriated \$1,000,000 for fiscal year 1994, and such sums as may be necessary for fiscal year 1995, to carry out section 219.

(d) LEADERSHIP IN EDUCATIONAL TECHNOLOGY.—There are authorized to be appropriated \$5,000,000 for the fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998, to carry out part C.

TITLE III—STATE AND LOCAL EDUCATION SYSTEMIC IMPROVEMENT

SEC. 301. FINDINGS.

The Congress finds that—

(1) all students can learn to high standards and must realize their potential if the United States is to prosper;

(2) the reforms in education from 1977 through 1992 have achieved some good results, but such reform efforts often have been limited to a few schools or to a single part of the educational system;

(3) leadership must come from teachers, related services personnel, principals, and parents in individual schools, and from policymakers at the local, State, tribal, and national levels, in order for lasting improvements in student performance to occur;

(4) simultaneous top-down and bottom-up education reform is necessary to spur creative and innovative approaches by individual schools to help all students achieve internationally competitive standards;

(5) strategies must be developed by communities and States to support the revitalization of all local public schools by fundamentally changing the entire system of public education through comprehensive, coherent, and coordinated improvement;

(6) parents, teachers and other local educators, and business, community, and tribal leaders, must be involved in developing system-wide improvement strategies that reflect the needs of their individual communities;

(7) all students are entitled to teaching practices that are in accordance with accepted standards of professional practice and that hold the greatest promise of improving student performance;

(8) all students are entitled to participate in a broad and challenging curriculum and to have access to resources sufficient to address other education needs;

(9) State and local education improvement efforts must incorporate strategies for providing students and families with coordinated access to appropriate social services, health care, nutrition, early childhood education, and child care to remove preventable barriers to learning and enhance school readiness for all students;

(10) States and local educational agencies, working together, must immediately set about developing and implementing such system-wide improvement strategies if our Nation is to educate all children to meet their full potential and achieve the National Education Goals described in title I;

(11) State and local systemic improvement strategies must provide all students with effective mechanisms and appropriate paths to the work force as well as to higher education;

(12) businesses should be encouraged—

(A) to enter into partnerships with schools;

(B) to provide information and guidance to schools based on the needs of area businesses for properly educated graduates in general and on the need for particular workplace skills that the schools may provide;

(C) to provide necessary education and training materials and support; and

(D) to continue the lifelong learning process throughout the employment years of an individual;

(13) the appropriate and innovative use of technology, including distance learning, can be very effective in helping to provide all students with the opportunity to learn and meet high standards;

(14) Federal funds should be targeted to support State and local initiatives, and to leverage State and local resources for designing and implementing system-wide education improvement plans; and

(15) quality education management services are being utilized by local educational agencies and schools through contractual agreements between local educational agencies or schools and such businesses.

SEC. 302. PURPOSE.

It is the purpose of this title to—

(1) improve the quality of education for all students by supporting a long-term, broad-based effort to provide coherent and coordinated improvements in the system of education throughout our Nation at the State and local levels;

(2) provide new authorities and funding for our Nation's school systems;

(3) not replace or reduce funding for existing Federal education programs; and

(4) ensure that no State or local educational agency will reduce its funding for education or for education reform on account of receiving any funds under this title.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated \$400,000,000 for the fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998, to carry out this title.

SEC. 304. ALLOTMENT OF FUNDS.

(a) RESERVATIONS OF FUNDS.—From funds appropriated pursuant to the authority of section 303 in each fiscal year, the Secretary—

(1) shall reserve a total of 1 percent to provide assistance, in amounts determined by the Secretary—

(A) to the outlying areas;

(B) to the Secretary of the Interior to benefit Indian students in schools operated or funded by the Bureau of Indian Affairs; and

(C) to the Alaska Federation of Natives in cooperation with the Alaska Native Education Council to benefit Alaska Native students; and

(2) may reserve a total of not more than 4 percent for—

(A) national leadership activities under subsections (a), (b) and (d) of section 313; and

(B) the costs of peer review of State improvement plans and applications under this title.

(b) STATE ALLOTMENTS.—From the amount appropriated under section 303 and not reserved under subsection (a) in each fiscal year the Secretary shall make allotments to State educational agencies as follows:

(1) 50 percent of such amount shall be allocated in accordance with the relative amounts each State would have received under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 for the preceding fiscal year if funds under such chapter in such preceding fiscal year were not reserved for the outlying areas.

(2) 50 percent of such amount shall be allocated in accordance with the relative amounts each State would have received under part A of chapter 2 of title I of the Elementary and Secondary Education Act of 1965 for the preceding fiscal year if funds under such chapter in such preceding fiscal year were not reserved for the outlying areas.

(c) REALLOTMENTS.—If the Secretary determines that any amount of a State educational agency's allotment for any fiscal year under subsection (b) will not be needed for such fiscal year by the State, the Secretary shall reallocate such amount to other State educational agencies that need additional funds, in such manner as the Secretary determines is appropriate.

(d) MAINTENANCE OF EFFORT.—Each recipient of funds under this title, in utilizing the proceeds of an allotment received under this title, shall maintain the expenditures of such recipient for the activities assisted under this title at a level equal to not less than the level of such expenditures maintained by such recipient for the fiscal year preceding the fiscal year for which such allotment is received, except that provisions of this section shall not apply in any fiscal year in which the amount appropriated to carry out this title is less than the amount appropriated to carry out this title in the preceding fiscal year.

(e) SUPPLEMENT NOT SUPPLANT.—Each recipient of funds under this title, may use the proceeds of an allotment received under this

title only so as 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 activities assisted under this title.

SEC. 305. STATE APPLICATIONS.

(a) APPLICATION.—

(1) IN GENERAL.—Each State educational agency that desires to receive an allotment under this title shall submit an application to the Secretary at such time and in such manner as the Secretary may determine.

(2) ADDITIONAL INFORMATION.—In addition to the information described in subsections (b) and (c), each such application shall include—

(A) an assurance that the State educational agency will cooperate with the Secretary in carrying out the Secretary's responsibilities under section 313, and will comply with reasonable requests of the Secretary for data related to the State's progress in developing and implementing its State improvement plan under this title;

(B) an assurance that State law provides adequate authority to carry out each component of the State's improvement plan developed, or to be developed, under section 306, or that such authority will be sought; and

(C) such other assurances and information as the Secretary may require.

(b) FIRST YEAR.—A State educational agency's application for the first year of assistance under this title shall—

(1) describe the process by which the State educational agency will develop a school improvement plan that meets the requirements of section 306; and

(2) describe how the State educational agency will use funds received under this title for such year, including how such agency will make subgrants to local educational agencies in accordance with section 309(a), and how such agency will use funds received under this title for education preservice programs and professional development activities in accordance with section 309(b).

(c) SUBSEQUENT YEARS.—A State educational agency's application for the second year of assistance under this title shall—

(1) cover the second through fifth years of the State's participation;

(2) include a copy of the State's improvement plan that meets the requirements of section 306, or if the State improvement plan is not complete, a statement of the steps the State will take to complete the plan and a schedule for doing so; and

(3) include an explanation of how the State educational agency will use funds received under this title, including how such agency will make subgrants to local educational agencies in accordance with section 309(a), and how such agency will use such funds received under this title for education preservice programs and professional development activities in accordance with section 309(b).

SEC. 306. STATE IMPROVEMENT PLANS.

(a) BASIC SCOPE OF PLAN.—Any State educational agency that desires to receive an allotment under this title after its first year of participation shall develop and implement a State improvement plan for the improvement of elementary and secondary education in the State.

(b) PLAN DEVELOPMENT.—

(1) IN GENERAL.—A State improvement plan under this title shall be developed by a broad-based State panel in cooperation with the State educational agency and the Governor. The panel shall include—

(A) the Governor and the chief State school officer, or their designees;

(B) the chairperson of the State board of education and the chairpersons of the appropriate authorizing committees of the State legislature, or their designees;

(C) school teachers, related services personnel, principals, and administrators who have successfully improved student performance; and

(D) representatives of teachers' organizations, organizations serving young children, parents, secondary school students, business and labor leaders, community-based organizations of demonstrated effectiveness, institutions of higher education, private, nonprofit elementary and secondary schools, local boards of education, State and local officials, tribal agencies, as appropriate, and others.

(2) APPOINTMENT.—The Governor and the chief State school officer shall each appoint half the members of the panel and shall jointly select the Chairperson of the panel and the representative of a private, nonprofit elementary and secondary school described in paragraph (1)(D).

(3) REPRESENTATION.—The membership of the panel shall be geographically representative of the State and reflect the diversity of the population of the State with regard to race, ethnicity, gender and disability characteristics.

(4) CONSULTATION.—The panel shall consult the Governor, the chief State school officer, the State board of education, and relevant committees of the State legislature in developing the State improvement plan.

(5) OUTREACH.—The panel shall be responsible for conducting a statewide, grassroots outreach process, including conducting public hearings, to involve educators, related services personnel, parents, local officials, tribal government officials, as appropriate, individuals representing private nonprofit elementary and secondary schools, community and business leaders, citizens, children's advocates, secondary school students, and others with a stake in the success of students and their education system, and who are representative of the diversity of the State and the State's student population, including students of limited-English proficiency, American Indian, Alaska Native, and Native Hawaiian students, and students with disabilities, in the development of the State improvement plan and in a continuing dialogue regarding the need for and nature of challenging standards for students and local and State responsibilities for helping all students achieve such standards in order to assure that the development and implementation of the State improvement plan reflects local needs and experiences and does not result in a significant increase in paperwork for teachers.

(6) PROCEDURE AND APPROVAL.—The panel shall develop a State improvement plan, provide opportunity for public comment, and submit such plan to the State educational agency for approval.

(7) SUBMISSION.—The State educational agency shall submit the original State improvement plan developed by the panel and the State improvement plan modified by such agency, together with an explanation of any changes made by such agency to the plan developed by the panel, to the Secretary for approval.

(8) MATTERS NOT UNDER THE JURISDICTION OF THE STATE EDUCATIONAL AGENCY.—If any portion of a State improvement plan addresses matters that, under State or other applicable law, are not under the authority of the State educational agency, the State educational agency shall obtain the approval

of, or changes to, such portion, with an explanation thereof, from the Governor or other official responsible for that portion before submitting such plan to the Secretary.

(9) MONITORING; REVISIONS; REPORTING.—After approval of the State improvement plan by the Secretary, the panel shall be informed of progress on such plan by the State educational agency, and such agency, in close consultation with teachers, principals, administrators, advocates and parents in local educational agencies and schools receiving funds under this title, shall monitor the implementation and operation of such plan. The panel shall review such plan, and based on the progress described in the preceding sentence, determine if revisions to such plan are appropriate and necessary. The panel shall periodically report such determination to the public.

(c) TEACHING, LEARNING, STANDARDS, AND ASSESSMENTS.—Each State improvement plan shall establish strategies for meeting the National Education Goals described in title I by improving teaching and learning and students' mastery of basic and advanced skills to achieve a higher level of learning and academic accomplishment in English, math, science, United States history, geography, foreign languages and the arts, civics, government, economics, physics, and other core curricula, and such strategies shall involve broad-based and ongoing classroom teacher input, such as—

(1) a process for developing or adopting challenging State content standards and challenging State student performance standards for all students;

(2) a process for providing assistance and support to local educational agencies and schools to strengthen the capacity and responsibility of such agencies and schools to provide all of their students the opportunity to meet challenging State content standards and challenging State student performance standards;

(3) a process for developing or recommending instructional materials and technology to support and assist local educational agencies and schools to provide all of their students the opportunity to meet the challenging State content standards and challenging State student performance standards;

(4) a process for developing and implementing a valid, fair, nondiscriminatory, and reliable assessment or system of assessments—

(A) which assessment or system shall—

(i) be aligned with such State's content standards;

(ii) involve multiple measures of student performance;

(iii) provide for—

(I) the participation of all students with diverse learning needs in such assessment or system; and

(II) the adaptations and accommodations necessary to permit such participation;

(iv) be consistent with relevant, nationally recognized professional and technical standards for such assessment or system;

(v) be capable of providing coherent information about student attainments relative to the State content standards; and

(vi) support effective curriculum and instruction; and

(B) which process shall provide for monitoring the implementation of such assessment, system or set and the impact of such assessment, system or set on improved instruction for all students; and

(5) a process for improving the State's system of teacher and school administrator preparation and licensure, and of continuing professional development programs, includ-

ing the use of technology at both the State and local levels, so that all teachers, related services personnel, and administrators develop the subject matter and pedagogical expertise needed to prepare all students to meet the challenging standards described in paragraph (1).

(d) **OPPORTUNITY-TO-LEARN STRATEGIES.**—Each State improvement plan shall establish strategies for providing all students with an opportunity to learn.

(e) **ACCOUNTABILITY AND MANAGEMENT.**—Each State plan shall establish strategies for improved accountability and management of the education system of the State.

(f) **PARENTAL AND COMMUNITY SUPPORT AND INVOLVEMENT.**—Each State improvement plan shall describe comprehensive strategies to involve communities, including community representatives such as parents, businesses, institutions of higher education, libraries, cultural institutions, employment and training agencies, health and human service agencies, intergenerational mentoring programs, and other public and private nonprofit agencies that provide nonsectarian social services, health care, child care, early childhood education, and nutrition to students, in helping all students meet the challenging State standards.

(g) **MAKING THE IMPROVEMENTS SYSTEM-WIDE.**—In order to help provide all students throughout the State the opportunity to meet challenging State content standards and challenging State student performance standards, each State improvement plan shall describe the various strategies for ensuring that all local educational agencies and schools within the State are involved in developing and implementing needed improvements within a specified period of time.

(h) **PROMOTING BOTTOM-UP REFORM.**—Each State improvement plan shall include strategies for ensuring that comprehensive, systemic reform is promoted from the bottom up in communities, local educational agencies, and schools, and is guided by coordination and facilitation from State leaders.

(i) **BENCHMARKS AND TIMELINES.**—Each State improvement plan shall include specific benchmarks of improved student performance and of progress in implementing such plan, and timelines against which the progress of the State in carrying out such plan, including the elements described in subsections (c) through (h), can be measured.

(j) **PEER REVIEW AND SECRETARIAL APPROVAL.**—

(1) **IN GENERAL.**—(A) The Secretary shall review, within a reasonable period of time, each State improvement plan prepared under this section, and each application submitted under section 305, through a peer review process involving the assistance and advice of State and local education policymakers, educators, classroom teachers, related services personnel, experts on educational innovation and improvement, parents, advocates, and other appropriate individuals. Such peer review process shall be representative of the diversity of the United States with regard to geography, race, ethnicity, gender and disability characteristics. Such peer review process shall include at least 1 site visit to each State.

(B) Notwithstanding the provisions of subparagraph (A), in the first year that a State educational agency submits an application for assistance under this title the Secretary shall not be required to—

(i) review such application through a peer review process; and

(ii) conduct a site visit.

(2) **APPROVAL OF PLAN.**—The Secretary shall approve a State improvement plan if—

(A) such plan is submitted to the Secretary not later than 2 years after the date the State educational agency receives its first allotment under section 304(b); and

(B) the Secretary determines, after considering the peer reviewers' comments, that such plan—

(i) reflects a widespread commitment within the State; and

(ii) holds reasonable promise of helping all students.

(3) **DISAPPROVAL.**—The Secretary shall not disapprove a State's plan, or any State application submitted under section 305, before offering the State—

(A) an opportunity to revise such plan or application; and

(B) a hearing.

(k) **AMENDMENTS TO PLAN.**—

(1) **IN GENERAL.**—Each State educational agency shall periodically review its State improvement plan and revise such plan, as appropriate, in accordance with the process described in subsection (b).

(2) **REVIEW.**—The Secretary shall review any major amendment to a State improvement plan and shall not disapprove any such amendment before offering a State educational agency—

(A) an opportunity to revise such amendment; and

(B) a hearing.

(l) **PREEXISTING STATE PLANS AND PANELS.**—

(1) **IN GENERAL.**—If a State has developed a comprehensive and systemic State improvement plan to help all students meet challenging State content standards and challenging State student performance standards, or any component of such plan, that meets the intent and purposes of section 302, the Secretary shall approve such plan or component notwithstanding that such plan was not developed in accordance with subsection (b), if—

(A) the Secretary determines that such approval would further the purposes of State systemic education improvement; and

(B) such plan ensures broad-based input from various education, political, community, and other appropriate representatives.

(2) **SPECIAL RULE.**—(A) If, before the date of enactment of this Act, a State has made substantial progress in developing a plan that meets the intent and purposes of section 302, but was developed by a panel that does not meet the requirements of paragraphs (1) through (3) of subsection (b), the Secretary shall, at the request of the Governor and the State educational agency, treat such panel as meeting such requirements for all purposes of this title if the Secretary determines that there has been substantial public and educator involvement in the development of such plan.

(B) If a State has not developed a State improvement plan but has an existing panel which such State would like to use for the purpose of developing such plan, then the Secretary shall, at the request of the Governor and the State educational agency, treat such panel as meeting the requirements of paragraphs (1) through (3) of subsection (b) for all purposes of this title if—

(i) the Secretary determines that such existing panel is serving a similar such purpose; and

(ii) the composition of such existing panel would ensure broad-based input from various education, political, community, and other appropriate representatives.

SEC. 307. SECRETARY'S REVIEW OF APPLICATIONS; PAYMENTS.

(a) **FIRST YEAR.**—The Secretary shall approve the State educational agency's initial

year application under section 305(b) if the Secretary determines that—

(1) such application meets the requirements of this title; and

(2) there is a substantial likelihood that the State will be able to develop and implement an education improvement plan that complies with section 306.

(b) **SECOND THROUGH FIFTH YEARS.**—The Secretary shall approve the State educational agency's renewal application under section 305(c)(1) in the second through fifth years of participation only if—

(1)(A) the Secretary has approved the State improvement plan under section 306(j); or

(B) the Secretary determines that the State has made substantial progress in developing its State improvement plan and will implement such plan not later than the end of the second year of participation; and

(2) the application meets the other requirements of this title.

(c) **PAYMENTS.**—For any fiscal year for which a State has an approved application under this title, the Secretary shall provide an allotment to the State educational agency in the amount determined under section 304(b).

SEC. 308. STATE USE OF FUNDS.

(a) **FIRST YEAR.**—In the first year for which a State educational agency receives an allotment under this title, such agency—

(1) if the amount appropriated pursuant to the authority of section 303 for such year is equal to or greater than \$200,000,000, shall use at least 75 percent of such allotted funds to award subgrants—

(A) to local educational agencies for the development or implementation of local improvement plans in accordance with section 309(a); and

(B) to improve educator and related services personnel preservice programs and for professional development activities consistent with the State improvement plan and in accordance with section 309(b);

(2) if the amount appropriated pursuant to the authority of section 303 for such year is equal to or greater than \$100,000,000, but less than \$200,000,000, shall use at least 50 percent of such allotted funds to award subgrants described in subparagraphs (A) and (B) of paragraph (1);

(3) if the amount appropriated pursuant to the authority of section 303 for such year is less than \$100,000,000, may use such allotted funds to award subgrants described in subparagraphs (A) and (B) of paragraph (1); and

(4) shall use any such allotted funds not used in accordance with paragraphs (1), (2), and (3) to develop, revise, expand, or implement a State improvement plan described in section 306.

(b) **SUCCEEDING YEARS.**—Each State educational agency that receives an allotment under this title for any year after the first year of participation shall—

(1) use at least 85 percent of such allotment funds in each such year to make subgrants—

(A) for the implementation of the State improvement plan and of local improvement plans in accordance with section 309(a); and

(B) to improve educator and related services personnel preservice programs and for professional development activities that are consistent with the State improvement plan in accordance with section 309(b); and

(2) shall use the remainder of such allotted funds for State activities designed to implement the State improvement plan, such as—

(A) supporting the development or adoption of challenging State content standards, challenging State student performance standards, comprehensive State opportunity-

to-learn standards, and assessment tools linked to the standards, including activities assisted—

(i) through consortia of States; or
(ii) with the assistance of the National Education Standards and Improvement Council established under part B of title II;

(B) supporting the implementation of high-performance management and organizational strategies, such as site-based management, shared decisionmaking, or quality management principles, to promote effective implementation of such plan;

(C) supporting the development and implementation, at the local educational agency and school building level, of improved human resource development systems for recruiting, selecting, mentoring, supporting, evaluating and rewarding educators;

(D) providing special attention to the needs of minority, disabled, and female students, including instructional programs and activities that encourage such students in elementary and secondary schools to aspire to enter and complete postsecondary education or training;

(E) supporting innovative and proven methods of enhancing a teacher's ability to identify student learning needs, and motivating students to develop higher order thinking skills, discipline, and creative resolution methods, including significantly reducing class size and promoting instruction in chess;

(F) supporting the development, at the State or local level, of performance-based accountability and incentive systems for schools;

(G) outreach to and training for parents, tribal officials, organizations serving young children, classroom teachers, related services personnel, and other educators, and the public, related to education improvement;

(H) providing technical assistance and other services to increase the capacity of local educational agencies and schools to develop and implement systemic local improvement plans, implement new assessments or systems of assessments described in the State improvement plan developed in accordance with section 306, and develop curricula consistent with the challenging State content standards and challenging State student performance standards;

(I) promoting mechanisms for increasing public school choice, including information and referral programs which provide parents information on available choices and other initiatives to promote the establishment of innovative new public schools, including magnet schools and charter schools;

(J) supporting activities relating to the planning of, start-up costs associated with, and evaluation of, projects under which local educational agencies or schools contract with private management organizations to reform a school;

(K) supporting intergenerational mentoring programs; and

(L) collecting and analyzing data; and

(M) supporting the development, at the State or local level, of school-based programs that restore discipline and reduce violence in schools and communities, such as community mobilization programs.

(c) **LIMIT ON ADMINISTRATIVE COSTS.**—A State educational agency that receives an allotment under this title in any fiscal year shall use not more than 4 percent of such allotment in such year, or \$100,000, whichever is greater, for administrative expenses, which administrative expenses shall not include the expenses related to the activities of the panel established under section 306(b)(1).

(d) **SPECIAL RULE.**—Any new public school established under this title—

(1) shall be nonsectarian;

(2) shall not be affiliated with a nonpublic sectarian school or religious institution; and

(3) shall operate under the authority of a State educational agency or local educational agency.

SEC. 309. SUBGRANTS FOR LOCAL REFORM AND PROFESSIONAL DEVELOPMENT.

(a) **SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.**—

(1) **IN GENERAL.**—(A) Each State educational agency, through a competitive process, shall make subgrants to local educational agencies to carry out the authorized activities described in paragraph (4).

(B) Each subgrant described in subparagraph (A) shall be for a project of sufficient duration and of sufficient size, scope, and quality to carry out the purpose of this title effectively.

(2) **APPLICATION REQUIRED.**—Each local educational agency desiring to receive a subgrant under this subsection shall submit an application to the State educational agency that—

(A) is developed by a broad-based panel, appointed by the local educational agency, that is representative of the diversity of the students and community to be served with regard to race, language, ethnicity, gender, disability and socioeconomic characteristics, and includes teachers, related services personnel, secondary school students, parents, school administrators, business representatives, early childhood educators, representatives of community-based organizations, and others, as appropriate, and is approved by the local educational agency, including any modifications the local educational agency deems appropriate;

(B) includes, in the application submitted for the second year of participation, a comprehensive local improvement plan for school district-wide education improvement, directed at enabling all students to meet high academic standards, including specific goals and benchmarks, and includes a strategy for—

(i) ensuring that all students have a fair opportunity to learn;

(ii) improving teaching and learning;

(iii) improving governance and management;

(iv) generating and maintaining parental and community involvement; and

(v) expanding improvements throughout the local educational agency;

(C) describes how the local educational agency will encourage and assist schools to develop and implement comprehensive school improvement plans that focus on helping all students meet high academic standards and that address each element of the local educational agency's local improvement plan described in subparagraph (B);

(D) describes how the local educational agency will implement specific programs aimed at ensuring improvements in school readiness and the ability of students to learn effectively at all grade levels by identifying the most pressing needs facing students and their families with regard to social services, health care, nutrition, and child care, and entering into partnerships with public and private nonprofit agencies to increase the access of students and families to coordinated nonsectarian services in a school setting or at a nearby site;

(E) describes how the subgrant funds will be used by the local educational agency, and the procedures to be used to make funds available to schools in accordance with paragraph (4)(A);

(F) identifies, with an explanation, any State or Federal requirements that the local educational agency believes impede educational improvement and that such agency requests be waived in accordance with section 311, which requests shall promptly be transmitted to the Secretary by the State educational agency; and

(G) contains such other information as the State educational agency may reasonably require.

(3) **MONITORING.**—The panel described in paragraph (2)(A), after approval of the local educational agency's application by the State educational agency, shall be informed of progress on such plan by the local educational agency, and the local educational agency shall monitor the implementation and effectiveness of the local improvement plan in close consultation with teachers, related services personnel, principals, administrators, and parents from schools receiving funds under this title, as well as assure that implementation of the local improvement plan does not result in a significant increase in paperwork for teachers. The panel shall review such plan and based on the progress described in the preceding sentence, determine if revisions to the local improvement plan should be recommended to the local educational agency. The panel shall periodically report such determination to the public.

(4) **AUTHORIZED ACTIVITIES.**—A local educational agency that receives a subgrant under this subsection—

(A) in the first year such agency receives the subgrant shall use—

(i) not more than 25 percent of the subgrant funds to develop a local improvement plan or for any local educational agency activities approved by the State educational agency that are reasonably related to carrying out the State or local improvement plans, including the establishment of innovative new public schools; and

(ii) not less than 75 percent of the subgrant funds to support individual school improvement initiatives related to providing all students in the school the opportunity to meet high academic standards; and

(B) in subsequent years, shall use the subgrant funds for any activities approved by the State educational agency that are reasonably related to carrying out the State or local improvement plans (including the establishment of innovative new public schools), except that at least 85 percent of such funds shall be made available to individual schools to develop and implement comprehensive school improvement plans designed to help all students meet high academic standards.

(b) **SUBGRANTS FOR PRESERVICE TEACHER EDUCATION AND PROFESSIONAL DEVELOPMENT ACTIVITIES.**—

(1) **IN GENERAL.**—(A) Each State educational agency, through a competitive, peer review process, shall make subgrants to a local educational agency, or a consortium consisting of local educational agencies, institutions of higher education, or nonprofit education organizations, or any combination thereof, in order to—

(i) improve preservice teacher and related services personnel education programs in accordance with the State improvement plan; and

(ii) support continuing, sustained professional development activities for educators in accordance with the State improvement plan.

(B) Each State educational agency awarding subgrants under subparagraph (A) shall

give priority to awarding such subgrants to—

(i) a local educational agency or consortium serving a greater number or percentage of disadvantaged students than the statewide average of such number or percentage; or

(ii) a consortium that has a demonstrated record of working with school districts, such as a consortium that—

(I) prepares and screens teacher interns in professional development school sites;

(II) focuses on upgrading teachers' knowledge of content areas; or

(III) targets preparation and continued professional development of teachers of students with limited-English proficiency and students with disabilities.

(C) In order to be eligible to receive a subgrant described in subparagraph (A), a consortium shall include at least 1 local educational agency.

(2) APPLICATION.—A local educational agency or consortium that desires to receive a subgrant under this subsection shall submit an application to the State educational agency that—

(A) describes how the local educational agency or consortium will use the subgrant to improve teacher preservice and school administrator education programs or to implement educator and related services personnel professional development activities in accordance with the State improvement plan;

(B) identifies the criteria to be used by the local educational agency or consortium to judge improvements in preservice education or the effects of professional development activities in accordance with the State improvement plan; and

(C) contains any other information that the State educational agency determines is appropriate.

(3) AUTHORIZED ACTIVITIES.—A recipient of a subgrant under this subsection shall use the subgrant funds for activities supporting—

(A) the improvement of preservice teacher education and school administrator programs so that such programs equip educators with the subject matter and pedagogical expertise necessary for preparing all students to meet challenging standards; or

(B) the development and implementation of new and improved forms of continuing and sustained professional development opportunities for teachers, related services personnel, principals, and other educators at the school or school district level that equip such individuals with such expertise, and with other knowledge and skills necessary for leading and participating in continuous education improvement.

(4) SPECIAL AWARD RULES.—

(1) IN GENERAL.—(A) Each State educational agency shall award at least 65 percent of subgrant funds under subsection (a) in each fiscal year to local educational agencies that have a greater percentage or number of disadvantaged children than the statewide average percentage or number for all local educational agencies in the State.

(B) At least 50 percent of the subgrant funds made available by a local educational agency to individual schools under subsection (a) in any fiscal year shall be made available to schools with a special need for assistance, as indicated by a high number or percentage of students from low-income families, low student achievement, or other similar criteria developed by the local educational agency.

(2) WAIVER.—The State educational agency may waive the requirement of paragraph (1)(A) if such agency does not receive a suffi-

cient number of applications from local educational agencies in the State to enable the State educational agency to comply with such requirement.

SEC. 310. AVAILABILITY OF INFORMATION AND TRAINING.

Proportionate to the number of children in a State or in a local educational agency who are enrolled in private elementary or secondary schools—

(1) a State educational agency or local educational agency which uses funds under this title to develop goals, challenging State content standards or challenging State student performance standards, curricular materials, and assessments or systems of assessments shall, upon request, make information related to such goals, standards, materials, and assessments or systems available to private schools; and

(2) a State educational agency or local educational agency which uses funds under this title for teacher and administrator training shall provide in the State improvement plan described in section 306 for the training of teachers and administrators in private schools located in the geographical area served by such agency.

SEC. 311. WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS.

(a) WAIVER AUTHORITY.—

(1) IN GENERAL.—Except as provided in subsection (c), the Secretary may waive any statutory or regulatory requirement applicable to any program or Act described in subsection (b) for a State educational agency, local educational agency, or school, if—

(A) and only to the extent that, the Secretary determines that such requirement impedes the ability of the State, or of a local educational agency or school in the State, to carry out the State or local improvement plan;

(B) the State educational agency has waived, or agrees to waive, similar requirements of State law;

(C) in the case of a statewide waiver, the State educational agency—

(i) provides all local educational agencies in the State with notice and an opportunity to comment on the State educational agency's proposal to seek a waiver; and

(ii) submits the local educational agencies' comments to the Secretary; and

(D) in the case of a local educational agency waiver, the local educational agency provides parents, community groups, and advocacy or civil rights groups with the opportunity to comment on the proposed waiver.

(2) APPLICATION.—(A)(i) To request a waiver, a local educational agency or school that receives funds under this Act, or a local educational agency or school that does not receive funds under this Act but is undertaking school reform efforts and has an education reform plan approved by the State, shall transmit an application for a waiver under this section to the State educational agency. The State educational agency then shall submit approved applications for a waiver under this section to the Secretary.

(ii) A State educational agency requesting a waiver under this section shall submit an application for such waiver to the Secretary.

(B) Each application submitted to the Secretary under subparagraph (A) shall—

(i) describe the purposes and overall expected outcomes of the request for a waiver and how progress for achieving such outcomes will be measured;

(ii) identify each Federal program to be involved in the request for a waiver and each Federal statutory or regulatory requirement to be waived;

(iii) describe each State and local requirement that will be waived; and

(iv) demonstrate that the State has made a commitment to waive related requirements pertaining to the State educational agency, local educational agency or school.

(3) TIMELINESS.—The Secretary shall act promptly on a waiver request and shall provide a written statement of the reasons for granting or denying such request.

(4) DURATION.—

(A) IN GENERAL.—Each waiver under this section may be for a period not to exceed 5 years.

(B) EXTENSION.—The Secretary may extend the period described in subparagraph (A) if the Secretary determines that the waiver has been effective in enabling the State or affected local educational agencies to carry out their reform plans.

(b) INCLUDED PROGRAMS.—The statutory or regulatory requirements subject to the waiver authority of this section are any such requirements under the following programs or Acts:

(1) Chapter 1 of title I of the Elementary and Secondary Education Act of 1965, including Even Start.

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

(3) The Dwight D. Eisenhower Mathematics and Science Education Act.

(4) The Emergency Immigrant Education Act of 1984.

(5) The Drug-Free Schools and Communities Act of 1986.

(6) The Carl D. Perkins Vocational and Applied Technology Education Act.

(c) WAIVERS NOT AUTHORIZED.—The Secretary may not waive any statutory or regulatory requirement of the programs or Acts described in subsection (b)—

(1) relating to—

(A) maintenance of effort;

(B) comparability of services;

(C) the equitable participation of students and professional staff in private schools;

(D) parental participation and involvement; and

(E) the distribution of funds to States or to local educational agencies; and

(2) unless the underlying purposes of the statutory requirements of each program or Act for which a waiver is granted continue to be met to the satisfaction of the Secretary.

(d) TERMINATION OF WAIVERS.—The Secretary shall periodically review the performance of any State, local educational agency, or school for which the Secretary has granted a waiver and shall terminate the waiver if the Secretary determines that the performance of the State, the local educational agency, or the school in the area affected by the waiver has been inadequate to justify a continuation of the waiver.

(e) FLEXIBILITY DEMONSTRATION.—

(1) SHORT TITLE.—This subsection may be cited as the "Education Flexibility Partnership Demonstration Act".

(2) PROGRAM AUTHORIZED.—

(A) IN GENERAL.—The Secretary shall carry out an education flexibility demonstration program under which the Secretary authorizes not more than 6 eligible States to waive any statutory or regulatory requirement applicable to any program or Act described in subsection (b), other than requirements described in subsection (c), for such eligible State or any local educational agency or school within such State.

(B) AWARD RULE.—In carrying out subparagraph (A), the Secretary shall select for par-

participation in the demonstration program described in subparagraph (A) three eligible States that each have a population of 3,500,000 or greater and three eligible States that each have a population of less than 3,500,000, determined in accordance with the most recent decennial census of the population performed by the Bureau of the Census.

(C) DESIGNATION.—Each eligible State participating in the demonstration program described in subparagraph (A) shall be known as an "Ed-Flex Partnership State".

(3) ELIGIBLE STATE.—For the purpose of this subsection the term "eligible State" means a State that—

(A) has developed a State improvement plan under section 306 that is approved by the Secretary; and

(B) waives State statutory or regulatory requirements relating to education while holding local educational agencies or schools within the State that are affected by such waivers accountable for the performance of the students who are affected by such waivers.

(4) STATE APPLICATION.—(A) Each eligible State desiring to participate in the education flexibility demonstration program under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall demonstrate that the eligible State has adopted an educational flexibility plan for such State that includes—

(i) a description of the process the eligible State will use to evaluate applications from local educational agencies or schools requesting waivers of—

(I) Federal statutory or regulatory requirements described in paragraph (2)(A); and

(II) State statutory or regulatory requirements relating to education; and

(ii) a detailed description of the State statutory and regulatory requirements relating to education that the eligible State will waive.

(B) The Secretary may approve an application described in subparagraph (A) only if the Secretary determines that such application demonstrates substantial promise of assisting the eligible State and affected local educational agencies and schools within such State in carrying out comprehensive educational reform and otherwise meeting the purposes of this Act, after considering—

(i) the comprehensiveness and quality of the educational flexibility plan described in subparagraph (A);

(ii) the ability of such plan to ensure accountability for the activities and goals described in such plan;

(iii) the significance of the State statutory or regulatory requirements relating to education that will be waived; and

(iv) the quality of the eligible State's process for approving applications for waivers of Federal statutory or regulatory requirements described in paragraph (2)(A) and for monitoring and evaluating the results of such waivers.

(5) LOCAL APPLICATION.—(A) Each local educational agency or school requesting a waiver of a Federal statutory or regulatory requirement described in paragraph (2)(A) and any relevant State statutory or regulatory requirement from an eligible State shall submit an application to such State at such time, in such manner, and containing such information as such State may reasonably require. Each such application shall—

(i) indicate each Federal program affected and the statutory or regulatory requirement that will be waived;

(ii) describe the purposes and overall expected outcomes of waiving each such requirement;

(iii) describe for each school year specific, measurable, educational goals for each local educational agency or school affected by the proposed waiver; and

(iv) explain why the waiver will assist the local educational agency or school in reaching such goals.

(B) An eligible State shall evaluate an application submitted under subparagraph (A) in accordance with the State's educational flexibility plan described in paragraph (4)(A).

(C) An eligible State shall not approve an application for a waiver under this paragraph unless—

(i) the local educational agency or school requesting such waiver has developed a local reform plan that is applicable to such agency or school, respectively; and

(ii) the waiver of Federal statutory or regulatory requirements described in paragraph (2)(A) will assist the local educational agency or school in reaching its educational goals.

(6) MONITORING.—Each eligible State participating in the demonstration program under this subsection shall annually monitor the activities of local educational agencies and schools receiving waivers under this subsection and shall submit an annual report regarding such monitoring to the Secretary.

(7) DURATION OF FEDERAL WAIVERS.—(A) The Secretary shall not approve the application of an eligible State under paragraph (4) for a period exceeding 5 years, except that the Secretary may extend such period if the Secretary determines that the eligible State's authority to grant waivers has been effective in enabling such State or affected local educational agencies or schools to carry out their local reform plans.

(B) The Secretary shall periodically review the performance of any eligible State granting waivers of Federal statutory or regulatory requirements described in paragraph (2)(A) and shall terminate such State's authority to grant such waivers if the Secretary determines, after notice and opportunity for hearing, that such State's performance has been inadequate to justify continuation of such authority.

(f) RESULTS-ORIENTED ACCOUNTABILITY.—In deciding whether to extend a request for a waiver under this section the Secretary shall review the progress of the State educational agency, local educational agency or school receiving a waiver to determine if such agency or school has made progress toward achieving the outcomes described in the application submitted pursuant to subsection (a)(2)(B)(i).

SEC. 312. PROGRESS REPORTS.

(a) STATE REPORTS TO THE SECRETARY.—Each State educational agency that receives an allotment under this title shall annually report to the Secretary—

(1) on the State's progress in meeting the State's goals and plans;

(2) on the State's proposed activities for the succeeding year; and

(3) in summary form, on the progress of local educational agencies in meeting local goals and plans.

(b) SECRETARY'S REPORTS TO CONGRESS.—By April 30, 1996, and every 2 years thereafter, the Secretary shall submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate describing—

(1) the activities assisted under, and outcomes of, grants or contracts under paragraph (2) of section 313(b), including—

(A) a description of the purpose, uses, and technical merit of assessments evaluated with funds awarded under such paragraph; and

(B) an analysis of the impact of such assessments on the performance of students, particularly students of different racial, gender, ethnic, or language groups and individuals with disabilities;

(2) the activities assisted under, and outcomes of, allotments under this title; and

(3) the effect of waivers granted under section 311, including—

(A) a listing of all State educational agencies, local educational agencies and schools seeking and receiving waivers;

(B) a summary of the State and Federal statutory or regulatory requirements that have been waived, including the number of waivers sought and granted under each such statutory or regulatory requirement;

(C) a summary of waivers that have been terminated, including a rationale for the terminations; and

(D) recommendations to the Congress regarding changes in statutory or regulatory requirements, particularly those actions that should be taken to overcome Federal statutory or regulatory impediments to education reform.

(c) TECHNICAL AND OTHER ASSISTANCE REGARDING SCHOOL FINANCE EQUITY.—

(1) TECHNICAL ASSISTANCE.—(A) From the national leadership funds reserved in section 304(a)(2)(A), the Secretary is authorized to make grants to, and enter into contracts and cooperative agreements with, State educational agencies and other public and private agencies, institutions, and organizations to provide technical assistance to State and local educational agencies to assist such agencies in achieving a greater degree of equity in the distribution of financial resources for education among local educational agencies in the State.

(B) A grant, contract or cooperative agreement under this subsection may support technical assistance activities, such as—

(i) the establishment and operation of a center or centers for the provision of technical assistance to State and local educational agencies;

(ii) the convening of conferences on equalization of resources within local educational agencies, within States, and among States; and

(iii) obtaining advice from experts in the field of school finance equalization.

(2) DATA.—Each State educational agency or local educational agency receiving assistance under the Elementary and Secondary Education Act of 1965 shall provide such data and information on school finance as the Secretary may require to carry out this subsection.

(3) MODELS.—The Secretary is authorized, directly or through grants, contracts, or cooperative agreements, to develop and disseminate models and materials useful to States in planning and implementing revisions of the school finance systems of such States.

SEC. 313. NATIONAL LEADERSHIP.

(a) TECHNICAL ASSISTANCE AND INTEGRATION OF STANDARDS.—From funds reserved in each fiscal year under section 304(a)(2)(A), the Secretary may, directly or through grants or contracts—

(1) provide technical assistance to States, local educational agencies, and tribal agencies developing or implementing school im-

provement plans, in a manner that ensures that such assistance is broadly available; or

(2) support model projects to integrate multiple content standards, if—

(A) such standards are certified by the National Education Standards and Improvement Council and approved by the National Goals Panel for different subject areas, in order to provide balanced and coherent instructional programs for all students; and

(B) such projects are appropriate for a wide range of diverse circumstances, localities (including both urban and rural communities), and populations.

(b) **INNOVATIVE PROGRAMS; ASSESSMENT; EVALUATION.**—From not more than 50 percent of the funds reserved in each fiscal year under section 304(a)(2)(A), the Secretary, directly or through grants or contracts, shall—

(1) provide urban and rural local educational agencies, schools, or consortia thereof, with assistance for innovative or experimental programs in systemic education reform that are not being undertaken through grants provided under section 309(a), giving special consideration or priority to local educational agencies, schools, or consortia thereof that serve large numbers or concentrations of economically disadvantaged students, including students of limited-English proficiency; or

(2) provide a State or local educational agency, nonprofit organization or consortium thereof with assistance to help defray the cost of developing, field testing and evaluating an assessment or system of assessments with a priority on grants or contracts for limited-English proficiency students or students with disabilities, if—

(A) such assessment or system—

(i) is to be used for some or all of the purposes described in section 213(e)(1)(B); and

(ii) is aligned to State content standards certified by the National Education Standards and Improvement Council; and

(B) such agency, organization or consortium—

(i) examines the validity, reliability, and fairness of such assessment or system, for the particular purposes for which such assessment or system was developed; and

(ii) devotes special attention to how such assessment or system treats all students, especially with regard to the race, gender, ethnicity, disability and language proficiency of such students.

(c) **DATA AND DISSEMINATION.**—The Secretary shall—

(1) gather data on, conduct research on, and evaluate systemic education improvement, including the programs authorized by this title; and

(2) disseminate research findings and other information on outstanding examples of systemic education improvement in States and local communities through existing dissemination systems within the Department of Education, including through publications, electronic and telecommunications mediums, conferences, and other means.

SEC. 314. ASSISTANCE TO THE OUTLYING AREAS AND TO THE SECRETARY OF THE INTERIOR.

(a) **OUTLYING AREAS.**—

(1) **IN GENERAL.**—Funds reserved for the outlying areas in each fiscal year under section 304(a)(1)(A) shall be made available to, and expended by, such areas, under such conditions and in such manner as the Secretary determines will best meet the purposes of this title.

(2) **INAPPLICABILITY OF PUBLIC LAW 95-134.**—The provisions of Public Law 95-134, permitting the consolidation of grants to the Insu-

lar Areas, shall not apply to funds received by such areas under this title.

(b) **SECRETARY OF THE INTERIOR.**—The funds reserved by the Secretary for the Secretary of the Interior under section 304(a)(1)(B) shall be made available to the Secretary of the Interior pursuant to an agreement between the Secretary and the Secretary of the Interior containing such terms and assurances, consistent with this title, as the Secretary determines will best achieve the purpose of this title.

(c) **SECRETARY OF DEFENSE.**—The Secretary shall consult with the Secretary of Defense to ensure that, to the extent practicable, the purposes of this title are applied to the Department of Defense schools.

SEC. 315. CLARIFICATION REGARDING STATE STANDARDS AND ASSESSMENTS.

Notwithstanding any other provision of this title, standards, assessments, and systems of assessments described in a State improvement plan submitted in accordance with section 306 shall not be required to be certified by the Council.

SEC. 316. STATE PLANNING FOR IMPROVING STUDENT ACHIEVEMENT THROUGH INTEGRATION OF TECHNOLOGY INTO THE CURRICULUM.

(a) **PURPOSE.**—It is the purpose of this section to assist each State to plan effectively for improved student learning in all schools through the use of technology as an integral part of the State improvement plan described in section 306.

(b) **PROGRAM AUTHORIZED.**—

(1) **AUTHORITY.**—The Secretary shall award grants in accordance with allocations under paragraph (2) to each State educational agency that, as part of its application under section 305, requests a grant to develop (or continue the development of), and submits as part of the State improvement plan described in section 306, a systemic statewide plan to increase the use of state-of-the-art technologies that enhance elementary and secondary student learning and staff development in support of the National Education Goals and challenging standards.

(2) **FORMULA.**—From the amount appropriated pursuant to the authority of subsection (f) in each fiscal year, each State educational agency with an application approved under section 305 shall receive a grant under paragraph (1) in such year in an amount determined on the same basis as allotments are made to State educational agencies under subsections (b) and (c) of section 304 for such year, except that each such State shall receive at least 1½ percent of the amount appropriated pursuant to such authority or \$75,000, whichever is greater.

(3) **DURATION.**—A State educational agency may receive assistance under this section for not more than 2 fiscal years.

(c) **PLAN OBJECTIVES.**—Each State educational agency shall use funds received under this section to develop and, if the Secretary has approved the systemic statewide plan, to implement such plan. Such plan shall have as its objectives—

(1) the promotion of higher student achievement through the use of technology in education;

(2) the participation of all schools and school districts in the State, especially those schools and districts with a high percentage of disadvantaged students;

(3) the development and implementation of a cost-effective, high-speed, statewide, interoperable, wide-area-communication educational technology support system for elementary and secondary schools within the State, particularly for such schools in rural areas; and

(4) the promotion of shared usage of equipment, facilities, and other technology resources by adult learners during after-school hours.

(d) **PLAN REQUIREMENTS.**—At a minimum, each systemic statewide plan shall—

(1) be developed by a task force that—

(A) includes among its members experts in the educational use of technology and representatives of the State panel described in section 306(b); and

(B) ensures that such plan is integrated into the State improvement plan described in section 306;

(2) be developed in collaboration with the Governor, representatives of the State legislature, the State board of education, institutions of higher education, appropriate State agencies, local educational agencies, public and private telecommunication entities, parents, public and school libraries, students, adult literacy providers, and leaders in the field of technology, through a process of statewide grassroots outreach to local educational agencies and schools in the State;

(3) identify and describe the requirements for introducing state-of-the-art technologies into the classroom and school library in order to enhance educational curricula, including the installation and ongoing maintenance of basic connections, hardware and the necessary support materials;

(4) describe how the application of advanced technologies in the schools will enhance student learning, provide greater access to individualized instruction, promote the strategies described in section 306(d), and help make progress toward the achievement of the National Education Goals;

(5) describe how the ongoing training of educational personnel will be provided;

(6) describe the resources necessary, and procedures, for providing ongoing technical assistance to carry out such plan;

(7) provide for the dissemination on a statewide basis of exemplary programs and practices relating to the use of technology in education;

(8) establish a funding estimate (including a statement of likely funding sources) and a schedule for the development and implementation of such plan;

(9) describe how the State educational agency will assess the impact of implementing such plan on student achievement and aggregate achievement for schools;

(10) describe how the State educational agency and local educational agencies in the State will coordinate and cooperate with business and industry, and with public and private telecommunications entities;

(11) describe how the State educational agency will promote the purchase of equipment by local educational agencies that, when placed in schools, will meet the highest possible level of interoperability and open system design;

(12) describe how the State educational agency will consider using existing telecommunications infrastructure and technology resources;

(13) describe how the State educational agency will apply the uses of technology to meet the needs of children from low-income families; and

(14) describe the process through which such plan will be reviewed and updated periodically.

(e) **REPORTS.**—Each State educational agency receiving a grant under this section shall submit a report to the Secretary within 1 year of the date such agency submits to the Secretary its systemic statewide plan under this section. Such report shall—

(1) describe the State's progress toward implementation of the provisions of such plan;

(2) describe any revisions to the State's long-range plans for technology;

(3) describe the extent to which resources provided pursuant to such plan are distributed among schools to promote the strategies described in section 306(d); and

(4) include any other information the Secretary deems appropriate.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$10,000,000 for fiscal year 1994, and such sums as may be necessary for fiscal year 1995, to carry out this section.

TITLE IV—MISCELLANEOUS

SEC. 401. PUBLIC SCHOOLS.

Except as provided in section 310, nothing in this Act shall be construed to authorize the use of funds under title III of this Act to directly or indirectly benefit any school other than a public school.

SEC. 402. CONSTRUCTION.

Nothing in this Act shall be construed—

(1) to supersede the provisions of section 103 of the Department of Education Organization Act;

(2) to require the teaching of values or the establishment of school-based clinics as a condition of receiving funds under this Act;

(3) to mandate limitations on class size for a State, local educational agency or school;

(4) to mandate a Federal teacher certification system for a State, local educational agency or school;

(5) to mandate teacher instructional practices for a State, local educational agency or school;

(6) to mandate equalized spending per pupil for a State, local educational agency or school;

(7) to mandate national school building standards for a State, local educational agency or school;

(8) to mandate curriculum content for a State, local educational agency or school; and

(9) to mandate any curriculum framework, instructional material, examination, assessment or system of assessments for private, religious, or home schools.

SEC. 403. KALID ABDUL MOHAMMED.

It is the sense of the Senate that the speech made by Mr. Khalid Abdul Mohammed at Kean College on November 29, 1993, was false, anti-Semitic, racist, divisive, repugnant and a disservice to all Americans and is therefore condemned.

SEC. 404. 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. 405. SCHOOL PRAYER.

No funds made available through the Department of Education under this Act, or any other Act, shall be available to any State of local educational agency which has a policy of denying, or which effectively prevents participation in, constitutionally protected prayer in public schools by individuals on a voluntary basis. Neither the United States nor any State nor any local educational agency shall require any person to participate in prayer or influence the form or content of any constitutionally protected prayer in such public schools.

SEC. 406. DAILY SILENCE FOR STUDENTS.

It is the sense of the Senate that local educational agencies should encourage a brief period of daily silence for students for the purpose of contemplating their aspirations; for considering what they hope and plan to accomplish that day; for considering how their own actions of that day will effect themselves and others around them, including their schoolmates, friends and families; for drawing strength from whatever personal, moral or religious beliefs or positive values they hold; and for such other introspection and reflection as will help them develop and prepare them for achieving the goals of this Act.

SEC. 407. FUNDING FOR THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

(a) The Senate finds that—

(1) the Individuals with Disabilities Education Act was established with the commitment of forty percent Federal funding but currently receives only eight percent Federal funding;

(2) this funding shortfall is particularly burdensome to school districts and schools in low-income areas which serve higher than average proportions of students with disabilities and have fewer local resources to contribute; and

(3) it would cost the Federal Government approximately \$10,000,000,000 each year to fully fund the Individuals with Disabilities Education Act.

(b) It is the sense of the Senate that the Federal Government should provide States and communities with adequate resources under the Individuals with Disabilities Education Act as soon as reasonably possible, through the reallocation of funds within the current budget monetary constraints.

SEC. 408. NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS.

Section 551 of the Higher Education Act of 1965 (20 U.S.C. 1107) is amended—

(1) in paragraph (1) of subsection (b), by striking "the Federal share of";

(2) in subparagraph (B) of subsection (e)(1), by striking "share of the cost of the activities of the Board is" and inserting "contributions described in subsection (f) are"; and

(3) by amending subsection (f) to read as follows:

"(f) **MATCHING FUNDS REQUIREMENT.**—

"(1) **IN GENERAL.**—The Secretary shall not provide financial assistance under this subpart to the Board unless the Board agrees to expend non-Federal contributions equal to \$1 for every \$1 of the Federal funds provided pursuant to such financial assistance.

"(2) **NON-FEDERAL CONTRIBUTIONS.**—The non-Federal contributions described in paragraph (1)—

"(A) may include all non-Federal funds raised by the Board on or after January 1, 1987; and

"(B) may be used for outreach, implementation, administration, operation, and other costs associated with the development and implementation of national teacher assessment and certification procedures under this subpart."

SEC. 409. FORGIVENESS OF CERTAIN OVERPAYMENTS.

(a) **IN GENERAL.**—Notwithstanding section 1401 of the Elementary and Secondary Education Act of 1965 or any other provision of law—

(1) the allocation of funds appropriated for fiscal year 1993 under the Department of Education Appropriations Act, 1993, to Colfax County, New Mexico under section 1005 of the Elementary and Secondary Education Act of 1965, and any other allocations

or grants for such fiscal year resulting from such allocation to such county under any program administered by the Secretary of Education, shall be deemed to be authorized by law; and

(2) in any program for which allocations are based on fiscal year 1993 allocations under section 1005 of such Act, the fiscal year 1993 allocations under such section deemed to be authorized by law in accordance with paragraph (1) shall be used.

(b) Notwithstanding subsection (a)(1) of this section, in carrying out section 1403(a) of the Elementary and Secondary Education Act of 1965 for fiscal year 1994, the amount allocated to Colfax County, New Mexico under section 1005 of such Act for fiscal year 1993 shall be deemed to be the amount that the Secretary determines would have been allocated under such section 1005 had the correct data been used for fiscal year 1993.

SEC. 410. STUDY OF GOALS 2000 AND STUDENTS WITH DISABILITIES.

(a) **STUDY REQUIRED.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary of Education shall make appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study of the inclusion of children with disabilities in GOALS 2000 school reform activities.

(2) **DEFINITION.**—For purposes of this section, the term "children with disabilities" has the same meaning given such in the Individuals with Disabilities Education Act.

(b) **STUDY COMPONENTS.**—The study conducted under subsection (a) shall include—

(1) an evaluation of the National Education Goals and objectives, curriculum reforms, standards, and other programs and activities intended to achieve those goals;

(2) a review of the adequacy of assessments and measures used to gauge progress towards meeting National Education Goals and any national and State standards, and an examination of other methods or accommodations necessary or desirable to collect data on the educational progress of children with disabilities, and the costs of such methods and accommodations;

(3) an examination of what incentives or assistance might be provided to States to develop improvement plans that adequately address the needs of children with disabilities;

(4) the relation of Goals 2000 to other Federal laws governing or affecting the education of children with disabilities; and

(5) such other issues as the National Academy of Sciences considers appropriate.

(c) **STUDY PANEL MEMBERSHIP.**—Any panel constituted in furtherance of the study to be conducted under subsection (a) shall include consumer representatives.

(d) **FINDINGS AND RECOMMENDATIONS.**—The Secretary of Education shall request the National Academy of Sciences to submit an interim report of its findings and recommendations to the President and Congress not later than 12 months, and a final report not later than 24 months, from the date of the completion of procurement relating to the study.

(e) **FUNDING.**—From such accounts as the Secretary deems appropriate, the Secretary shall make available \$600,000 for fiscal year 1994, and such sums as may be necessary for fiscal year 1995, to carry out this section. Amounts made available under this subsection shall remain available until expended.

SEC. 411. MENTORING, PEER COUNSELING AND PEER TUTORING.

(a) **CONGRESSIONAL FINDINGS.**—The Congress finds that—

(1) Mentoring, peer counseling and peer tutoring programs provide role models for children and build self-esteem;

(2) Mentoring, peer counseling and peer tutoring programs promote learning and help students attain the necessary skills they need to excel academically;

(3) Mentoring, peer counseling, and peer tutoring programs provide healthy and safe alternatives to involvement in drugs, gangs or other violent activities; and

(4) Mentoring, peer counseling, and peer tutoring programs promote school, community and parental involvement in the liveliness and well-being of our children.

(b) SENSE OF THE CONGRESS.—Therefore, it is the Sense of the Congress that Federal education programs that provide assistance to elementary and secondary education students should include authorizations for establishing mentoring, peer counseling and peer tutoring programs.

SEC. 412. CONTENT AND PERFORMANCE STANDARDS.

It is the sense of the Senate that because high academic standards are the key to excellence for all students and a focus on results is an important direction for education reform, it is the sense of the Senate that States should develop their own content and performance standards in academic subject areas as an essential part of their State reform plan.

SEC. 413. STATE-SPONSORED HIGHER EDUCATION TRUST FUND SAVINGS PLAN.

It is the sense of the Senate that—

(1) individuals should be encouraged to save to meet the higher education costs of their children;

(2) an effective way to encourage those savings is through State-sponsored higher education trust fund savings plans; and

(3) an effective way for the Federal Government to assist such plans is to amend the Federal tax laws to provide that—

(A) no tax is imposed on the earnings on contributions to the plans if the earnings are used for higher education costs,

(B) State organizations sponsoring the plans are exempt from Federal taxation, and

(C) any charitable gift to the plans are tax-deductible and are distributed to recipients on a pro rata basis.

SEC. 414. AMENDMENTS TO SUMMER YOUTH EMPLOYMENT AND TRAINING PROGRAM.

(a) PROGRAM DESIGN.—

(1) ACADEMIC ENRICHMENT AUTHORIZED.—Paragraph (1) of section 253(a) of the Job Training Partnership Act is amended by inserting "academic enrichment" after "remedial education,".

(2) REQUIRED SERVICES AND DESIGN.—

(A) Subsection (c) of such section 253 is amended by adding at the end the following new paragraphs:

"(3) BASIC EDUCATION AND PREEMPLOYMENT TRAINING.—The programs under this part shall provide, either directly or through arrangements with other programs, each of the following services to a participant where the assessment and the service strategy indicate such services are appropriate:

"(A) Basic and Remedial Education.

"(B) Preemployment and Work Maturity Skills Training.

"(4) INTEGRATION OF WORK AND LEARNING.—

"(A) WORK EXPERIENCE.—Work experience provided under this part, to the extent feasible, shall include contextual learning opportunities which integrate the development of general competencies with the development of academic skills.

"(B) CLASSROOM TRAINING.—Classroom training provided under this part shall, to

the extent feasible, include opportunities to apply knowledge and skills relating to academic subjects to the world of work."

(B) Section 253 of the Job Training Partnership Act is further amended by adding at the end the following new subsection:

"(e) EDUCATIONAL LINKAGES.—In conducting the program assisted under this part, service delivery areas shall establish linkages with the appropriate educational agencies responsible for service to participants. Such linkages shall include arrangements to ensure that there is a regular exchange of information relating to the progress, problems and needs of participants, including the results of assessments of the skill levels of participants."

(C) Section 254 of the Job Training Partnership Act is amended by adding at the end the following new subsection:

"(c) PROHIBITION ON PRIVATE ACTIONS.—Nothing in this part shall be construed to establish a right for a participant to bring an action to obtain services described in the assessment or service strategy developed under section 253(c)."

(b) TRANSFER OF FUNDS TO YEAR ROUND PROGRAM.—Section 256 of the Job Training Partnership Act is amended by striking "10 percent" and inserting "20 percent".

SEC. 415. STATE AND LOCAL GOVERNMENT CONTROL OF EDUCATION.

(a) FINDINGS.—

(1) Congress is interested in promoting State and local government reform efforts in education;

(2) In Public Law 96-88 the Congress found that education is fundamental to the development of individual citizens and the progress of the Nation;

(3) In Public Law 96-88 the Congress found that in our Federal system the responsibility for education is reserved respectively to the States and the local school systems and other instrumentalities of the States;

(4) In Public Law 96-88 the Congress declared the purpose of the Department of Education was to supplement and complement the efforts of States, the local school systems, and other instrumentalities of the States, the private sector, public and private educational institutions, public and private nonprofit educational research institutions, community based organizations, parents and schools to improve the quality of education;

(5) The establishment of the Department of Education, Congress intended to protect the rights of State and local governments and public and private educational institutions in the areas of educational policies and administration of programs and to strengthen and improve the control of such governments and institutions over their own educational programs and policies;

(6) Public Law 96-88 specified that the establishment of the Department of Education shall not increase the authority of the Federal Government over education or diminish the responsibility for education which is reserved to the States and local school systems and other instrumentalities of the States;

(7) Public Law 96-88 specified that no provision of a program administered by the Secretary or by any other officer of the Department shall be construed to authorize the Secretary or any such officer to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system, over any accrediting agency or association or over the selection or content of library resources, textbooks, or other instructional materials by any educational institution or school system, now therefore

(b) REAFFIRMATION.—The Congress agrees and reaffirms that the responsibility for control of education is reserved to the States and local school systems and other instrumentalities of the States and that no action shall be taken under the provisions of this Act by the Federal Government which would, directly or indirectly, impose standards or requirements of any kind through the promulgation of rules, regulations, provision of financial assistance and otherwise, which would reduce, modify, or undercut State and local responsibility for control of education.

SEC. 416. PROTECTION OF PUPILS.

Section 439 of the General Education Provisions Act is amended to read as follows:

"PROTECTION OF PUPIL RIGHTS

"SEC. 439. (a) All instructional materials, including teacher's manuals, films, tapes, or other supplementary material which will be used in connection with any survey, analysis, or evaluation as part of any applicable program shall be available for inspection by the parents or guardians of the children.

"(b) No student shall be required, as part of any applicable program, to submit to a survey, analysis, or evaluation that reveals information concerning:

"(1) political affiliations;

"(2) mental and psychological problems potentially embarrassing to the student or his family;

"(3) sex behavior and attitudes;

"(4) illegal, anti-social, self-incriminating and demeaning behavior;

"(5) critical appraisals of other individuals with whom respondents have close family relationships;

"(6) legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers; or

"(7) income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program),

without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of an unemancipated minor, without the prior written consent of the parent.

"(c) Educational agencies and institutions shall give parents and students effective notice of their rights under this section.

"(d) ENFORCEMENT.—The Secretary shall take such action as the Secretary determines appropriate to enforce this section, except that action to terminate assistance provided under an applicable program shall be taken only if the Secretary determines that—

"(1) there has been a failure to comply with such section; and

"(2) compliance with such section cannot be secured by voluntary means.

"(e) OFFICE AND REVIEW BOARD.—The Secretary shall establish or designate an office and review board within the Department of Education to investigate, process, review, and adjudicate violations of the rights established under this section."

SEC. 417. CONTRACEPTIVE DEVICES.

The Department of Health and Human Services and the Department of Education shall ensure that all federally funded programs which provide for the distribution of contraceptive devices to unemancipated minors develop procedures to encourage, to the extent practical, family participation in such programs.

SEC. 418. EDUCATIONAL AGENCIES NOT DENIED FUNDS FOR ADOPTING CONSTITUTIONAL POLICY RELATIVE TO PRAYER IN SCHOOLS.

Notwithstanding any other provision of this Act, no funds made available through the Department of Education under this Act, or any other Act, shall be denied to any State or local educational agency because it has adopted a constitutional policy relative to prayer in public school.

TITLE V—NATIONAL SKILL STANDARDS BOARD

SEC. 501. SHORT TITLE.

This title may be cited as the "National Skill Standards Act of 1994".

SEC. 502. PURPOSE.

It is the purpose of this title to establish a National Board to serve as a catalyst in stimulating the development and adoption of a voluntary national system of skill standards and of assessment and certification—

(1) that will serve as a cornerstone of the national strategy to enhance work force skills;

(2) that will result in increased productivity, economic growth, and American economic competitiveness; and

(3) that can be used, consistent with civil rights laws—

(A) by the Nation, to ensure the development of a high skills, high quality, high performance work force, including the most skilled front-line work force in the world;

(B) by industries, as a vehicle for informing training providers and prospective employees of skills necessary for employment;

(C) by employers, to assist in evaluating the skill levels of prospective employees and to assist in the training of current employees;

(D) by labor organizations, to enhance the employment security of workers by providing portable credentials and skills;

(E) by workers, to—

(i) obtain certifications of their skills to protect against dislocation;

(ii) pursue career advancement; and

(iii) enhance their ability to reenter the work force;

(F) by students and entry level workers, to determine the skill levels and competencies needed to be obtained in order to compete effectively for high wage jobs;

(G) by training providers and educators, to determine appropriate training services to be offered by the providers and educators;

(H) by Government, to evaluate whether publicly funded training assists participants to meet skill standards where such standards exist and thereby protect the integrity of public expenditures; and

(I) to facilitate linkages between other components of the work force investment strategy, including school-to-work transition and job training programs.

SEC. 503. ESTABLISHMENT OF NATIONAL BOARD.

(a) **IN GENERAL.**—There is established a National Skill Standards Board (hereafter referred to in this title as the "National Board").

(b) **COMPOSITION.**—

(1) **IN GENERAL.**—The National Board shall be composed of 28 members (appointed in accordance with paragraph (3)), of whom—

(A) one member shall be the Secretary of Labor;

(B) one member shall be the Secretary of Education;

(C) one member shall be the Secretary of Commerce;

(D) one member shall be the Chairperson of the National Education Standards and Improvement Council established pursuant to section 212(a);

(E) eight members shall be representatives of business (including representatives of small employers and representatives of large employers) selected from among individuals recommended by recognized national business organizations or trade associations;

(F) eight members shall be representatives of organized labor selected from among individuals recommended by recognized national labor federations; and

(G)(i) four members shall be certified human resource professionals;

(ii) three members shall be representatives of educational institutions (including vocational-technical institutions); and

(iii) one member shall be a representative of nongovernmental organizations with a demonstrated history of successfully protecting the rights of racial, ethnic or religious minorities, women, persons with disabilities, or older persons.

(2) **SPECIAL REQUIREMENTS.**—The members described in subparagraph (G) of paragraph (1) shall have expertise in the area of education and training. The members described in subparagraphs (E), (F), and (G) of paragraph (1) shall, in the aggregate, represent a broad cross-section of occupations and industries.

(3) **APPOINTMENT.**—The membership of the National Board shall be appointed as follows:

(A) Twelve members (four from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be appointed by the President.

(B) Six members (two from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be appointed by the Speaker of the House of Representatives. Of the members so appointed, three members (one from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be selected from recommendations made by the Majority Leader of the House of Representatives and three members (one from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be selected from recommendations made by the Minority Leader of the House of Representatives.

(C) Six members (two from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be appointed by the President pro tempore of the Senate. Of the members so appointed, three members (one from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be selected from recommendations made by the Majority Leader of the Senate and three members (one from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be selected from recommendations made by the Minority Leader of the Senate.

(4) **EX OFFICIO NONVOTING MEMBERS.**—The members of the National Board specified in subparagraphs (A), (B), (C), and (D) of paragraph (1) shall be ex officio, nonvoting members of the National Board.

(5) **TERM.**—Each member of the National Board appointed under subparagraph (E), (F), or (G) of paragraph (1) shall be appointed for a term of 4 years, except that of the initial members of the Board appointed under such subparagraphs—

(A) twelve members shall be appointed for a term of 3 years (four from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)), of whom—

(i) two from each such class shall be appointed in accordance with paragraph (3)(A);

(ii) one from each such class shall be appointed in accordance with paragraph (3)(B); and

(iii) one from each such class shall be appointed in accordance with paragraph (3)(C); and

(B) twelve members shall be appointed for a term of 4 years (four from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)), of whom—

(i) two from each such class shall be appointed in accordance with paragraph (3)(A);

(ii) one from each such class shall be appointed in accordance with paragraph (3)(B); and

(iii) one from each such class shall be appointed in accordance with paragraph (3)(C).

(6) **VACANCIES.**—Any vacancy in the National Board shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) **CHAIRPERSON AND VICE CHAIRPERSONS.**—

(1) **CHAIRPERSON.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), the National Board, by majority vote, shall elect a Chairperson once every 2 years from among the members of the National Board.

(B) **INITIAL CHAIRPERSON.**—The first Chairperson of the National Board shall be elected, by a majority vote of the National Board, from among the members who are representatives of business (as described in subparagraph (E) of subsection (b)(1)) and shall serve for a term of 2 years.

(2) **VICE CHAIRPERSONS.**—The National Board, by majority vote, shall annually elect 3 Vice Chairpersons (each representing a different class of the classes of members described in subparagraphs (E), (F), and (G) of subsection (b)(1) and each of whom shall serve for a term of 1 year) from among its members appointed under subsection (b)(3).

(d) **COMPENSATION AND EXPENSES.**—

(1) **COMPENSATION.**—Members of the National Board who are not full-time employees or officers of the Federal Government shall serve without compensation.

(2) **EXPENSES.**—The members of the National Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57, title 5, United States Code, while away from their homes or regular places of business in the performance of services for the National Board.

(e) **EXECUTIVE DIRECTOR AND STAFF.**—

(1) **EXECUTIVE DIRECTOR.**—The Chairperson of the National Board shall appoint an Executive Director who shall be compensated at a rate determined by the National Board not to exceed the rate of pay for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) **STAFF.**—The Executive Director may appoint and compensate such additional staff as may be necessary to enable the Board to perform its duties. The Executive Director may fix the compensation of the staff without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the staff may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(f) **GIFTS.**—The National Board is authorized, in carrying out this title, to accept and employ or dispose of in furtherance of the purposes of this title, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise, and to accept voluntary and uncompensated services notwithstanding the provisions of section 1342 of title 31, United States Code.

(g) AGENCY SUPPORT.—

(1) USE OF FACILITIES.—The National Board may use the research, equipment, services and facilities of any agency or instrumentality of the United States with the consent of such agency or instrumentality.

(2) STAFF OF FEDERAL AGENCIES.—Upon the request of the National Board, the head of any Federal agency of the United States may detail to the National Board, on a reimbursable basis, any of the personnel of such Federal agency to assist the National Board in carrying out this title. Such detail shall be without interruption or loss of civil service status or privilege.

(h) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the National Board may procure temporary and intermittent services of experts and consultants under section 3109(b) of title 5, United States Code.

(i) TERMINATION OF THE COMMISSION.—Section 14(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the termination of the National Board.

SEC. 504. FUNCTIONS OF THE NATIONAL BOARD.

(a) IDENTIFICATION OF OCCUPATIONS.—The National Board, after extensive public consultation, shall identify broad clusters of major occupations that involve one or more than one industry in the United States.

(b) ESTABLISHMENT OF VOLUNTARY PARTNERSHIPS TO DEVELOP STANDARDS.—

(1) IN GENERAL.—For each of the occupational clusters identified pursuant to subsection (a), the National Board shall encourage and facilitate the establishment of voluntary partnerships to develop a skill standards system in accordance with subsection (d).

(2) REPRESENTATIVES.—Such voluntary partnerships shall include the full and balanced participation of—

(A)(i) representatives of business (including representatives of large employers and representatives of small employers) who have expertise in the area of work force skill requirements, and who are recommended by national business organizations or trade associations representing employers in the occupation or industry for which a standard is being developed; and

(ii) representatives of trade associations that have received grants from the Department of Labor or the Department of Education to establish skill standards prior to the date of enactment of this title;

(B) employee representatives who—

(i) have expertise in the area of work force skill requirements; and

(ii) shall be—

(I) individuals recommended by recognized national labor organizations representing employees in the occupation or industry for which a standard is being developed; and

(II) such individuals who are nonmanagerial employees with significant experience and tenure in such occupation or industry as are appropriate given the nature and structure of employment in the occupation or industry; and

(C) representatives of—

(i) educational institutions;

(ii) community-based organizations;

(iii) State and local agencies with administrative control or direction over education or over employment and training;

(iv) other policy development organizations with expertise in the area of work force skill requirements; or

(v) nongovernmental organizations with a demonstrated history of successfully protecting the rights of racial, ethnic, or reli-

gious minorities, women, persons with disabilities, or older persons.

(3) EXPERTS.—The partnerships described in paragraph (2) may also include other individuals who are independent, qualified experts in their fields.

(c) RESEARCH, DISSEMINATION, AND COORDINATIONS.—In order to support the activities described in subsections (b) and (d), the National Board shall—

(1) conduct work force research relating to skill standards and make the results of such research available to the public, including the voluntary partnerships described in subsection (b);

(2) identify and maintain a catalog of skill standards used by other countries and by States and leading firms and industries in the United States;

(3) serve as a clearinghouse to facilitate the sharing of information on the development of skill standards and other relevant information among representatives of occupations and industries identified pursuant to subsection (a), and among education and training providers;

(4) develop a common nomenclature relating to skill standards;

(5) encourage the development and adoption of curricula and training materials, for attaining the skill standards endorsed pursuant to subsection (d), that provide for structured work experiences and related study programs leading to progressive levels of professional and technical certification;

(6) provide appropriate technical assistance to voluntary partnerships involved in the development of standards and systems described in subsection (b); and

(7) facilitate coordination among voluntary partnerships that meet the requirements of subsection (b)(2) in order to promote the development of a coherent national system of voluntary skill standards.

(d) ENDORSEMENT OF SKILL STANDARDS SYSTEMS.—

(1) IN GENERAL.—The National Board, after public review and comment, shall endorse skill standards systems relating to the occupational clusters identified pursuant to subsection (a) that—

(A) meet the requirements of paragraph (2);

(B) are submitted by voluntary partnerships that meet the requirements of subsection (b)(2); and

(C) meet additional objective criteria that are published by the National Board.

(2) COMPONENTS OF SYSTEM.—The skill standards systems endorsed pursuant to paragraph (1) shall have one or more of the following components:

(A) Voluntary skill standards, which—

(i) are formulated in such a manner that promotes the portability of credentials and facilitates worker mobility within an occupational cluster or industry and among industries;

(ii) are in a form that allows for regular updating to take into account advances in technology or other developments within the occupational cluster;

(iii) are not discriminatory with respect to race, color, religion, sex, national origin, ethnicity, age, or disability;

(iv) meet or exceed the highest applicable standards used in the United States, including apprenticeship standards registered under the Act of August 16, 1937 (commonly known as the "National Apprenticeship Act", 50 Stat. 664, chapter 663, 29 U.S.C. 50 et seq.); and

(v) have been developed after taking into account—

(I) relevant standards used in other countries and relevant international standards;

(II) voluntary national content standards and voluntary national student performance standards developed pursuant to section 213; and

(III) the requirements of high performance work organizations.

(B) A voluntary system of assessment and certification of the attainment of skill standards developed pursuant to subparagraph (A), which—

(i) utilizes a variety of evaluation techniques, including, where appropriate, oral and written evaluations, portfolio assessments, and performance tests;

(ii) includes methods for establishing the validity and reliability of the assessment and certification system for the intended purposes of the system; and

(iii) has been developed after taking into account relevant methods of assessment and certification used in other countries.

(C) A system to disseminate information relating to the skill standards, and the assessment and certification systems, developed pursuant to this paragraph (including dissemination of information relating to civil rights laws relevant to the use of such standards and systems), and to promote use of such standards and systems by, entities such as institutions of higher education offering professional and technical education, labor organizations, trade and technical associations, and employers providing formalized training, and other organizations likely to benefit from such standards and systems.

(D) A system to evaluate the implementation and effectiveness of the skill standards, the assessment and certification systems, and the information dissemination systems, developed pursuant to this paragraph.

(E) A system to periodically revise and update the skill standards, and the assessment and certification systems, developed pursuant to this paragraph, which will take into account changes in standards in other countries.

(e) RELATIONSHIP WITH CIVIL RIGHTS LAWS.—

(1) IN GENERAL.—Nothing in this title shall be construed to modify or affect any Federal or State law prohibiting discrimination on the basis of race, color, religion, sex, national origin, ethnicity, age, or disability.

(2) EVIDENCE.—The endorsement or absence of an endorsement by the National Board of a skill standard, or assessment and certification system, endorsed under subsection (d) may not be used in any action or proceeding to establish that the use of a skill standard or assessment and certification system conforms or does not conform to the requirements of civil rights laws.

(f) COORDINATION.—The National Board shall establish cooperative arrangements with the National Education Standards and Improvement Council to promote the coordination of the development of skill standards under this section with the development of voluntary national content standards and voluntary national student performance standards in accordance with section 213.

(g) FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—(A) From funds appropriated pursuant to the authority of section 507, the Secretary of Labor may award grants and enter into contracts and cooperative arrangements (including awarding grants to, and entering into contracts and cooperative agreements with, voluntary partnerships in accordance with paragraph (2)) that are requested by the National Board for the purposes of carrying out this title.

(B) Each entity desiring a grant, contract or cooperative agreement under this title

shall submit an application to the National Board at such time, in such manner and accompanied by such information as the National Board may reasonably require.

(2) SPECIAL RULE REGARDING ASSISTANCE FOR VOLUNTARY PARTNERSHIPS.—The Secretary only shall award a grant to, or enter into a contract or cooperative agreement with, a voluntary partnership that meets the requirements of subsection (b)(2) for the development of skill standards systems in accordance with subsection (d).

(3) CRITERIA FOR BOARD CONSIDERATION.—Prior to each of the fiscal years 1994 through 1998, the National Board shall publish objective criteria for the National Board's consideration of applications submitted pursuant to paragraph (1)(B).

(4) RECOMMENDATIONS TO THE SECRETARY OF LABOR.—The National Board shall review each application received pursuant to paragraph (1)(B) in accordance with the objective criteria published pursuant to paragraph (3), and shall submit each such application to the Secretary of Labor accompanied by a recommendation by the National Board on whether or not the Secretary of Labor should award a grant to the applicant.

(5) LIMITATION ON USE OF FUNDS.—

(A) IN GENERAL.—Not more than 20 percent of the funds appropriated pursuant to the authority of section 507(a) for each fiscal year shall be used by the National Board for the costs of administration.

(B) STARTUP COSTS.—Notwithstanding subparagraph (A), in order to facilitate the establishment of the National Board, the limitation contained in subparagraph (A) shall not apply to funds appropriated pursuant to the authority of section 507(a) for fiscal year 1994.

(C) DEFINITION.—For purposes of this paragraph, the term "costs of administration" means costs relating to staff, supplies, equipment, space, and travel and per diem, costs of conducting meetings and conferences, and other related costs.

SEC. 505. DEADLINES.

Not later than December 31, 1996, the National Board shall—

(1) identify occupational clusters pursuant to section 504(a) representing a substantial portion of the work force; and

(2) promote the endorsement of an initial set of skill standards in accordance with section 504(d) for such clusters.

SEC. 506. REPORTS.

The National Board shall prepare and submit to the President and the Congress in each of the fiscal years 1994 through 1998, a report on the activities conducted under this title. Such report shall include information on the extent to which skill standards have been adopted by employers, training providers, and other entities, and on the effectiveness of such standards in accomplishing the purposes described in section 502.

SEC. 507. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title \$15,000,000 for fiscal year 1994 and such sums as may be necessary for each of fiscal years 1995 through 1998.

(b) AVAILABILITY.—Amounts appropriated pursuant to subsection (a) shall remain available until expended.

SEC. 508. DEFINITIONS.

As used in this title:

(1) COMMUNITY-BASED ORGANIZATIONS.—The term "community-based organizations" has the meaning given the term in section 4(5) of the Job Training Partnership Act (29 U.S.C. 1503(5)).

(2) EDUCATIONAL INSTITUTION.—The term "educational institution" means a high school, a vocational school, and an institution of higher education.

(3) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

(4) SKILL STANDARD.—The term "skill standard" means the level of knowledge and competence required to successfully perform work-related functions within an occupational cluster.

SEC. 509. SUNSET PROVISION.

(a) REPEAL.—This title is repealed on September 30, 1998.

(b) REVIEW OF REPEAL.—It is the sense of the Congress that the appropriate committees of the Congress should review the accomplishments of the National Board prior to the date of repeal described in subsection (a) in order to determine whether it is appropriate to extend the authorities provided under this title for a period beyond such date.

TITLE VI—SAFE SCHOOLS

PART A—SAFE SCHOOLS PROGRAM

SEC. 601. SHORT TITLE; STATEMENT OF PURPOSE.

(a) SHORT TITLE.—This part may be cited as the "Safe Schools Act of 1994".

(b) STATEMENT OF PURPOSE.—It is the purpose of this part to help local school systems achieve Goal Six of the National Education Goals, which provides that by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning, by ensuring that all schools are safe and free of violence.

SEC. 602. SAFE SCHOOLS PROGRAM AUTHORIZED.

(a) AUTHORITY.—

(1) IN GENERAL.—From funds appropriated pursuant to the authority of subsection (b)(1), the Secretary shall make competitive grants to eligible local educational agencies to enable such agencies to carry out projects and activities designed to achieve Goal Six of the National Education Goals by helping to ensure that all schools are safe and free of violence.

(2) GRANT DURATION AND AMOUNT.—Grants under this part may not exceed—

(A) two fiscal years in duration, except that the Secretary shall not award any new grants in fiscal year 1996 but may make payments pursuant to a 2-year grant which terminates in such fiscal year; and

(B) \$3,000,000 in any fiscal year.

(3) GEOGRAPHIC DISTRIBUTION.—To the extent practicable, grants under this title shall be awarded to eligible local educational agencies serving rural, as well as urban, areas.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated \$75,000,000 for fiscal year 1994, \$100,000,000 for fiscal year 1995, and such sums as may be necessary for fiscal year 1996, to carry out this part.

(2) RESERVATION.—The Secretary is authorized in each fiscal year to reserve not more than 10 percent of the amount appropriated pursuant to the authority of paragraph (1) to carry out national leadership activities described in section 606, of which 50 percent of such amount shall be available in such fiscal year to carry out the program described in section 606(b).

SEC. 603. ELIGIBLE AGENCIES.

(a) IN GENERAL.—To be eligible to receive a grant under this part, a local educational

agency shall demonstrate in the application submitted pursuant to section 604(a) that such agency—

(1) serves an area in which there is a high rate of—

(A) homicides committed by persons between the ages 5 to 18, inclusive;

(B) referrals of youth to juvenile court;

(C) youth under the supervision of the courts;

(D) expulsions and suspension of students from school;

(E) referrals of youth, for disciplinary reasons, to alternative schools; or

(F) victimization of youth by violence, crime, or other forms of abuse; and

(2) has serious school crime, violence, and discipline problems, as indicated by other appropriate data.

(b) PRIORITY.—In awarding grants under this part, the Secretary shall give priority to a local educational agency that—

(1) receives assistance under section 1006 of the Elementary and Secondary Education Act of 1965 or meets the criteria described in clauses (i) and (ii) of section 1006(a)(1)(A) of such Act; and

(2) submits an application that assures a strong local commitment to the projects or activities assisted under this part, such as—

(A) the formation of partnerships among the local educational agency, a community-based organization, a nonprofit organization with a demonstrated commitment to or expertise in developing education programs or providing educational services to students or the public, a local law enforcement agency, or any combination thereof; and

(B) a high level of youth participation in such projects or activities.

(c) DEFINITIONS.—For the purpose of this part—

(1) the term "local educational agency" has the same meaning given to such term in section 1471(12) of the Elementary and Secondary Education Act of 1965; and

(2) the term "Secretary" means the Secretary of Education.

SEC. 604. APPLICATIONS AND PLANS.

(a) APPLICATION.—In order to receive a grant under this part, a local educational agency shall submit to the Secretary an application that includes—

(1) an assessment of the current violence and crime problems in the schools and community to be served by the grant;

(2) an assurance that the applicant has written policies regarding school safety, student discipline, and the appropriate handling of violent or disruptive acts;

(3) a description of the schools and communities to be served by the grant, the projects and activities to be carried out with grant funds, and how these projects and activities will help to reduce the current violence and crime problems in such schools and communities;

(4) if the local educational agency receives funds under Goals 2000: Educate America Act, an explanation of how projects and activities assisted under this part will be coordinated with and support such agency's comprehensive local improvement plan prepared under that Act;

(5) the applicant's plan to establish school-level advisory committees, which include faculty, parents, staff, and students, for each school to be served by the grant and a description of how each committee will assist in assessing that school's violence and discipline problems as well as in designing appropriate programs, policies, and practices to address those problems;

(6) the applicant's plan for collecting baseline and future data, by individual schools,

to monitor violence and discipline problems and to measure such applicant's progress in achieving the purpose of this part;

(7) an assurance that grant funds under this part will be used to supplement and not to supplant State and local funds that would, in the absence of funds under this part, be made available by the applicant for the purpose of this part;

(8) an assurance that the applicant will cooperate with, and provide assistance to, the Secretary in gathering statistics and other data the Secretary determines are necessary to assess the effectiveness of projects and activities assisted under this part or the extent of school violence and discipline problems throughout the Nation;

(9) an assurance that the local educational agency has a written policy that prohibits sexual contact between school personnel and a student; and

(10) such other information as the Secretary may require.

(b) **PLAN.**—In order to receive funds under this part for a second year, a grantee shall submit to the Secretary a comprehensive, long-term, school safety plan for reducing and preventing school violence and discipline problems. Such plan shall contain—

(1) a description of how the grantee will coordinate its school crime and violence prevention efforts with education, law-enforcement, judicial, health, social service, and other appropriate agencies and organizations serving the community; and

(2) in the case that the grantee receives funds under the Goals 2000: Educate America Act, an explanation of how the grantee's comprehensive plan under this subsection is consistent with and supports its comprehensive local improvement plan prepared under that Act, if such explanation differs from that provided in the grantee's application under that Act.

SEC. 605. USE OF FUNDS.

(a) USE OF FUNDS.—

(1) **IN GENERAL.**—A local educational agency shall use grant funds received under this part for one or more of the following activities:

(A) Identifying and assessing school violence and discipline problems, including coordinating needs assessment activities and education, law-enforcement, judicial, health, social service, and other appropriate agencies and organizations.

(B) Conducting school safety reviews or violence prevention reviews of programs, policies, practices, and facilities to determine what changes are needed to reduce or prevent violence and promote safety and discipline.

(C) Planning for comprehensive, long-term strategies for addressing and preventing school violence and discipline problems through the involvement and coordination of school programs with other education, law-enforcement, judicial, health, social service, and other appropriate agencies and organizations.

(D) Training school personnel in programs of demonstrated effectiveness in addressing violence, including violence prevention, conflict resolution, anger management, peer mediation, and identification of high-risk youth.

(E) Community education programs, including video- and technology-based projects, informing parents, businesses, local government, the media and other appropriate entities about—

(i) the local educational agency's plan to promote school safety and reduce and prevent school violence and discipline problems; and

(ii) the need for community support.

(F) Coordination of school-based activities designed to promote school safety and reduce or prevent school violence and discipline problems with related efforts of education, law-enforcement, judicial, health, social service, and other appropriate agencies and organizations.

(G) Developing and implementing violence prevention activities, including—

(i) conflict resolution and social skills development for students, teachers, aides, other school personnel, and parents;

(ii) disciplinary alternatives to expulsion and suspension of students who exhibit violent or anti-social behavior;

(iii) student-led activities such as peer mediation, peer counseling, and student courts; or

(iv) alternative after-school programs that provide safe havens for students, which may include cultural, recreational, and educational and instructional activities.

(H) Educating students and parents regarding the dangers of guns and other weapons and the consequences of their use.

(I) Developing and implementing innovative curricula to prevent violence in schools and training staff how to stop disruptive or violent behavior if such behavior occurs.

(J) 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.

(K) Counseling programs for victims and witnesses of school violence and crime.

(L) Minor remodeling to promote security and reduce the risk of violence, such as removing lockers, installing better lights, and upgrading locks.

(M) Acquiring and installing metal detectors and hiring security personnel.

(N) Reimbursing law enforcement authorities for their personnel who participate in school violence prevention activities.

(O) Evaluating projects and activities assisted under this part.

(P) The cost of administering projects or activities assisted under this part.

(Q) Other projects or activities that meet the purpose of this part.

(2) **LIMITATION.**—A local educational agency may use not more than—

(A) a total of 10 percent of grant funds received under this part in each fiscal year for activities described in subparagraphs (J), (L), (M), and (N) of paragraph (1); and

(B) 5 percent of grant funds received under this part in each fiscal year for activities described in subparagraph (P) of paragraph (1).

(3) **PROHIBITION.**—A local educational agency may not use grant funds received under this part for construction.

SEC. 606. NATIONAL LEADERSHIP.

(a) **IN GENERAL.**—To carry out the purpose of this part, the Secretary is authorized to use funds reserved under section 602(b)(2) to conduct national leadership activities such as research program development and evaluation, data collection, public awareness activities, training and technical assistance, dissemination (through appropriate research entities assisted by the Department of Education) of information on successful projects, activities, and strategies developed pursuant to this part, and peer review of applications under this part. The Secretary may carry out such activities directly, through inter-agency agreements, or through grants, contracts or cooperative agreements.

(b) **NATIONAL MODEL CITY.**—The Secretary shall designate the District of Columbia as a national model city and shall provide funds

made available pursuant to section 602(b)(2) in each fiscal year to a local educational agency serving the District of Columbia in an amount sufficient to enable such agency to carry out a comprehensive program to address school and youth violence.

SEC. 607. NATIONAL COOPERATIVE EDUCATION STATISTICS SYSTEM.

Subparagraph (A) of section 406(h)(2) of the General Education Provisions Act (20 U.S.C. 1221e-1(h)(2)(A)) is amended—

(1) in clause (vi), by striking "and" after the semicolon; and

(2) by adding after clause (vii) the following new clause:

"(viii) school safety policy, and statistics on the incidents of school violence; and".

SEC. 608. COORDINATION OF FEDERAL ASSISTANCE.

The Attorney General, through the Coordinating Council on Juvenile Justice and Delinquency Prevention of the Department of Justice, shall coordinate the programs and activities carried out under this Act with the programs and activities carried out by the departments and offices represented within the Council that provide assistance under other law for purposes that are similar to the purpose of this Act, in order to avoid redundancy and coordinate Federal assistance, research, and programs for youth violence prevention.

SEC. 609. EFFECTIVE DATE.

This part and the amendments made by this part shall take effect on the date of enactment of this Act.

PART B—STATE LEADERSHIP ACTIVITIES TO PROMOTE SAFE SCHOOLS

SEC. 621. STATE LEADERSHIP ACTIVITIES TO PROMOTE SAFE SCHOOLS PROGRAM.

(a) **SHORT TITLE.**—This section may be cited as the "State Leadership Activities to Promote Safe Schools Act".

(b) **AUTHORITY.**—The Secretary is authorized to award grants to State educational agencies from allocations under subsection (c) to enable such agencies to carry out the authorized activities described in subsection (e).

(c) **ALLOCATION.**—Each State educational agency having an application approved under subsection (d) shall be eligible to receive a grant under this section for each fiscal year that bears the same ratio to the amount appropriated pursuant to the authority of subsection (f) for such year as the amount such State educational agency receives pursuant to section 1006 of the Elementary and Secondary Education Act of 1965 for such year bears to the total amount allocated to all such agencies in all States having applications approved under subsection (d) for such year, except that no State educational agency having an application approved under subsection (d) in any fiscal year shall receive less than \$100,000 for such year.

(d) **APPLICATION.**—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner and containing such information as the Secretary may reasonably require. Each such application shall—

(1) describe the activities and services for which assistance is sought;

(2) contain a statement of the State educational agency's goals and objectives for violence prevention and a description of the procedures to be used for assessing and publicly reporting progress toward meeting those goals and objectives; and

(3) contain a description of how the State educational agency will coordinate such

agency's activities under this section with the violence prevention efforts of other State agencies.

(e) USE OF FUNDS.—Grant funds awarded under this section shall be used—

(1) to support a statewide resource coordinator;

(2) to provide technical assistance to both rural and urban local school districts;

(3) to disseminate to local educational agencies and schools information on successful school violence prevention programs funded through Federal, State, local and private sources;

(4) to make available to local educational agencies teacher training and parent and student awareness programs, which training and programs may be provided through video or other telecommunications approaches;

(5) to supplement and not supplant other Federal, State and local funds available to carry out the activities assisted under this section; and

(6) for other activities the Secretary may deem appropriate.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$10,000,000 for each of the fiscal years 1995 and 1996 to carry out this section.

TITLE VII—MIDNIGHT BASKETBALL LEAGUE TRAINING AND PARTNERSHIP

SEC. 701. SHORT TITLE.

This title may be cited as the "Midnight Basketball League Training and Partnership Act".

SEC. 702. GRANTS FOR MIDNIGHT BASKETBALL LEAGUE TRAINING AND PARTNERSHIP PROGRAMS.

Section 520 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 11903a) is amended—

(1) in the section heading by inserting "and assisted" after "public";

(2) in the subsection heading for subsection (a), by inserting "PUBLIC HOUSING" before "YOUTH"; and

(3) by adding at the end the following new subsection:

"(1) MIDNIGHT BASKETBALL LEAGUE TRAINING AND PARTNERSHIP PROGRAMS.—

"(A) AUTHORITY.—The Secretary of Housing and Urban Development shall make grants, to the extent that amounts are approved in appropriations Acts under paragraph (13), to—

"(A) eligible entities to assist such entities in carrying out midnight basketball league programs meeting the requirements of paragraph (4); and

"(B) eligible advisory entities to provide technical assistance to eligible entities in establishing and operating such midnight basketball league programs.

"(2) ELIGIBLE ENTITIES.—

"(A) IN GENERAL.—Subject to subparagraph (B), grants under paragraph (1)(A) may be made only to the following eligible entities:

"(i) Entities eligible under subsection (b) for a grant under subsection (a).

"(ii) Nonprofit organizations providing employment counseling, job training, or other educational services.

"(iii) Nonprofit organizations providing federally assisted low-income housing.

"(B) PROHIBITION ON SECOND GRANTS.—A grant under paragraph (1)(A) may not be made to an eligible entity if the entity has previously received a grant under such paragraph, except that the Secretary may exempt an eligible advisory entity from the prohibition under this subparagraph in extraordinary circumstances.

"(3) USE OF GRANT AMOUNTS.—Any eligible entity that receives a grant under paragraph (1)(A) may use such amounts only—

"(A) to establish or carry out a midnight basketball league program under paragraph (4);

"(B) for salaries for administrators and staff of the program;

"(C) for other administrative costs of the program, except that not more than 5 percent of the grant amount may be used for such administrative costs; and

"(D) for costs of training and assistance provided under paragraph (4)(I).

"(4) PROGRAM REQUIREMENTS.—Each eligible entity receiving a grant under paragraph (1)(A) shall establish a midnight basketball league program as follows:

"(A) The program shall establish a basketball league of not less than 8 teams having 10 players each.

"(B) Not less than 50 percent of the players in the basketball league shall be residents of federally assisted low-income housing or members of low-income families (as such term is defined in section 3(b) of the United States Housing Act of 1937).

"(C) The program shall be designed to serve primarily youths and young adults from a neighborhood or community whose population has not less than 2 of the following characteristics (in comparison with national averages):

"(i) A substantial problem regarding use or sale of illegal drugs.

"(ii) A high incidence of crimes committed by youths or young adults.

"(iii) A high incidence of persons infected with the human immunodeficiency virus or sexually transmitted diseases.

"(iv) A high incidence of pregnancy or a high birth rate, among adolescents.

"(v) A high unemployment rate for youths and young adults.

"(vi) A high rate of high school drop-outs.

"(D) The program shall require each player in the league to attend employment counseling, job training, and other educational classes provided under the program, which shall be held immediately following the conclusion of league basketball games at or near the site of the games and at other specified times.

"(E) The program shall serve only youths and young adults who demonstrate a need for such counseling, training, and education provided by the program, in accordance with criteria for demonstrating need, which shall be established by the Secretary, in consultation with the Advisory Committee.

"(F) The majority of the basketball games of the league shall be held between the hours of 10:00 p.m. and 2:00 a.m. at a location in the neighborhood or community served by the program.

"(G) The program shall obtain sponsors for each team in the basketball league. Sponsors shall be private individuals or businesses in the neighborhood or community served by the program who make financial contributions to the program and participate in or supplement the employment, job training, and educational services provided to the players under the program with additional training or educational opportunities.

"(H) The program shall comply with any criteria established by the Secretary, in consultation with the Advisory Committee established under paragraph (9).

"(I) Administrators or organizers of the program shall receive training and technical assistance provided by eligible advisory entities receiving grants under paragraph (8).

"(5) GRANT AMOUNT LIMITATIONS.—

"(A) PRIVATE CONTRIBUTIONS.—The Secretary may not make a grant under paragraph (1)(A) to an eligible entity that applies

for a grant under paragraph (6) unless the applicant entity certifies to the Secretary that the entity will supplement the grant amounts with amounts of funds from non-Federal sources, as follows:

"(i) In each of the first 2 years that amounts from the grant are disbursed (under subparagraph (E)), an amount sufficient to provide not less than 35 percent of the cost of carrying out the midnight basketball league program.

"(ii) In each of the last 3 years that amounts from the grant are disbursed, an amount sufficient to provide not less than 50 percent of the cost of carrying out the midnight basketball league program.

"(B) NON-FEDERAL FUNDS.—For purposes of this paragraph, the term 'funds from non-Federal sources' includes amounts from non-profit organizations, public housing agencies, States, units of general local government, and Indian housing authorities, private contributions, any salary paid to staff (other than from grant amounts under paragraph (1)(A)) to carry out the program of the eligible entity, in-kind contributions to carry out the program (as determined by the Secretary after consultation with the Advisory Committee), the value of any donated material, equipment, or building, the value of any lease on a building, the value of any utilities provided, and the value of any time and services contributed by volunteers to carry out the program of the eligible entity.

"(C) PROHIBITION ON SUBSTITUTION OF FUNDS.—Grant amounts under paragraph (1)(A) and amounts provided by States and units of general local government to supplement grant amounts may not be used to replace other public funds previously used, or designated for use, under this section.

"(D) MAXIMUM AND MINIMUM GRANT AMOUNTS.—

"(i) IN GENERAL.—The Secretary may not make a grant under paragraph (1)(A) to any single eligible entity in an amount less than \$55,000 or exceeding \$130,000, except as provided in clause (ii).

"(ii) EXCEPTION FOR LARGE LEAGUES.—In the case of a league having more than 80 players, a grant under paragraph (1)(A) may exceed \$130,000, but may not exceed the amount equal to 35 percent of the cost of carrying out the midnight basketball league program.

"(E) DISBURSEMENT.—Amounts provided under a grant under paragraph (1)(A) shall be disbursed to the eligible entity receiving the grant over the 5-year period beginning on the date that the entity is selected to receive the grant, as follows:

"(i) In each of the first 2 years of such 5-year period, 23 percent of the total grant amount shall be disbursed to the entity.

"(ii) In each of the last 3 years of such 5-year period, 18 percent of the total grant amount shall be disbursed to the entity.

"(6) APPLICATIONS.—To be eligible to receive a grant under paragraph (1)(A), an eligible entity shall submit to the Secretary an application in the form and manner required by the Secretary (after consultation with the Advisory Committee), which shall include—

"(A) a description of the midnight basketball league program to be carried out by the entity, including a description of the employment counseling, job training, and other educational services to be provided;

"(B) letters of agreement from service providers to provide training and counseling services required under paragraph (4) and a description of such service providers;

"(C) letters of agreement providing for facilities for basketball games and counseling,

training, and educational services required under paragraph (4) and a description of the facilities:

"(D) a list of persons and businesses from the community served by the program who have expressed interest in sponsoring, or have made commitments to sponsor, a team in the midnight basketball league; and

"(E) evidence that the neighborhood or community served by the program meets the requirements of paragraph (4)(C).

"(7) SELECTION.—The Secretary, in consultation with the Advisory Committee, shall select eligible entities that have submitted applications under paragraph (6) to receive grants under paragraph (1)(A). The Secretary, in consultation with the Advisory Committee, shall establish criteria for selection of applicants to receive such grants. The criteria shall include a preference for selection of eligible entities carrying out midnight basketball league programs in suburban and rural areas.

"(8) TECHNICAL ASSISTANCE GRANTS.—Technical assistance grants under paragraph (1)(B) shall be made as follows:

"(A) ELIGIBLE ADVISORY ENTITIES.—Technical assistance grants may be made only to entities that—

"(i) are experienced and have expertise in establishing, operating, or administering successful and effective programs for midnight basketball and employment, job training, and educational services similar to the programs under paragraph (4); and

"(ii) have provided technical assistance to other entities regarding establishment and operation of such programs.

"(B) USE.—Amounts received under technical assistance grants shall be used to establish centers for providing technical assistance to entities receiving grants under paragraph (1)(A) of this subsection and subsection (a) regarding establishment, operation, and administration of effective and successful midnight basketball league programs under this subsection and subsection (c)(3).

"(C) NUMBER AND AMOUNT.—To the extent that amounts are provided in appropriations Acts under paragraph (13)(B) in each fiscal year, the Secretary shall make technical assistance grants under paragraph (1)(B). In each fiscal year that such amounts are available the Secretary shall make 4 such grants, as follows:

"(i) 2 grants shall be made to eligible advisory entities for development of midnight basketball league programs in public housing projects.

"(ii) 2 grants shall be made to eligible advisory entities for development of midnight basketball league programs in suburban or rural areas.

Each grant shall be in an amount not exceeding \$25,000.

"(9) ADVISORY COMMITTEE.—The Secretary of Housing and Urban Development shall appoint an Advisory Committee to assist the Secretary in providing grants under this subsection. The Advisory Committee shall be composed of not more than 7 members, as follows:

"(A) Not less than 2 individuals who are involved in managing or administering midnight basketball programs that the Secretary determines have been successful and effective. Such individuals may not be involved in a program assisted under this subsection or a member or employee of an eligible advisory entity that receives a technical assistance grant under paragraph (1)(B).

"(B) A representative of the Center for Substance Abuse Prevention of the Public

Health Service, Department of Health and Human Services, who is involved in administering the grant program for prevention, treatment, and rehabilitation model projects for high risk youth under section 509A of the Public Health Service Act (42 U.S.C. 290aa-8), who shall be selected by the Secretary of Health and Human Services.

"(C) A representative of the Department of Education, who shall be selected by the Secretary of Education.

"(D) A representative of the Department of Health and Human Services, who shall be selected by the Secretary of Health and Human Services from among officers and employees of the Department involved in issues relating to high-risk youth.

"(10) REPORTS.—The Secretary shall require each eligible entity receiving a grant under paragraph (1)(A) and each eligible advisory entity receiving a grant under paragraph (1)(B) to submit to the Secretary, for each year in which grant amounts are received by the entity, a report describing the activities carried out with such amounts.

"(11) STUDY.—To the extent amounts are provided under appropriation Acts pursuant to paragraph (13)(C), the Secretary shall make a grant to one entity qualified to carry out a study under this paragraph. The entity shall use such grant amounts to carry out a scientific study of the effectiveness of midnight basketball league programs under paragraph (4) of eligible entities receiving grants under paragraph (1)(A). The Secretary shall require such entity to submit a report describing the study and any conclusions and recommendations resulting from the study to the Congress and the Secretary not later than the expiration of the 2-year period beginning on the date that the grant under this paragraph is made.

"(12) DEFINITIONS.—For purposes of this subsection:

"(A) The term 'Advisory Committee' means the Advisory Committee established under paragraph (9).

"(B) The term 'eligible advisory entity' means an entity meeting the requirements under paragraph (8)(A).

"(C) The term 'eligible entity' means an entity described under paragraph (2)(A).

"(D) The term 'federally assisted low-income housing' has the meaning given the term in section 5126 of the Public and Assisted Housing Drug Elimination Act of 1990.

"(13) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

"(A) for grants under paragraph (1)(A), \$2,650,000 in each of fiscal years 1994 and 1995;

"(B) for technical assistance grants under paragraph (1)(B), \$100,000 in each of fiscal years 1994 and 1995; and

"(C) for a study grant under paragraph (11), \$250,000 in fiscal year 1994."

SEC. 703. PUBLIC HOUSING MIDNIGHT BASKETBALL LEAGUE PROGRAMS.

Section 520(c) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 11903a(c)) is amended by adding at the end the following new paragraph:

"(3) MIDNIGHT BASKETBALL LEAGUE PROGRAMS.—Notwithstanding any other provision of this subsection and subsection (d), a grant under this section may be used to carry out any youth sports program that meets the requirements of a midnight basketball league program under subsection (1)(4) (not including subparagraph (B) of such subsection) if the program serves primarily youths and young adults from the public housing project in which the program assisted by the grant is operated."

TITLE VIII—YOUTH VIOLENCE IN SCHOOLS AND COMMUNITIES

SEC. 801. PURPOSE.

It is the purpose of this title to help local communities achieve Goal Six of the National Education Goals, which provides that by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning, by strengthening local disciplinary control.

SEC. 802. FINDINGS.

The Congress finds that—

(1) the violence within elementary and secondary schools across the Nation has increased dramatically during the past decade;

(2) almost 3,000,000 crimes occur on or near school campuses every year, with 16,000 crimes occurring per school day or one crime occurring every 6 seconds;

(3) 20 percent of teachers in schools have reported being threatened with violence by a student;

(4) schools are being asked to take on responsibilities that society as a whole has neglected, and teachers and principals are being forced to referee fights rather than teach;

(5) over two-thirds of public school teachers have been verbally abused, threatened with injury, or physically attacked;

(6) violent or criminal behavior by students interferes with a teacher's ability to teach in a safe environment the students not exhibiting such behavior;

(7) 40 percent of all students do not feel safe in school and 50 percent of all students know someone who switched schools to feel safer;

(8) nearly one-half of the teachers who leave the teaching profession cite discipline problems as one of the main reasons for leaving such profession; and

(9) a lack of parental involvement contributes strongly to school violence.

SEC. 803. PROVISIONS.

(a) LOCAL DISCIPLINE CONTROL.—No Federal law or regulation, except education and civil rights laws protecting individuals with disabilities, or State policy implementing such a Federal law or regulation, shall restrict any local educational agency, or elementary or secondary school, from developing and implementing disciplinary policies and action with respect to criminal or violent acts of students, occurring on school premises, in order to create an environment conducive to learning.

(b) SHARED INFORMATION.—No Federal law or regulation, or State policy implementing such a Federal law or regulation, shall restrict any local educational agency or elementary or secondary school from requesting and receiving information from a State agency, local educational agency, or an elementary or secondary school regarding a conviction or juvenile adjudication, within five years of the date of the request, or a pending prosecution for a violent or weapons offense, of a student who is attending an elementary or secondary school served by the local educational agency, or the elementary or secondary school, requesting such information.

(c) PARENTAL RESPONSIBILITY.—It is the policy of the Congress that States, in cooperation with local educational agencies, schools, and parent groups, should be encouraged to enforce disciplinary policies with respect to parents of children who display criminal or violent behavior toward teachers, students, other persons, or school property.

TITLE IX—EDUCATIONAL RESEARCH AND IMPROVEMENT

SEC. 901. SHORT TITLE.

This title may be cited as the "Educational Research and Improvement Act of 1994".

PART A—OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT

SEC. 911. REPEAL.

(a) REPEAL.—Section 405 of the General Education Provisions Act (20 U.S.C. 1221e) is repealed.

(b) CONFORMING AMENDMENT.—The second sentence of section 209 of the Department of Education Organization Act (20 U.S.C. 3419) is amended by inserting "and such functions as set forth in section 102 of the Educational Research and Improvement Act of 1993" after "delegate".

SEC. 912. OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT.

(a) PURPOSES; COMPOSITION; DEFINITIONS.—

(1) PURPOSES.—The purposes of the Office of Educational Research and Improvement are to—

(A) assess, promote, and improve the quality and equity of education in the United States, so that all Americans have an equal opportunity to receive an education of the highest quality;

(B) provide new directions for federally supported research and development activities with a view toward reform in the Nation's school systems, achieving the National Education Goals and affecting national policy for education;

(C) provide leadership in the scientific inquiry into the educational process;

(D) provide leadership in advancing the practice of education as an art, science, and profession;

(E) collect, analyze, and disseminate statistics and other data related to education in the United States and other nations; and

(F) make available to the Congress and the people of the United States the results of research and development activities in the field of education in order to bring research directly to the classroom to improve educational practice.

(2) COMPOSITION.—

(A) IN GENERAL.—The Office shall be administered by the Assistant Secretary and shall include—

(i) the Advisory Board of Educational Research described in subparagraph (B);

(ii) the directorates for educational research described in subsections (c) through (h);

(iii) the regional educational laboratories described in subsection (k);

(iv) the Office of Dissemination and Reform Assistance described in subsection (m);

(v) the National Education Library described in subsection (o);

(vi) the Education Resources Information Clearinghouses described in subsection (p);

(vii) the National Center for Education Statistics, including the National Assessment of Educational Progress; and

(viii) such other entities as the Assistant Secretary deems appropriate to carry out the purposes of the Office.

(B) ADVISORY BOARD OF EDUCATIONAL RESEARCH.—

(i) ADVISORY BOARD OF EDUCATIONAL RESEARCH.—The Advisory Board of Educational Research shall consist of 9 members to be appointed by the Secretary. The Assistant Secretary shall serve as an ex officio member.

(ii) QUALIFICATIONS.—

(I) IN GENERAL.—The persons appointed as members of the Advisory Board shall be appointed solely on the basis of—

(aa) eminence in the fields of basic or applied research, or dissemination of such research; or

(bb) established records of distinguished service in educational research and the education professions, including practitioners.

(II) CONSIDERATION.—In making appointments under this clause, the Secretary shall give due consideration to the equitable representation of educational researchers who—

(aa) are women;

(bb) represent minority groups; or

(cc) are classroom teachers with research experience.

(III) RECOMMENDATIONS.—In making appointments under this clause, the Secretary shall give due consideration to any recommendations for an appointment which may be submitted to the Secretary by a variety of groups with prominence in educational research and development, including the National Academy of Education and the National Academy of Sciences.

(IV) A member of the Advisory Board may not serve on any other Department of Education advisory board, or as a paid consultant of such Department.

(iii) TERM.—(I) The term of office of each member of the Advisory Board shall be 6 years, except that initial appointments shall be made to ensure staggered terms, with one-third of such members' terms expiring every 2 years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of such term. Any person, other than the Assistant Secretary, who has been a member of the Advisory Board for 12 consecutive years shall thereafter be ineligible for appointment during the 6-year period following such twelfth year.

(II) PROHIBITION REGARDING REMOVAL.—The Secretary shall neither remove nor encourage the departure of a member of the Advisory Board appointed in accordance with this subparagraph before the expiration of such member's term.

(III) CHAIRPERSON.—The members of the Advisory Board shall select a Chairperson from among such members.

(IV) QUORUM.—A majority of the appointed members of the Advisory Board shall constitute a quorum.

(V) STAFF.—From amounts appropriated pursuant to the authority of subsection (q)(1)(A), the Advisory Board, in consultation with the Assistant Secretary, shall recommend for appointment such staff as may be necessary. Such staff shall be appointed by the Assistant Secretary and assigned at the direction of the Advisory Board.

(iv) RESPONSIBILITIES.—The Advisory Board shall provide oversight of the Office, and shall—

(I) advise the Nation on the Federal research and development effort;

(II) recommend ways for strengthening active partnerships among researchers, educational practitioners, librarians, and policymakers;

(III) recommend ways to strengthen interaction and collaboration between the various program offices and components;

(IV) solicit advice and information from the educational field, to define research needs and suggestions for research topics, and shall involve educational practitioners, particularly teachers, in this process;

(V) solicit advice from practitioners, policymakers, and researchers, and recommend missions for the national research centers assisted under this section by identifying topics which require long-term, sustained,

systematic, programmatic, and integrated research and dissemination efforts;

(VI) provide recommendations for translating research findings into workable, adaptable models for use in policy and in practice across different settings, and recommendations for other forms of dissemination;

(VII) provide recommendations for creating incentives to draw talented young people into the field of educational research, including scholars from disadvantaged and minority groups;

(VIII) provide recommendations for new studies to close gaps in the research base;

(IX) evaluate and provide recommendations to the President and the Congress regarding the quality of research conducted through each directorate and regional educational laboratory, the relevance of the research topics, and the effectiveness of the dissemination of each directorate's and laboratory's activities;

(X) advise the Assistant Secretary on standards and guidelines for research programs and activities to ensure that research is of high quality and free from partisan political influence; and

(XI) provide recommendations to promote coordination and synthesis of research among directorates.

(v) COMMITTEES AND REPORTS.—

(I) IN GENERAL.—The Advisory Board is authorized to appoint from among its members such committees as the Advisory Board deems necessary, and to assign to committees so appointed such survey and advisory functions as the Advisory Board deems appropriate to assist the Advisory Board in exercising its powers and functions under this section.

(II) From amounts appropriated pursuant to subsection (q)(1), the Advisory Board shall transmit to the President, for submission to the Congress not later than January 15 of each even-numbered year, a report on the activities of the Office, and on education, educational research, national indicators, and data-gathering in general.

(3) DEFINITIONS.—For the purposes of this section—

(A) the term "Advisory Board" means the Advisory Board of Educational Research established under paragraph (2)(B);

(B) the term "Assistant Secretary" means the Assistant Secretary for Educational Research and Improvement established by section 202 of the Department of Education Organization Act;

(C) the term "development" means transformation or adaptation of research results into usable forms, in order to contribute to the improvement of educational practice;

(D) the term "dissemination" means the communication and transfer of the results of research and proven practice in forms that are understandable, easily accessible and usable or adaptable for use in the improvement of educational practice by teachers, administrators, librarians, other practitioners, researchers, policymakers, and the public;

(E) the term "education research" includes basic and applied research, inquiry with the purpose of applying tested knowledge gained to specific educational settings and problems, development, planning, surveys, assessments, evaluations, investigations, experiments, and demonstrations in the field of education and other fields relating to education;

(F) the term "field-initiated research" means education research in which topics and methods of study are generated by investigators, including teachers and other practitioners, not by the source of funding;

(G) the term "Indian reservation" means a reservation, as such term is defined in—

(i) section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)); or

(ii) section 4(10) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903(10));

(H) the term "Office", unless otherwise specified, means the Office of Educational Research and Improvement established by section 209 of the Department of Education Organization Act; and

(I) the term "technical assistance" means assistance in identifying, selecting, or designing solutions based on research to address educational problems, planning and design that leads to adapting research knowledge to school practice, training to implement such solutions, and other assistance necessary to encourage adoption or application of research.

(b) AUTHORIZED ACTIVITIES.—

(1) OFFICE.—In fulfilling its purposes under this section, the Office is authorized to—

(A) conduct and support education-related research activities, including basic and applied research, development, planning, surveys, assessments, evaluations, investigations, experiments, and demonstrations of national significance;

(B) disseminate the findings of education research, and provide technical assistance to apply such information to specific school problems at the school site;

(C) collect, analyze, and disseminate data related to education, and to library and information services;

(D) promote the use of knowledge gained from research and statistical findings in schools, other educational institutions, and communities;

(E) provide training in education research; and

(F) promote the coordination of education research and research support within the Federal Government, and otherwise assist and foster such research.

(2) OPEN COMPETITION.—All grants, contracts, and cooperative agreements awarded or entered into pursuant to this section shall be awarded or entered into through a process of open competition and peer review that shall be announced in the Federal Register or other publication that the Secretary determines appropriate.

(3) ASSISTANT SECRETARY.—

(A) IN GENERAL.—In carrying out the activities and programs of the Office, the Assistant Secretary shall—

(i) ensure that there is broad and regular public and professional involvement from the educational field in the planning and carrying out of the Office's activities, including establishing teacher advisory boards for any program office, program or project of the Office as the Assistant Secretary deems necessary, and involving Indian and Alaska Native researchers and educators in activities that relate to the education of Indian and Alaska Native people;

(ii) ensure that the selection of research topics and the administration of the program are free from partisan political influence;

(iii) develop directly, or through grant or contract, standards and guidelines for research, programs and activities carried out through the Office;

(iv) establish a long- and short-term research agenda in consultation with the Advisory Board; and

(v) review research priorities established within each directorate and promote research syntheses across the directorates.

(B) INFORMATION AND TECHNICAL ASSISTANCE.—The Assistant Secretary is authorized

to offer information and technical assistance to State and local educational agencies, school boards, and schools, including schools funded by the Bureau of Indian Affairs, to ensure that no student is—

(i) denied access to the same rigorous, challenging curriculum that such student's peers are offered; or

(ii) grouped or otherwise labeled in such a way that may impede such student's achievement.

(C) LONG-TERM AGENDA.—One year after the date of enactment of this Act, the Assistant Secretary shall submit a report to the President and to the Congress on a 6-year long-term plan for the educational research agenda for the Office. Upon submission of such report and every 2 years thereafter, the Assistant Secretary shall submit to the President and to the Congress a progress report on the 6-year plan, including an assessment of the success or failure of meeting the components of the 6-year plan, proposed modifications or changes to the 6-year plan, and additions to the 6-year plan.

(4) SECRETARY.—The Secretary shall enter into contracts for the conduct of independent evaluations of the programs and activities carried out through the Office in accordance with this section, and transmit such evaluations to the Congress, the President and the Assistant Secretary, in order to—

(A) evaluate—

(i) the effectiveness of the programs and activities of the Office; and

(ii) the implementation of projects and programs funded through the Office over time;

(iii) the impact of educational research on instruction at the school level; and

(iv) the ability of the Office to keep research funding free from partisan political interference;

(B) measure the success of educational information dissemination;

(C) assess the usefulness of research and activities carried out by the Office, including products disseminated by the Office; and

(D) provide recommendations for improvement of the programs of the Office.

(5) INTRADEPARTMENTAL COORDINATION.—(A) The Secretary shall establish and maintain a program designed to facilitate planning and cooperative research and development throughout the Department of Education.

(B) The program described in subparagraph (A) shall include—

(i) establishing and maintaining a database on all Department of Education funded research and improvement efforts;

(ii) coordinating the work of the various program offices within the Department of Education to avoid duplication;

(iii) working cooperatively with the employees of various program offices with the Department of Education on projects of common interest to avoid duplication; and

(iv) generally increasing communication throughout the Department of Education regarding education research.

(C) DIRECTORATES OF EDUCATIONAL RESEARCH.—

(1) REQUIREMENTS.—

(A) IN GENERAL.—In carrying out the functions of the Office, the Assistant Secretary shall establish 5 directorates of educational research in accordance with this section.

(B) DIRECTOR.—The Assistant Secretary shall appoint a Director for each directorate. Each such Director shall be a leading professional in the field relevant to the mission of the directorate.

(C) RESEARCH SYNTHESSES.—The Assistant Secretary shall provide for and promote re-

search syntheses across the directorates in early childhood, elementary, secondary, vocational, and higher education, and shall coordinate research plans, projects, and findings across the directorates, placing a priority on synthesis and coordination between the directorates described in subsections (d) and (e). Each Director shall report directly to the Assistant Secretary, regarding the activities of the directorate, and shall work together to promote research syntheses across the directorates.

(2) DUTIES.—Each such directorate shall—

(A) carry out its activities directly or through grants, contracts, and cooperative agreements with institutions of higher education, public and private organizations, institutions, agencies or individuals, or a consortia thereof;

(B) conduct and support the highest quality basic and applied research in early childhood, elementary and secondary, vocational and higher education, including teacher education, which is relevant to the directorate;

(C) have improved student learning and achievement as its primary focus;

(D) promote research that is based in core content areas;

(E) conduct sustained research and development on improving the educational achievement of poor and minority individuals as an integral part of the directorates' work;

(F) serve as a national database on model and demonstration programs which have particular application to the activities of the directorate, particularly with respect to model programs conducted by businesses, private, and nonprofit organizations and foundations;

(G) support, plan, implement, and operate dissemination activities designed to bring the most effective research directly into classroom practice, school organization and management, teacher preparation and training, and libraries, and to the extent possible, carry out dissemination activities through the use of technology;

(H) support and provide research information that leads to policy formation for State legislatures, State and local boards of education, schools funded by the Bureau of Indian Affairs, and other policy and governing bodies, to assist such entities in identifying and developing effective policies to promote student achievement and school improvement;

(I) coordinate the directorate's activities with the activities of the regional educational laboratories established pursuant to subsection (k) and with other educational service organizations in designing the directorate's research agenda and projects in order to increase the responsiveness of such directorate to the needs of teachers and the educational field and to bring research findings directly into schools to ensure the greatest access at the local level to the latest research developments; and

(J) provide assistance to the Assistant Secretary in planning and coordinating syntheses that provide research knowledge related to each level of the education system (from preschool to higher education) to increase understanding of student performance across different educational levels.

(3) RESERVATIONS.—

(A) FIELD-INITIATED RESEARCH.—Each directorate shall reserve in each fiscal year not less than one-third of the amount available to such directorate to conduct field-initiated research.

(B) NATIONAL RESEARCH CENTERS.—Each directorate shall reserve in each fiscal year not less than one-third of the amount avail-

able to such directorate to award grants or enter into contracts with institutions of higher education, public agencies, or private nonprofit organizations, for the support of long-term national research centers of sufficient size, scope, and quality for educational research and development in accordance with paragraph (4), except that no such center shall receive such a grant or contract for less than \$1,100,000 for such fiscal year. Each such center shall engage in research, development and dissemination involving topics relevant to the mission of the directorate supporting such center.

(C) SPECIAL RULE.—No research and development center supported by the Office and operating on the day preceding the date of enactment of this Act shall by reason of receipt of such support be ineligible to receive any other assistance from the Office authorized by law.

(4) NATIONAL RESEARCH CENTERS.—

(A) DURATION.—The grants or contracts awarded or entered into to support national research centers described in paragraph (3)(B) shall be awarded or entered into for a period of at least 5 years, and may be renewed for additional periods of 5 years after periodic review by the Assistant Secretary.

(B) REVIEW.—All applications to establish a national research center shall be reviewed by independent experts in accordance with standards and guidelines developed by the Office pursuant to subsections (a)(2)(B)(iv)(X) and (b)(3)(A)(iii). Such standards and guidelines shall include—

(i) whether applicants have assembled a group of high quality researchers sufficient to achieve the mission of the center;

(ii) whether the proposed organizational structure and arrangements will facilitate achievement of the mission of the center;

(iii) whether there is a substantial staff commitment to the work of the center;

(iv) whether the directors and support staff are full-time employees, to the extent practicable;

(v) review of the contributions of the applicant's primary researchers for the purpose of evaluating the appropriateness of such primary researchers' experiences and expertise in the context of the proposed center activities, and the adequacy of such primary researchers' time commitments to achievement of the mission of the center; and

(vi) the manner in which the results of education research will be disseminated for further use.

(5) PUBLICATION.—The Assistant Secretary shall publish proposed research priorities developed by each directorate in the Federal Register every 2 years, not later than October 1 of each year, and shall allow a period of 60 days for public comments and suggestions.

(d) NATIONAL DIRECTORATE ON CURRICULUM, INSTRUCTION, AND ASSESSMENT.—The Assistant Secretary shall establish and operate the National Directorate on Curriculum, Instruction, and Assessment. The directorate established under this subsection is authorized to conduct research on—

(1) methods to improve student achievement at all educational levels in core content areas;

(2) methods to improve the process of reading, the craft of writing, the growth of reasoning skills, and the development of information-finding skills;

(3) enabling students to develop higher order thinking skills;

(4) methods to teach effectively all students in mixed-ability classrooms;

(5) developing, identifying, or evaluating new educational assessments, including per-

formance-based and portfolio assessments which demonstrate skill and a command of knowledge;

(6) standards for what students should know and be able to do, particularly standards of desired performance set at internationally competitive levels;

(7) the use of testing in the classroom and its impact on improving student achievement, including an analysis of how testing affects what is taught;

(8) test bias as such bias affects historically underserved girls, women, and minority populations;

(9) test security, accountability, validity, reliability and objectivity;

(10) relevant teacher training and instruction in giving a test, scoring a test and in the use of test results to improve student achievement;

(11) curriculum development designed to meet challenging standards, including State efforts to develop such curriculum;

(12) the need for, and methods of delivering, teacher education, development, and in-service training;

(13) curriculum, instruction, and assessment in vocational education and school-to-work transition;

(14) educational methods and activities to reduce and prevent violence in schools;

(15) the use of technology in learning, teaching, and testing;

(16) methods of involving parents in their children's education and ways to involve business, industry, and other community partners in promoting excellence in schools; and

(17) other topics relevant to the mission of the directorate.

(e) NATIONAL DIRECTORATE ON THE EDUCATIONAL ACHIEVEMENT OF HISTORICALLY UNDERSERVED POPULATIONS.—The Assistant Secretary shall establish and operate a National Directorate on the Educational Achievement of Historically Underserved Populations, the activities of which shall be closely coordinated with those of the directorate described in subsection (d). The directorate established under this subsection is authorized to conduct research on—

(1) the quality of educational opportunities afforded historically underserved populations, including minority students, students with disabilities, economically disadvantaged students, girls, women, limited-English proficient students, and Indian and Alaska Native students, particularly the quality of educational opportunities afforded such populations in highly concentrated urban areas and sparsely populated rural areas;

(2) effective institutional practices for expanding opportunities for such groups;

(3) methods for overcoming the barriers to learning that may impede student achievement;

(4) innovative teacher training and professional development methods to help the historically underserved meet challenging standards;

(5) the use of technology to improve the educational opportunities and achievement of the historically underserved;

(6) the means by which parents, community resources and institutions (including cultural institutions) can be utilized to support and improve the achievement of at-risk students;

(7) methods to improve the quality of the education of American Indian and Alaska Native students not only in schools funded by the Bureau of Indian Affairs, but also in public elementary and secondary schools lo-

cated on or near Indian reservations, including—

(A) research on mechanisms to facilitate the establishment of tribal departments of education that assume responsibility for all education programs of State educational agencies operating on an Indian reservation and all education programs funded by the Bureau of Indian Affairs on an Indian reservation;

(B) research on the development of culturally appropriate curriculum for American Indian and Alaska Native students, including American Indian and Alaska Native culture, language, geography, history and social studies, and graduation requirements related to such curriculum;

(C) research on methods for recruiting, training and retraining qualified teachers from American Indian and Alaska Native communities, including research to promote flexibility in the criteria for certification of such teachers;

(D) research on techniques for improving the educational achievement of American Indian and Alaska Native students, including methodologies to reduce dropout rates and increase graduation by such students; and

(E) research concerning the performance by American Indian and Alaska Native students of limited-English proficiency on standardized achievement tests, and related factors; and

(8) other topics relevant to the mission of the directorate.

(f) NATIONAL DIRECTORATE ON EARLY CHILDHOOD DEVELOPMENT AND EDUCATION.—The Assistant Secretary shall establish and operate the National Directorate on Early Childhood Development and Education, which shall have a special emphasis on families and communities as families and communities relate to early childhood education. The directorate established under this subsection is authorized to conduct research on—

(1) effective teaching and learning methods, and curriculum;

(2) instruction that considers the cultural experiences of children;

(3) access to current materials in libraries;

(4) family literacy and parental involvement in student learning;

(5) the impact that outside influences have on learning, including television, and drug and alcohol abuse;

(6) methods for integrating learning in settings other than the classroom, particularly within families and communities;

(7) teacher training;

(8) readiness to learn, including topics such as prenatal care, nutrition, and health services;

(9) the use of technology, including methods to help parents instruct their children; and

(10) other topics relevant to the mission of the directorate.

(g) NATIONAL DIRECTORATE ON ELEMENTARY AND SECONDARY EDUCATIONAL GOVERNANCE, FINANCE, POLICYMAKING, AND MANAGEMENT.—The Assistant Secretary shall establish and operate a National Directorate on Elementary and Secondary Educational Governance, Finance, Policymaking, and Management. The directorate established under this subsection is authorized to conduct research on—

(1) the relationship among finance, organization, and management, and educational productivity, particularly with respect to student achievement across educational levels and core content areas;

(2) school-based management, shared decisionmaking and other innovative school

structures, and State and local reforms and educational policies, which show promise for improving student achievement;

(3) innovative school design, including lengthening the school day and the school year, reducing class size and building professional development into the weekly school schedule and, as appropriate, conducting such further research as may be recommended or suggested by the report issued by the National Education Commission on Time and Learning pursuant to section 443 of the General Education Provisions Act;

(4) the social organization of schooling and the inner-workings of schooling;

(5) policy decisions at all levels and the impact of such decisions on school achievement and other student outcomes;

(6) effective approaches to organizing learning;

(7) effective ways of grouping students for learning so that a student is not labeled or stigmatized in ways that may impede such student's achievement;

(8) the amount of dollars allocated for education that are actually spent on classroom instruction;

(9) the organization, structure, and finance of vocational education;

(10) disparity in school financing among States, school districts, and schools funded by the Bureau of Indian Affairs;

(11) the use of technology in areas such as assisting in school-based management or ameliorating the effects of disparity in school financing among States, school districts, and schools funded by the Bureau of Indian Affairs;

(12) approaches to systemic reforms involving the coordination of multiple policies at the local, State, and Federal levels of government to promote higher levels of student achievement;

(13) the special adult education needs of historically underserved and minority populations;

(14) the involvement of parents and families in the management and governance of schools and the education of their children; and

(15) other topics relevant to the mission of the directorate.

(h) NATIONAL DIRECTORATE ON ADULT EDUCATION, LITERACY AND LIFELONG LEARNING.—The Assistant Secretary shall establish and operate a National Directorate on Adult Education, Literacy and Lifelong Learning. The directorate established under this subsection is authorized to conduct research on—

(1) learning and performance of adults, and policies and methods for improving learning in contexts that include school-to-work, worker retraining, and second-language acquisition;

(2) the most effective training methods for adults to upgrade education and vocational skills;

(3) opportunities for adults to continue their education beyond higher education and graduate school, in the context of lifelong learning and information-finding skills;

(4) adult literacy and effective methods, including technology, to eliminate illiteracy;

(5) preparing students for a lifetime of work, the ability to adapt through retraining to the changing needs of the work force and the ability to learn new tasks;

(6) the use of technology to develop and deliver effective training methods for adults to upgrade their education and their vocational skills; and

(7) other topics relevant to the mission of the directorate.

(i) PERSONNEL.—

(1) IN GENERAL.—The Assistant Secretary may appoint, for terms not to exceed 3 years (without regard to the provisions of title 5, United States Code governing appointment in the competitive service) and may compensate (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) such scientific or professional employees of the Office as the Assistant Secretary considers necessary to accomplish the functions of the Office. Such employees shall not exceed one-fifth of the number of full-time, regular scientific or professional employees of the Office. The rate of basic pay for such employees may not exceed the maximum annual rate of pay for grade GS-15 under section 5332 of title 5, United States Code.

(2) REAPPOINTMENT.—The Assistant Secretary may reappoint employees described in paragraph (1) upon presentation of a clear and convincing justification of need, for 1 additional term not to exceed 3 years. All such employees shall work on activities of the Office and shall not be reassigned to other duties outside the Office during their term.

(j) SELECTION PROCEDURES AND FELLOWSHIPS.—

(1) SELECTION PROCEDURES.—When making competitive awards under this section, the Assistant Secretary shall—

(A) solicit recommendations and advice regarding research priorities, opportunities, and strategies from qualified experts, such as education professionals and policymakers, librarians, personnel of the regional educational laboratories described in subsection (k) and of the research and development centers assisted under this section, and the Advisory Board, as well as parents and other members of the general public;

(B) employ suitable selection procedures using the procedures and principles of peer review providing an appropriate balance between expertise in research and practice for all proposals so that technical research merit is judged by research experts and programmatic relevance is judged by program experts, except where such peer review procedures are clearly inappropriate given such factors as the relatively small amount of a grant or contract or the exigencies of the situation; and

(C) determine that the activities assisted will be conducted efficiently, will be of high quality, and will meet priority research and development needs under this section.

(2) FELLOWSHIPS.—

(A) PUBLICATION.—The Assistant Secretary shall publish proposed research priorities for the awarding of research fellowships under this paragraph in the Federal Register every 2 years, not later than October 1 of each year, and shall allow a period of 60 days for public comments and suggestions.

(B) COMPETITION.—Prior to awarding a fellowship under this paragraph, the Assistant Secretary shall invite applicants to compete for such fellowships through notice published in the Federal Register.

(C) AUTHORITY.—From amounts appropriated pursuant to the authority of subsection (q)(1), the Assistant Secretary may establish and maintain research fellowships in the Office, for scholars, researchers, policymakers, education practitioners, librarians, and statisticians engaged in the use, collection, and dissemination of information about education and educational research. Subject to regulations published by the Assistant Secretary, fellowships may include such stipends and allowances, including trav-

el and subsistence expenses provided under title 5, United States Code, as the Assistant Secretary considers appropriate.

(k) REGIONAL EDUCATIONAL LABORATORIES FOR RESEARCH, DISSEMINATION, AND TECHNICAL ASSISTANCE.—

(1) AUTHORITY.—

(A) IN GENERAL.—Subject to subparagraph (B), the Assistant Secretary shall support at least 10 but not more than 20 regional educational laboratories established by public agencies or private nonprofit organizations.

(B) SPECIAL RULE.—In any fiscal year in which the amount appropriated pursuant to the authority of subsection (q)(2) exceeds \$38,000,000, the Assistant Secretary may use the amount in excess of \$38,000,000 to support a regional educational laboratory serving a region not in existence on the day preceding the date of enactment of this Act, if such amount is equal to or exceeds \$2,000,000.

(C) PRIORITY.—The Assistant Secretary shall give priority to supporting a regional educational laboratory that involves the combination or subdivision of a region or regions, such that States within a region in existence on the day preceding the date of enactment of this Act may be combined with States in another such region to form a new region so long as such combination does not result in any region in existence on such date permanently becoming part of a larger region, nor of any such region permanently subsuming another region.

(2) DEFINITION.—For purposes of this subsection, the term "regional educational laboratory" means a public agency or institution or a private nonprofit organization that—

(A) serves the education improvement needs in a geographic region of the United States; and

(B) advances the National Education Goals.

(3) DUTIES.—Each regional educational laboratory shall—

(A) have as its central mission and primary function—

(i) to develop and disseminate educational research products and processes to schools, teachers, local educational agencies, State educational agencies, librarians, and schools funded by the Bureau of Indian Affairs; and

(ii) through such development and dissemination and the provision of technical assistance, to help all students learn to challenging standards;

(B) provide technical assistance to State and local educational agencies, school boards, schools funded by the Bureau of Indian Affairs, State boards of education, schools, and librarians in accordance with the prioritization described in paragraph (4)(B)(vi) and needs related to standard-driven education reform;

(C) facilitate school restructuring at the individual school level, including technical assistance for adapting model demonstration grant programs to each school;

(D) serve the educational development needs of the region by providing education research in usable forms in order to promote school improvement and academic achievement and to correct educational deficiencies;

(E) develop a plan for identifying and serving the needs of the region by conducting a continuing survey of the educational needs, strengths, and weaknesses within the region, including a process of open hearings to solicit the views of schools, teachers, administrators, parents, local educational agencies, librarians, and State educational agencies within the region;

(F) use applied educational research to assist in solving site-specific problems and to assist in development activities;

(G) conduct applied research projects designed to serve the particular needs of the region only in the event that such quality applied research does not exist as determined by the regional education laboratory or the Department of Education;

(H) facilitate communication between educational experts, school officials, and teachers, parents, and librarians, to enable such individuals to assist schools to develop a plan to meet the National Education Goals;

(I) bring teams of experts together to develop and implement school improvement plans and strategies;

(J) provide training in—

(i) the field of education research and related areas;

(ii) the use of new educational methods; and

(iii) the use of information-finding methods, practices, techniques, and products developed in connection with such training for which the regional educational laboratory may support internships and fellowships and provide stipends;

(K) coordinate such laboratory's activities with the directorates assisted under this section in designing such laboratory's services and projects, in order to—

(i) maximize the use of research conducted through the directorates in the work of such laboratory;

(ii) keep the directorates apprised of the work of the regional educational laboratories in the field; and

(iii) inform the directorates about additional research needs identified in the field;

(L) develop with the State educational agencies and library agencies in the region and the Bureau of Indian Affairs a plan for serving the region;

(M) collaborate and coordinate services with other technical assistance funded by the Department of Education; and

(N) cooperate with other regional laboratories to develop and maintain a national network that addresses national education problems.

(4) GOVERNING BOARD.—

(A) IN GENERAL.—In carrying out the activities described in paragraph (3), each regional educational laboratory shall operate under the direction of a governing board, the members of which—

(i) are representative of that region; and

(ii) include teachers and education researchers.

(B) DUTIES.—Each such governing board shall—

(i) determine, subject to the requirements of this section and in consultation with the Assistant Secretary, the mission of the regional educational laboratory;

(ii) ensure that the regional educational laboratory attains and maintains a high level of quality in its work and products;

(iii) establish standards to ensure that the regional educational laboratory has strong and effective governance, organization, management, and administration, and employs qualified staff;

(iv) direct the regional educational laboratory to carry out the regional educational laboratory's duties in a manner as will make progress toward achieving the National Education Goals and reforming schools and educational systems;

(v) conduct a continuing survey of the educational needs, strengths, and weaknesses within the region, including a process of open hearings to solicit the views of schools and teachers; and

(vi) prioritize the needs of economically disadvantaged urban and rural areas within the region and ensure that such needs are served by the regional educational laboratory.

(5) APPLICATION.—Each entity desiring support for a regional educational laboratory shall submit to the Assistant Secretary an application that contains such information as the Assistant Secretary may reasonably require, including assurances that a regional educational laboratory will address the activities described in paragraph (3).

(6) ADDITIONAL PROJECTS.—In addition to activities described in paragraph (3), the Assistant Secretary, from amounts appropriated pursuant to subsection (q)(4), is authorized to enter into agreements with a regional educational laboratory for the purpose of carrying out additional projects to enable such regional educational laboratory to assist in efforts to achieve the National Education Goals and for other purposes.

(7) SPECIAL RULE.—No regional educational laboratory shall, by reason of receipt of assistance under this section, be ineligible to receive any other assistance from the Office authorized by law or be prohibited from engaging in activities involving international projects or endeavors.

(8) PLAN.—Not later than July 1 of each year, each regional educational laboratory shall submit to the Assistant Secretary a plan covering the succeeding fiscal year, in which such laboratory's mission, activities and scope of work are described, including a general description of—

(A) the plans such laboratory expects to submit in the 4 succeeding years; and

(B) an assessment of how well such laboratory is meeting the needs of the region.

(9) CONTRACT DURATION.—The Assistant Secretary shall enter into a contract for the purpose of supporting a regional educational laboratory under this subsection for a minimum of 5 years. The Secretary shall ensure that the recompetition cycles for new contracts for regional educational laboratories are carried out in such a manner that the expiration of the laboratory contracts is consistent with the reauthorization cycle.

(10) REVIEW.—The Assistant Secretary shall review the work of each regional educational laboratory in the third year that such laboratory receives assistance under this subsection, and shall evaluate the performance of such laboratory's activities to determine if such activities are consistent with the duties described in paragraph (3).

(11) CONSTRUCTION.—Nothing in this subsection shall be construed to require any modifications in the regional educational laboratory contracts in effect on the day preceding the date of enactment of this Act.

(12) ADVANCE PAYMENT SYSTEM.—Each regional educational laboratory shall participate in the advance payment system of the Department of Education.

(13) COORDINATION.—The regional education laboratories shall work collaboratively, and coordinate the services such laboratories provide, with the technical assistance centers authorized under the Elementary and Secondary Education Act of 1965.

(1) TEACHER RESEARCH DISSEMINATION DEMONSTRATION PROGRAM.—

(1) FINDINGS.—The Congress finds that—

(A) education research, including research funded by the Office, is not having the impact on the Nation's schools that such research should;

(B) relevant education research and resulting solutions are not being adequately disseminated to and used by the teachers that need such research and solutions;

(C) there are insufficient linkages between the research and development centers assisted under this section, the regional educational laboratories described in subsection (k), the National Diffusion Network State facilitators, the Education Resources Information Clearinghouses, the comprehensive technical assistance centers assisted under the Elementary and Secondary Education Act of 1965, and the public schools to ensure that research on effective practice is disseminated and technical assistance provided to all teachers;

(D) the average teacher has little time to plan or engage in a professional dialogue with peers about strategies for improved learning;

(E) teachers do not have direct access to information systems or networks;

(F) teachers have little control over what inservice education teachers will be offered; and

(G) individual teachers are not encouraged to move beyond the walls of their school buildings to identify and use outside resources.

(2) ESTABLISHMENT.—

(A) IN GENERAL.—The Secretary is authorized to make grants to, and enter into contracts or cooperative agreements with, public and private agencies and organizations, including institutions of higher education, the regional education laboratories, and the research and development centers, or consortia thereof—

(i) to develop and carry out projects that demonstrate effective strategies for helping elementary and secondary education teachers, in both urban and rural areas, become knowledgeable about, assist in the design and use of, and use, education research, including education research carried out under this section; and

(ii) to develop, implement, and evaluate models for creation of teacher research dissemination networks.

(B) PRIORITY.—In awarding grants and entering into contracts and cooperative agreements under subparagraph (A) the Secretary shall give priority to entities that have received Federal funds for research and dissemination.

(3) APPLICATIONS.—

(A) IN GENERAL.—An entity desiring to receive assistance under this subsection shall submit an application to the Secretary in such form, at such time, and containing such information and assurances as the Secretary may require.

(B) CONTENTS.—Each such application shall describe how the project described in the application—

(i) was developed with the active participation of elementary and secondary school teachers;

(ii) will include the continuing participation of elementary and secondary school teachers in the management of the project;

(iii) is organized around one or more significant research topics;

(iv) will involve collaboration with entities that have received Federal funds for research and dissemination; and

(v) will sustain over time teacher research dissemination networks after Federal funding for such networks terminates.

(4) USE OF FUNDS.—Funds provided under this subsection may be used—

(A) to train elementary and secondary education teachers (particularly new teachers) about the sources of education research findings, including research findings available through activities supported by the Office, and how to access and use such findings to improve the quality of instruction;

(B) to develop simple formats, both administrative and technological, that allow elementary and secondary education teachers easy access to and use of education research findings;

(C) to share strategies and materials;

(D) to support professional networks;

(E) to survey teacher needs in the areas of research and development; and

(F) for other activities designed to support elementary and secondary education teachers in becoming knowledgeable about, assisting in the design of, and using, educational research.

(5) **STIPENDS.**—The Secretary may provide for the payment of such stipends (including allowances for subsistence and other expenses for elementary and secondary teachers), as the Secretary determines to be appropriate, to teachers participating in the projects authorized under this subsection.

(6) **COORDINATION.**—Recipients of funds under this subsection shall, to the greatest extent possible, coordinate their activities with related activities under the Elementary and Secondary Education Act of 1965.

(7) **REPORT.**—The Secretary shall, within 5 years of the date of enactment of this Act, submit to the Congress a report on the effectiveness of activities assisted under this subsection.

(m) **OFFICE OF DISSEMINATION AND REFORM ASSISTANCE.**—

(1) **IN GENERAL.**—The Assistant Secretary shall establish an Office of Dissemination and Reform Assistance, which may include the Education Resources Information Clearinghouses, the regional educational laboratories, the National Clearinghouse for Science and Mathematics Resources, the National Diffusion Network, the National Education Library, and such other programs and activities as the Assistant Secretary deems appropriate. The Office of Dissemination and Reform Assistance shall be headed by a Director who shall be appointed by the Assistant Secretary and have a demonstrated expertise and experience in dissemination.

(2) **DUTIES.**—In carrying out its dissemination activities, the Office of Dissemination and Reform Assistance shall—

(A) operate a depository for all Department of Education publications and products and make available for reproduction such publications and products;

(B) coordinate the dissemination efforts of all Office of Educational Research and Improvement program offices, the regional educational laboratories, the directorates assisted under this section, the National Diffusion Network, and the Education Resources Information Clearinghouses;

(C) disseminate relevant and useful research, information, products, and publications developed through or supported by the Department of Education to schools throughout the Nation;

(D) develop the capacity to connect schools and teachers seeking information with the relevant regional educational laboratories assisted under subsection (k), the National Diffusion Network, the directorates assisted under this section, and the Education Resources Information Clearinghouses; and

(E) provide an annual report to the Secretary regarding the types of information, products, and services that teachers, schools, and school districts have requested and have determined to be most useful, and describe future plans to adapt Department of Education products and services to address the needs of the users of such information, products, and services.

(3) **ADDITIONAL ACTIVITIES.**—In addition, the Office of Dissemination and Reform Assistance may—

(A) use media and other educational technology to carry out dissemination activities, including program development;

(B) establish and maintain a database on all research and improvement efforts funded through the Department of Education;

(C) actively encourage cooperative publishing of significant publications;

(D) disseminate information on successful models and educational methods which have been recommended to the Office of Dissemination and Reform Assistance by educators, educational organizations, nonprofit organizations, businesses, and foundations, and disseminate such models by including, with any such information, an identification of the entity or entities that have recommended the program; and

(E) engage in such other dissemination activities as the Assistant Secretary determines necessary.

(n) **NATIONAL DIFFUSION NETWORK STATE FACILITATORS.**—The National Diffusion Network described in section 1562 of the Elementary and Secondary Education Act of 1965 is authorized to provide information through National Diffusion Network State facilitators on model or demonstration projects funded by the Department of Education. For purposes of carrying out this subsection, information on such model projects does not have to be approved through the program effectiveness panel, but may be provided directly through the State facilitators. In addition, the National Diffusion Network may disseminate other information available through the Office of Education Dissemination and Reform Assistance established under subsection (m) through the National Diffusion Network.

(o) **NATIONAL EDUCATION LIBRARY.**—

(1) **ESTABLISHMENT.**—There shall be established a National Library of Education at the Department of Education (hereafter in this subsection referred to as the "Library") which shall—

(A) be a national resource center for teachers, scholars, librarians, State, local, and Indian tribal education officials, parents, and other interested individuals; and

(B) provide resources to assist in the—

(i) advancement of research on education;

(ii) dissemination and exchange of scientific and other information important to the improvement of education at all levels; and

(iii) improvement of educational achievement.

(2) **MISSION.**—The mission of the Library shall be to—

(A) become a principal center for the collection, preservation, and effective utilization of the research and other information related to education and to the improvement of educational achievement;

(B) strive to ensure widespread access to the Library's facilities and materials, coverage of all education issues and subjects, and quality control;

(C) have an expert library staff; and

(D) use modern information technology that holds the potential to link major libraries, schools, and educational centers across the United States into a network of national education resources.

(3) **FUNCTIONS.**—The Library shall—

(A) establish a policy to acquire and preserve books, periodicals, data, prints, films, recordings, and other library materials related to education;

(B) establish a policy to disseminate information about the materials available in the Library;

(C) make available through loans, photographic or other copying procedures, or otherwise, such materials in the Library as the Secretary deems appropriate; and

(D) provide reference and research assistance.

(4) **LIBRARIAN.**—

(A) **IN GENERAL.**—The Secretary shall appoint a librarian to head the Library.

(B) **EXPERIENCE.**—The individual appointed pursuant to subparagraph (A) shall have extensive experience as a librarian.

(C) **SOLICITATION OF NOMINATIONS.**—The Secretary shall solicit nominations from individuals and organizations before making the appointment described in subparagraph (A).

(D) **SALARY.**—The librarian shall be paid at not less than the minimum rate of pay payable for level GS-15 of the General Schedule.

(p) **EDUCATION RESOURCES INFORMATION CLEARINGHOUSES.**—The Assistant Secretary shall establish and support Education Resources Information Clearinghouses (including directly supporting dissemination services) having such functions as the clearinghouses had on the day preceding the date of enactment of this Act, except that—

(1) the Assistant Secretary shall establish for the clearinghouses a coherent policy for the abstraction from, and inclusion in, the educational resources information clearinghouse system books, periodicals, reports, and other materials related to education; and

(2) the clearinghouses shall collect and disseminate information on alternative management demonstration projects operating in public schools throughout the Nation.

(q) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **DIRECTORATES OF EDUCATIONAL RESEARCH.**—

(A) **IN GENERAL.**—There are authorized to be appropriated \$100,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsections (c) through (h), relating to the Directorates of Educational Research.

(B) **APPROPRIATIONS OF \$70,000,000 OR LESS.**—From the amount made available under clause (i) in any fiscal year in which the amount appropriated to carry out such clause is \$70,000,000 or less—

(i) at least 25 percent of such amount shall be available to carry out subsection (d), relating to the National Directorate on Curriculum, Instruction, and Assessment;

(ii) at least 10 percent of such amount shall be available to carry out subsection (e), relating to the National Directorate on the Educational Achievement of Historically Underserved Populations;

(iii) at least 10 percent of such amount shall be available to carry out subsection (f), relating to the National Directorate on Early Childhood Development and Education;

(iv) at least 5 percent of such amount shall be available to carry out subsection (g), relating to the National Directorate on Elementary and Secondary Educational Governance, Finance, Policymaking, and Management;

(v) at least 5 percent of such amount shall be available to carry out subsection (h), relating to the National Directorate on Adult Education, Literacy and Lifelong Learning; and

(vi) not more than 10 percent of such amount shall be available to carry out synthesis and coordination activities described in subsection (c)(1)(C).

(C) APPROPRIATIONS GREATER THAN \$70,000,000.—From the amount made available under clause (i) in any fiscal year in which the amount appropriated to carry out such clause is greater than \$70,000,000—

(i) at least 30 percent of such amount shall be available to carry out subsection (d), relating to the National Directorate on Curriculum, Instruction, and Assessment;

(ii) at least 10 percent of such amount shall be available to carry out subsection (e), relating to the National Directorate on the Educational Achievement of Historically Underserved Populations;

(iii) at least 10 percent of such amount shall be available to carry out subsection (f), relating to the National Directorate on Early Childhood Development and Education;

(iv) at least 10 percent of such amount shall be available to carry out subsection (g), relating to the National Directorate on Elementary and Secondary Educational Governance, Finance, Policymaking, and Management;

(v) at least 10 percent of such amount shall be available to carry out subsection (h), relating to the National Directorate on Adult Education, Literacy and Lifelong Learning; and

(vi) not more than 10 percent of such amount shall be available to carry out synthesis and coordination activities described in subsection (c)(1)(C).

(D) SPECIAL RULE.—Not less than 95 percent of funds appropriated pursuant to the authority of clause (i) in any fiscal year shall be expended to carry out this section through grants, cooperative agreements, or contracts.

(2) REGIONAL EDUCATIONAL LABORATORIES.—There are authorized to be appropriated \$41,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsection (k), relating to the regional educational laboratories.

(3) TEACHER RESEARCH DISSEMINATION DEMONSTRATION PROGRAM.—

(A) IN GENERAL.—There are authorized to be appropriated \$10,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out the provisions of subsection (l), relating to the teacher research dissemination demonstration program.

(B) PEER REVIEW.—The Secretary may use not more than 0.2 percent of the amount appropriated pursuant to the authority of subparagraph (A) for each fiscal year for peer review of applications under this section.

(4) OFFICE OF DISSEMINATION AND REFORM ASSISTANCE.—There are authorized to be appropriated \$5,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsections (m) and (k)(6), relating to the Office of Education Dissemination and Reform Assistance and additional projects for regional educational laboratories, respectively.

(5) NATIONAL DIFFUSION NETWORK STATE FACILITATORS.—There are authorized to be appropriated \$10,000,000 for the fiscal year 1995, and such sums as may be necessary for each of fiscal years 1996 through 1999, to carry out subsection (n), relating to the National Diffusion Network State Facilitators.

(6) NATIONAL EDUCATION LIBRARY.—There are authorized to be appropriated \$10,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsection (o), relating to the National Education Library.

(7) EDUCATION RESOURCES INFORMATION CLEARINGHOUSES.—There are authorized to be appropriated \$10,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsection (p), relating to the Education Resources Information Clearinghouses.

(8) ADMINISTRATION OF FUNDS.—When more than one Federal agency uses funds to support a single project under this section, the Office may act for all such agencies in administering such funds.

(r) EXISTING CONTRACTS AND GRANTS.—

(1) SPECIAL RULE.—Notwithstanding any other provision of law, grants or contracts for the regional educational laboratories and the centers assisted under section 405 of the General Education Provisions Act on the day preceding the date of enactment of this Act shall remain in effect until the termination date of such grants or contracts, except that the grants or contracts for such centers which terminate before the competition for the new centers described in subsection (c)(3)(B) is completed may be extended until the time that the awards for such new centers are made.

(2) FUNDING.—The Secretary shall use amounts appropriated pursuant to the authority of subsection (q)(1)(A) to support the grants or contracts described in paragraph (1).

SEC. 913. SAVINGS PROVISIONS.

(a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions of the Office of Educational Research and Improvement (as such functions existed on the day before the date of enactment of this Act); and

(2) which are in effect at the time this title takes effect, or were final before the effective date of this title and are to become effective on or after the effective date of this title,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) PROCEEDINGS NOT AFFECTED.—The provisions of this title shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the Office of Educational Research and Improvement at the time this title takes effect, with respect to functions of such Office but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this title had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this title had not been enacted.

(c) SUITS NOT AFFECTED.—The provisions of this title shall not affect suits commenced

before the effective date of this title, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title had not been enacted.

(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Office of Educational Research and Improvement, or by or against any individual in the official capacity of such individual as an officer of the Office of Educational Research and Improvement, shall abate by reason of the enactment of this title.

(e) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the Office of Educational Research and Improvement relating to a function of such Office under this title may be continued by the Office of Educational Research and Improvement with the same effect as if this title had not been enacted.

SEC. 914. FIELD READERS.

Section 402 of the Department of Education Organization Act (20 U.S.C. 3462) is amended—

(1) by inserting "(a) IN GENERAL.—" before "The Secretary"; and

(2) by adding at the end the following new subsection:

"(b) SPECIAL RULE.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may use not more than 1 percent of the funds appropriated for any education program that awards such funds on a competitive basis to pay the expenses and fees of non-Federal experts necessary to review applications and proposals for such funds.

"(2) APPLICABILITY.—The provisions of paragraph (1) shall not apply to any education program under which funds are authorized to be appropriated to pay the fees and expenses of non-Federal experts to review applications and proposals for such funds."

PART B—EDUCATIONAL IMPROVEMENT PROGRAMS

Subpart 1—International Education Program

SEC. 921. INTERNATIONAL EDUCATION PROGRAM.

(a) PROGRAM ESTABLISHED.—The Secretary shall carry out an International Education Program in accordance with this section that shall provide for—

(1) the study of international education programs and delivery systems; and

(2) an international education exchange program.

(b) ASSESSMENT AND INFORMATION.—The Secretary shall award grants for the study, evaluation and analysis of education systems in other nations, particularly Great Britain, France, Germany and Japan. Such studies shall focus upon a comparative analysis of curriculum, methodology and organizational structure, including the length of the school year and school day. In addition, the studies shall provide an analysis of successful strategies employed by other nations to improve student achievement, with a specific focus upon application to schooling and the National Education Goals.

(c) INTERNATIONAL EDUCATION EXCHANGE.—

(1) REQUIREMENT.—

(A) IN GENERAL.—The Secretary shall carry out a program to be known as the International Education Exchange Program. Under such program the Secretary shall award grants to or enter into contracts with organizations with demonstrated effective-

ness or expertise in international achievement comparisons, in order to—

(i) make available to educators from eligible countries exemplary curriculum and teacher training programs in civics and government education and economic education developed in the United States;

(ii) assist eligible countries in the adaptation and implementation of such programs or joint research concerning such programs;

(iii) create and implement educational programs for United States students which draw upon the experiences of emerging constitutional democracies;

(iv) provide a means for the exchange of ideas and experiences in civics and government education and economic education among political, educational and private sector leaders of participating eligible countries; and

(v) provide support for—

(I) research and evaluation to determine the effects of educational programs on students' development of the knowledge, skills and traits of character essential for the preservation and improvement of constitutional democracy; and

(II) effective participation in and the preservation and improvement of an efficient market economy.

(B) RESERVATIONS.—In carrying out the program described in subparagraph (A), the Secretary shall reserve in each fiscal year—

(i) 50 percent of the amount available to carry out this subsection for civics and government education activities; and

(ii) 50 percent of such amount for economic education activities.

(2) CONTRACT AUTHORIZED.—

(A) IN GENERAL.—The Secretary is authorized to contract with independent nonprofit educational organizations to carry out the provisions of this subsection.

(B) NUMBER.—The Secretary shall award at least 1 but not more than 3 contracts described in subparagraph (A) in each of the areas described in clauses (i) and (ii) of paragraph (1)(B).

(C) AVOIDANCE OF DUPLICATION.—The Secretary shall award contracts described in subparagraph (A) so as to avoid duplication of activities in such contracts.

(D) REQUIREMENTS.—Each organization with which the Secretary enters into a contract pursuant to subparagraph (A) shall—

(i) be experienced in—

(I) the development and national implementation of curricular programs in civics and government education and economic education for students from grades kindergarten through 12 in local, intermediate, and State educational agencies, in schools funded by the Bureau of Indian Affairs, and in private schools throughout the Nation with the cooperation and assistance of national professional educational organizations, colleges and universities, and private sector organizations;

(II) the development and implementation of cooperative university and school based inservice training programs for teachers of grades kindergarten through grade 12 using scholars from such relevant disciplines as political science, political philosophy, history, law and economics;

(III) the development of model curricular frameworks in civics and government education and economic education;

(IV) the administration of international seminars on the goals and objectives of civics and government education or economic education in constitutional democracies (including the sharing of curricular materials) for educational leaders, teacher

trainers, scholars in related disciplines, and educational policymakers; and

(V) the evaluation of civics and government education or economic education programs; and

(ii) have the authority to subcontract with other organizations to carry out the provisions of this subsection.

(3) ACTIVITIES.—The international education program described in this subsection shall—

(A) provide eligible countries with—

(i) seminars on the basic principles of United States constitutional democracy and economics, including seminars on the major governmental and economic institutions and systems in the United States, and visits to such institutions;

(ii) visits to school systems, institutions of higher learning, and nonprofit organizations conducting exemplary programs in civics and government education and economic education in the United States;

(iii) home stays in United States communities;

(iv) translations and adaptations regarding United States civics and government education and economic education curricular programs for students and teachers, and in the case of training programs for teachers translations and adaptations into forms useful in schools in eligible countries, and joint research projects in such areas;

(v) translation of basic documents of United States constitutional government for use in eligible countries, such as *The Federalist Papers*, selected writings of Presidents Adams and Jefferson and the *Anti-Federalists*, and more recent works on political theory, constitutional law and economics; and

(vi) research and evaluation assistance to determine—

(I) the effects of educational programs on students' development of the knowledge, skills and traits of character essential for the preservation and improvement of constitutional democracy; and

(II) effective participation in and the preservation and improvement of an efficient market economy;

(B) provide United States participants with—

(i) seminars on the histories, economics and governments of eligible countries;

(ii) visits to school systems, institutions of higher learning, and organizations conducting exemplary programs in civics and government education and economic education located in eligible countries;

(iii) home stays in eligible countries;

(iv) assistance from educators and scholars in eligible countries in the development of curricular materials on the history, government and economics of such countries that are useful in United States classrooms;

(v) opportunities to provide on-site demonstrations of United States curricula and pedagogy for educational leaders in eligible countries; and

(vi) research and evaluation assistance to determine—

(I) the effects of educational programs on students' development of the knowledge, skills and traits of character essential for the preservation and improvement of constitutional democracy; and

(II) effective participation in and improvement of an efficient market economy; and

(C) assist participants from eligible countries and the United States in participating in international conferences on civics and government education and economic education for educational leaders, teacher trainers, scholars in related disciplines, and educational policymakers.

(4) PRINTER MATERIALS AND PROGRAMS.—All printed materials and programs provided to foreign nations under this subsection shall bear the logo and text used by the Marshall Plan after World War II, that is, clasped hands with the inscription "A gift from the American people to the people of (insert name of country)".

(5) PARTICIPANTS.—The primary participants in the international education program assisted under this subsection shall be leading educators in the areas of civics and government education and economic education, including curriculum and teacher training specialists, scholars in relevant disciplines, and educational policymakers, from the United States and eligible countries.

(6) PERSONNEL AND TECHNICAL EXPERTS.—The Secretary is authorized to provide Department of Education personnel and technical experts to assist eligible countries establish and implement a database or other effective methods to improve educational delivery systems, structure and organization.

(7) DEFINITIONS.—For the purpose of this subsection the term "eligible country" means a Central European country, an Eastern European country, Lithuania, Latvia, Estonia, Georgia, the Commonwealth of Independent States, and any country that formerly was a republic of the Soviet Union whose political independence is recognized in the United States.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) ASSESSMENT AND INFORMATION.—There are authorized to be appropriated \$1,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsection (b).

(2) INTERNATIONAL EDUCATION EXCHANGE.—There are authorized to be appropriated \$10,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsection (c).

Subpart 2—Amendments to the Carl D. Perkins Vocational and Applied Technology Education Act

SEC. 931. NATIONAL OCCUPATIONAL INFORMATION COORDINATING COMMITTEE.

Section 422 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2422) is amended—

(1) in paragraph (2) of subsection (a), by inserting "(including postsecondary employment and training programs)" after "training programs"; and

(2) in subsection (b)—

(A) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively;

(B) in the matter preceding paragraph (1) (as redesignated in subparagraph (A)), by inserting "the State board or agency governing higher education," after "coordinating council,"; and

(C) in paragraph (1) (as redesignated in subparagraph (A))—

(i) by striking "Act and of" and inserting "Act, of"; and

(ii) by inserting "and of the State board or agency governing higher education" after "Job Training Partnership Act";

(3) by redesignating subsection (d) as subsection (e); and

(4) by inserting after subsection (c) the following new subsection:

"(d) DATA COLLECTION SYSTEM.—In the development and design of a system to provide data on graduation or completion rates, job placement rates from occupationally specific programs, licensing rates, and awards of high school graduate equivalency diplomas (GED), each State board for higher education shall develop a data collection system the

results of which can be integrated into the occupational information system developed under this section."

Subpart 3—Elementary Mathematics and Science Equipment Program

SEC. 941. SHORT TITLE.

This subpart may be cited as the "Elementary Mathematics and Science Equipment Act".

SEC. 942. STATEMENT OF PURPOSE.

It is the purpose of this subpart 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. 943. PROGRAM AUTHORIZED.

The Secretary is authorized to make allotments to State educational agencies under section 944 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. 944. ALLOTMENTS OF FUNDS.

(a) **IN GENERAL.**—From the amount appropriated under section 950 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 the Republic of Palau according to their respective needs for assistance under this subpart; 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 subpart.

(b) **ALLOTMENT.**—The remainder of the amount so appropriated (after meeting requirements in subsection (a)) shall be allotted among State educational agencies so that—

(1) 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

(2) one-half of such remainder shall be distributed according to each State's share of allocations under chapter 1 of title I of the Elementary and Secondary Education Act of 1965,

except that no State educational agency shall receive less than one-half of 1 percent of the amount available under this subsection in any fiscal year or less than the amount allotted to such State for fiscal year 1988 under title II of the Education for Economic Security Act.

(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 subpart which the Secretary determines will not be required for that fiscal year to carry out this subpart shall be available for reallocation 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 reallocated among the State educational agencies whose proportionate amounts were not so reduced. Any amounts reallocated to a State educational agency under this subsection during a year shall be deemed a subpart of the State educational agency's allotment under subsection (b) for that year.

(d) **DEFINITION.**—For the purposes of this subpart 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 11, 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. 945. STATE APPLICATION.

(a) **APPLICATION.**—Each State educational agency desiring to receive an allotment under this subpart 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 subpart 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 subpart;

(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 subpart once over the 5-year duration of the program assisted under this subpart;

(D) funds provided under this subpart will supplement, not supplant, State and local funds made available for activities authorized under this subpart;

(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 subpart;

(2) provide, if appropriate, a description of how funds paid under this subpart 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 sections 236 and 237 for distribution of assistance under this subpart within the State; and

(B) for approval of applications by the State educational agency, including appro-

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 subpart shall be used for the administrative costs of such agency associated with carrying out the program assisted under this subpart.

SEC. 946. LOCAL APPLICATION.

(a) **APPLICATION.**—A local educational agency that desires to receive a grant under this subpart 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 subpart 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 subpart to meet the purpose of this subpart;

(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 subpart, except that no such application shall be penalized or denied assistance under this subpart based on failure to provide such matching funds;

(3) describe, if applicable, how funds under this subpart 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 subpart, 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. 947. PARTICIPATION OF PRIVATE SCHOOLS.

(a) **PARTICIPATION OF PRIVATE SCHOOLS.**—To the extent consistent with the number of children in the State or in the school district of each local educational agency who are enrolled in private nonprofit elementary schools, such State educational agency shall, after consultation with appropriate private school representatives, make provision for including services and arrangements for the benefit of such children as will assure the equitable participation of such children in the purposes and benefits of this subpart.

(b) **WAIVER.**—If by reason of any provision of State law a local educational agency is prohibited from providing for the participation of children or teachers from private nonprofit schools as required by subsection (a), or if the Secretary determines that a State or local educational agency has substantially failed or is unwilling to provide for such participation on an equitable basis, the Secretary shall waive such requirements

and shall arrange for the provision of services to such children or teachers subject to the requirement of this section. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements described in section 1017 of the Elementary and Secondary Education Act of 1965.

SEC. 948. PROGRAM REQUIREMENTS.

(a) COORDINATION.—Each State educational agency receiving an allotment under this subpart shall—

(1) disseminate information to school districts and schools, including private nonprofit elementary schools, regarding the program assisted under this subpart;

(2) evaluate applications of local educational agencies;

(3) award grants to local educational agencies based on the priorities described in section 946(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 subpart 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 subpart 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 subpart is intended to support, such as the installation of electrical outlets, plumbing, lab tables or counters, or ventilation mechanisms.

SEC. 949. 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 subpart, shall develop procedures for State and local evaluations of the programs assisted under this subpart.

(b) REPORT.—The Secretary shall report to the Congress each year on the program assisted under this subpart.

SEC. 950. 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 fiscal years 1996 through 1999, to carry out this subpart.

Subpart 4—Media Instruction

SEC. 951. MEDIA INSTRUCTION.

(a) GRANTS AUTHORIZED.—The Secretary shall enter into a contract with an independent nonprofit organization described in subsection (b) for the establishment of a national multimedia television-based project directed to homes, schools and after-school programs that is designed to motivate and improve the reading comprehension and writing coherence of elementary school-age children.

(b) DEMONSTRATED EFFECTIVENESS.—The Secretary shall award the contract described in subsection (a) to an independent nonprofit organization that has demonstrated effectiveness in educational programming and development on a nationwide basis.

(c) AUTHORIZATION AND APPROPRIATIONS.—There are authorized to be appropriated \$5,000,000 for fiscal year 1995, and such sums

as may be necessary for fiscal year 1996 and fiscal year 1997, to carry out this section.

Subpart 5—Star Schools

SEC. 961. STAR SCHOOLS.

Subsection (a) of section 908 of the Star Schools Assistance Act (20 U.S.C. 4085b(a)) is amended by striking "greater" and inserting "lesser".

Subpart 6—Office of Comprehensive School Health Education

SEC. 971. OFFICE OF COMPREHENSIVE SCHOOL HEALTH EDUCATION.

(a) IN GENERAL.—Subsection (c) of section 4605 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3155(c)) is amended—

(1) in the matter preceding paragraph (1), by striking "Office of the Secretary" and inserting "Office of Elementary and Secondary Education"; and

(2) by adding at the end the following new paragraph:

"(4) To act as a liaison office for the coordination of the activities undertaken by the Office under this section with related activities of the Department of Health and Human Services and to expand school health education research grant programs under this section."

(b) TRANSITION.—The Secretary shall take all appropriate actions to facilitate the transfer of the Office of Comprehensive School Health Education pursuant to the amendment made by subsection (a).

Subpart 7—Minority-Focused Civics Education

SEC. 981. SHORT TITLE.

This subpart may be cited as the "Minority-Focused Civics Education Act of 1994".

SEC. 982. PURPOSES.

It is the purpose of this subpart—

(1) to encourage improved instruction for minorities and Native Americans in American government and civics through a national program of accredited summer teacher training and staff development seminars or institutes followed by academic year inservice training programs conducted on college and university campuses or other appropriate sites, for—

(A) social studies and other teachers responsible for American history, government, and civics classes; and

(B) other educators who work with minority and Native American youth; and

(2) through such improved instruction to improve minority and Native American student knowledge and understanding of the American system of government.

SEC. 983. GRANTS AUTHORIZED; AUTHORIZATION OF APPROPRIATIONS.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to make grants to eligible entities for the development and implementation of seminars in American government and civics for elementary and secondary school teachers and other educators who work with minority and Native American students.

(2) AWARD RULE.—In awarding grants under this subpart, the Secretary shall ensure that there is wide geographic distribution of such grants.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$5,000,000 for fiscal 1995, and such sums as may be necessary for each of the fiscal years 1996, 1997, and 1998, to carry out this subpart.

SEC. 984. DEFINITIONS.

For purposes of this subpart—

(1) the term "eligible entity" means a State educational agency, an institution of

higher education or a State higher education agency, or a public or private nonprofit organization, with experience in coordinating or conducting teacher training seminars in American government and civics education, or a consortium thereof; and

(2) the term "State higher education agency" means the officer or agency primarily responsible for the State supervision of higher education.

SEC. 985. APPLICATIONS.

(a) APPLICATION REQUIRED.—Each eligible entity desiring a grant under this subpart 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 APPLICATION.—Each application submitted pursuant to subsection (a) shall—

(1) define the learning objectives and course content of each seminar to be held and describe the manner in which seminar participants shall receive substantive academic instruction in the principles, institutions and processes of American government;

(2) provide assurances that educators successfully participating in each seminar will qualify for either graduate credit or professional development or advancement credit according to the criteria established by a State or local educational agency;

(3) describe the manner in which seminar participants shall receive exposure to a broad array of individuals who are actively involved in the political process, including political party representatives drawn equally from the major political parties, as well as representatives of other organizations involved in the political process;

(4) provide assurances that the seminars will be conducted on a nonpartisan basis;

(5) describe the manner in which the seminars will address the role of minorities or Native Americans in the American political process, including such topics as—

(A) the history and current political state of minorities or Native Americans;

(B) recent research on minority or Native American political socialization patterns and cognitive learning styles; and

(C) studies of political participation patterns of minorities or Native Americans;

(6) describe the pedagogical elements for teachers that will enable teachers to develop effective strategies and lesson plans for teaching minorities or Native American students at the elementary and secondary school levels;

(7) identify the eligible entities which will conduct the seminars for which assistance is sought;

(8) in the case that the eligible entity is an institution of higher education, describe the plans for collaborating with national organizations in American government and civics education;

(9) provide assurances that during the academic year educators participating in the summer seminars will provide inservice training programs based upon what such educators have learned and the curricular materials such educators have developed or acquired for their peers in their school systems with the approval and support of their school administrators; and

(10) describe the activities or services for which assistance is sought, including activities and services such as—

(A) development of seminar curricula;

(B) development and distribution of instructional materials;

(C) scholarships for participating teachers; and

(D) program assessment and evaluation.

(c) **PRIORITY.**—The Secretary, in approving applications for assistance under this subpart, shall give priority to applications which demonstrate that—

(1) the applicant will serve teachers who teach in schools with a large number or concentration of economically disadvantaged students;

(2) the applicant has demonstrated national experience in conducting or coordinating accredited summer seminars in American government or civics education for elementary and secondary school teachers;

(3) the applicant will coordinate or conduct seminars on a national or multistate basis through a collaboration with an institution of higher education, State higher education agency or a public or private nonprofit organization, with experience in coordinating or conducting teacher training programs in American government and civics education;

(4) the applicant will coordinate or conduct seminars designed for more than one minority student population and for Native Americans; and

(5) the applicant will coordinate or conduct seminars that offer a combination of academic instruction in American government, exposure to the practical workings of the political system, and training in appropriate pedagogical techniques for working with minority and Native American students.

PART C—DEFINITIONS

SEC. 991. DEFINITIONS.

For the purpose of this title—

(1) the term "elementary school" has the same meaning given to such term by section 1471(8) of the Elementary and Secondary Education Act of 1965;

(2) the term "institution of higher education" has the same meaning given to such term by section 1201(a) of the Higher Education Act of 1965;

(3) the term "local educational agency" has the same meaning given to such term by section 1471(12) of the Elementary and Secondary Education Act of 1965;

(4) the term "secondary school" has the same meaning given to such term by section 1471(21) of the Elementary and Secondary Education Act of 1965;

(5) the term "Secretary" means the Secretary of Education; and

(6) the term "State educational agency" has the same meaning given such term by section 1471(23) of the Elementary and Secondary Education Act of 1965.

TITLE X—PARENTS AS TEACHERS

SEC. 1001. FINDINGS.

The Congress finds that—

(1) increased parental involvement in the education of their children appears to be the key to long-term gains for youngsters;

(2) providing seed money is an appropriate role for the Federal Government to play in education;

(3) children participating in the parents as teachers program in Missouri are found to have increased cognitive or intellectual skills, language ability, social skills and other predictors of school success;

(4) most early childhood programs begin at age 3 or 4 when remediation may already be necessary; and

(5) many children receive no health screening between birth and the time they enter school, thus such children miss the opportunity of having developmental delays detected early.

SEC. 1002. STATEMENT OF PURPOSE.

It is the purpose of this title to encourage States and eligible entities to develop and

expand parent and early childhood education programs in an effort to—

(1) increase parents' knowledge of and confidence in child-rearing activities, such as teaching and nurturing their young children;

(2) strengthen partnerships between parents and schools; and

(3) enhance the developmental progress of participating children.

SEC. 1003. DEFINITIONS.

For the purposes of this title—

(1) the term "developmental screening" means the process of measuring the progress of children to determine if there are problems or potential problems or advanced abilities in the areas of understanding and use of language, perception through sight, perception through hearing, motor development and hand-eye coordination, health, and physical development;

(2) the term "eligible entity" means an entity in a State operating a parents as teachers program;

(3) the term "eligible family" means any parent with one or more children between birth and 3 years of age;

(4) the term "lead agency" means—

(A) except as provided in subparagraph (B), the office, agency, or other entity in a State designated by the Governor to administer the parents as teachers program authorized by this title; or

(B) in the case of a grant awarded under this title to an eligible entity, such eligible entity;

(5) the term "parent education" includes parent support activities, the provision of resource materials on child development and parent-child learning activities, private and group educational guidance, individual and group learning experiences for the parent and child, and other activities that enable the parent to improve learning in the home; and

(6) the term "parent educator" means a person hired by the lead agency of a State or designated by local entities who administers group meetings, home visits and developmental screening for eligible families.

SEC. 1004. PROGRAM ESTABLISHED.

(a) **AUTHORITY.**—

(1) **IN GENERAL.**—The Secretary is authorized to make grants in order to pay the Federal share of the cost of establishing, expanding, or operating parents as teachers programs in a State.

(2) **ELIGIBLE RECIPIENTS.**—The Secretary may make a grant under paragraph (1) to a State, except that, in the case of a State having an eligible entity, the Secretary shall make the grant directly to the eligible entity.

(b) **FUNDING RULE.**—Grant funds awarded under this section shall be used so as to supplement, and to the extent practicable, increase the level of funds that would, in the absence of such funds, be made available from non-Federal sources, and in no case may such funds be used so as to supplant funds from non-Federal sources.

SEC. 1005. PROGRAM REQUIREMENTS.

(a) **REQUIREMENTS.**—Each State or eligible entity receiving a grant pursuant to section 1004 shall conduct a parents as teachers program which—

(1) establishes and operates parent education programs, including programs of developmental screening of children; and

(2) designates a lead State agency which—

(A) shall hire parent educators who have had supervised experience in the care and education of children;

(B) shall establish the number of group meetings and home visits required to be pro-

vided each year for each participating family, with a minimum of 2 group meetings and 10 home visits for each participating family;

(C) shall be responsible for administering the periodic screening of participating children's educational, hearing and visual development, using the Denver Developmental Test, Zimmerman Preschool Language Scale, or other approved screening instruments; and

(D) shall develop recruitment and retention programs for hard-to-reach populations.

(b) **LIMITATION.**—Grant funds awarded under this title shall only be used for parents as teachers programs which serve families during the period beginning with the birth of a child and ending when the child attains the age of 3.

SEC. 1006. SPECIAL RULES.

Notwithstanding any other provision of this section—

(1) no person, including home school parents, public school parents, or private school parents, shall be required to participate in any program of parent education or developmental screening pursuant to the provisions of this title;

(2) no parents as teachers program assisted under this title shall take any action that infringes in any manner on the right of parents to direct the education of their children; and

(3) the provisions of section 438(c) of the General Education Provisions Act shall apply to States and eligible entities awarded grants under this title.

SEC. 1007. PARENTS AS TEACHERS CENTERS.

The Secretary shall establish one or more Parents As Teachers Centers to disseminate information to, and provide technical and training assistance to, States and eligible entities establishing and operating parents as teachers programs.

SEC. 1008. EVALUATIONS.

The Secretary shall complete an evaluation of the parents as teachers programs assisted under this title within 4 years from the date of enactment of this Act, including an assessment of such programs' impact on at-risk children.

SEC. 1009. APPLICATION.

Each State or eligible entity desiring a grant under this title shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may reasonably require. Each such application shall describe the activities and services for which assistance is sought.

SEC. 1010. PAYMENTS AND FEDERAL SHARE.

(a) **PAYMENTS.**—The Secretary shall pay to each State or eligible entity having an application approved under section 1009 the Federal share of the cost of the activities described in the application.

(b) **FEDERAL SHARE.**—

(1) **IN GENERAL.**—The Federal share—

(A) for the first year for which a State or eligible entity receives assistance under this title shall be 100 percent;

(B) for the second such year shall be 100 percent;

(C) for the third such year shall be 75 percent;

(D) for the fourth such year shall be 50 percent; and

(E) for the fifth such year shall be 25 percent.

(2) **NON-FEDERAL SHARE.**—The non-Federal share of payments under this title may be in cash or in kind, fairly evaluated, including planned equipment or services.

SEC. 1011. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated \$20,000,000 for fiscal year 1993, and such sums

as may be necessary for each of the fiscal years 1994 through 1997, to carry out this title.

SEC. 1012. HOME INSTRUCTION PROGRAM FOR PRESCHOOL YOUNGSTERS.

Subsection (b) of section 1052 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2742(b)) is amended by adding at the end the following new paragraph:

“(4)(A)(i) In any fiscal year in which this subsection applies, each State that receives a grant under this part may use not more than 20 percent of such grant funds in accordance with this part (other than sections 1054(a), 1054(b), and 1055) to pay the Federal share of the cost of establishing, operating, or expanding a Home Instruction Program for Preschool Youngsters that is not eligible to receive assistance under this part due to the application of such sections.

“(ii) Each State establishing, operating or expanding a Home Instruction Program for Preschool Youngsters pursuant to clause (i) shall give priority to establishing, operating or expanding, respectively, such a program that targets—

“(I) working poor families or near poor families that do not qualify for assistance under the early childhood programs under the Head Start Act or this chapter; and

“(II) parents who have limited or unsuccessful formal schooling.

“(B) For the purpose of carrying out subparagraph (A), a Home Instruction Program for Preschool Youngsters that is not eligible to receive assistance under this part due to the application of sections 1054(a), 1054(b), and 1055 shall be deemed to be an eligible entity.

“(C) For the purpose of this paragraph—

“(i) the term ‘Home Instruction Program for Preschool Youngsters’ means a voluntary early-learning program, for parents with one or more children between age 3 through 5, inclusive, that—

“(I) provides support, training, and appropriate educational materials, necessary for parents to implement a school-readiness, home instruction program for the child; and

“(II) includes—

“(aa) group meetings with other parents participating in the program;

“(bb) individual and group learning experiences with the parent and child;

“(cc) provision of resource materials on child development and parent-child learning activities; and

“(dd) other activities that enable the parent to improve learning in the home;

“(ii) the term ‘limited or unsuccessful formal schooling’ means the—

“(I) completion of secondary school with low achievement during enrollment;

“(II) noncompletion of secondary school with low achievement during enrollment; or

“(III) lack of a certificate of graduation from a school providing secondary education or the recognized equivalent of such certificate;

“(iii) the term ‘near poor families’ means families that have an income that is approximately 130 percent of the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act; and

“(iv) the term ‘working poor families’ means families that—

“(I) have family members—

“(aa) who are working; or

“(bb) who were looking for work during the 6 months prior to the date on which the determination is made; and

“(II) earn an income not in excess of 150 percent of the poverty line as described in clause (iii).”

TITLE XI—GUN-FREE SCHOOLS

SEC. 1101. SHORT TITLE.

This title may be cited as the “Gun-Free Schools Act of 1994”.

SEC. 1102. GUN-FREE REQUIREMENTS IN ELEMENTARY AND SECONDARY SCHOOLS.

The Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.) is amended—

(1) by redesignating title X as title IX;

(2) by redesignating sections 8001 through 8005 as sections 9001 through 9005, respectively; and

(3) by inserting after title VII the following new title:

“TITLE VIII—GUN-FREE SCHOOLS

“SEC. 8001. GUN-FREE REQUIREMENTS.

“(a) REQUIREMENTS.—

“(1) IN GENERAL.—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 the agency except such policy may allow the chief administering officer of the agency to modify such expulsion requirement for a student on a case-by-case basis.

“(2) 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.

“(b) 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 (a); and

“(2) a description of the circumstances surrounding any expulsions imposed under the policy required by subsection (a), 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 XII—ENVIRONMENTAL TOBACCO SMOKE

SEC. 1201. SHORT TITLE.

This title may be cited as the “Preventing Our Kids From Inhaling Deadly Smoke (PRO-KIDS) Act of 1994”.

SEC. 1202. FINDINGS.

Congress finds that—

(1) environmental tobacco smoke comes from secondhand smoke exhaled by smokers and sidestream smoke emitted from the burning of cigarettes, cigars, and pipes;

(2) since citizens of the United States spend up to 90 percent of each day indoors, there is a significant potential for exposure to environmental tobacco smoke from indoor air;

(3) exposure to environmental tobacco smoke occurs in schools, public buildings, and other indoor facilities;

(4) recent scientific studies have concluded that exposure to environmental tobacco smoke is a cause of lung cancer in healthy nonsmokers and is responsible for acute and chronic respiratory problems and other health impacts in sensitive populations (including children);

(5) the health risks posed by environmental tobacco smoke exceed the risks posed by

many environmental pollutants regulated by the Environmental Protection Agency; and

(6) according to information released by the Environmental Protection Agency, environmental tobacco smoke results in a loss to the economy of over \$3,000,000,000 per year.

SEC. 1203. DEFINITIONS.

As used in this title:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) CHILDREN.—The term “children” means individuals who have not attained the age of 18.

(3) CHILDREN’S SERVICES.—The term “children’s services” means services that are—

(A)(i) direct health services routinely provided to children; or

(ii) any other direct services routinely provided primarily to children, including educational services; and

(B) funded, directly or indirectly, in whole or in part, by Federal funds (including in-kind assistance).

(4) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

SEC. 1204. NONSMOKING POLICY FOR CHILDREN’S SERVICES.

(a) ISSUANCE OF GUIDELINES.—Not later than 180 days after the date of enactment of this Act, the Administrator shall issue guidelines for instituting and enforcing a nonsmoking policy at each indoor facility where children’s services are provided.

(b) CONTENTS OF GUIDELINES.—A nonsmoking policy that meets the requirements of the guidelines shall, at a minimum, prohibit smoking in each portion of an indoor facility where children’s services are provided that is not ventilated separately (as defined by the Administrator) from other portions of the facility.

SEC. 1205. TECHNICAL ASSISTANCE.

(a) IN GENERAL.—The Administrator and the Secretary shall provide technical assistance to persons who provide children’s services and other persons who request technical assistance.

(b) ASSISTANCE BY THE ADMINISTRATOR.—The technical assistance provided by the Administrator under this section shall include information to assist persons in compliance with the requirements of this title.

(c) ASSISTANCE BY THE SECRETARY.—The technical assistance provided by the Secretary under this section shall include information for employees on smoking cessation programs and on smoking and health issues.

SEC. 1206. FEDERALLY FUNDED PROGRAMS.

(a) IN GENERAL.—Notwithstanding any other provision of law, each person who provides children’s services shall establish and make a good-faith effort to enforce a nonsmoking policy that meets or exceeds the requirements of subsection (b).

(b) NONSMOKING POLICY.—

(1) GENERAL REQUIREMENTS.—A nonsmoking policy meets the requirements of this subsection if the policy—

(A) is consistent with the guidelines issued under section 1204(a);

(B) prohibits smoking in each portion of an indoor facility used in connection with the provision of services directly to children; and

(C) where appropriate, requires that signs stating that smoking is not permitted be posted in each indoor facility to communicate the policy.

(2) PERMISSIBLE FEATURES.—A nonsmoking policy that meets the requirements of this subsection may allow smoking in those portions of the facility—

(A) in which services are not normally provided directly to children; and

(B) that are ventilated separately from those portions of the facility in which services are normally provided directly to children.

(c) **WAIVER.**—

(1) **IN GENERAL.**—A person described in subsection (a) may publicly petition the head of the Federal agency from which the person receives Federal funds (including financial assistance) for a waiver from any or all of the requirements of subsection (b).

(2) **CONDITIONS FOR GRANTING A WAIVER.**—Except as provided in paragraph (3), the head of the Federal agency may grant a waiver only—

(A) after consulting with the Administrator, and receiving the concurrence of the Administrator;

(B) after giving an opportunity for public hearing (at the main office of the Federal agency or at any regional office of the agency) and comment; and

(C) if the person requesting the waiver provides assurances that are satisfactory to the head of the Federal agency (with the concurrence of the Administrator) that—

(i) unusual extenuating circumstances prevent the person from establishing or enforcing the nonsmoking policy (or a requirement under the policy) referred to in subsection (b) (including a case in which the person shares space in an indoor facility with another entity and cannot obtain an agreement with the other entity to abide by the nonsmoking policy requirement) and the person will establish and make a good-faith effort to enforce an alternative nonsmoking policy (or alternative requirement under the policy) that will protect children from exposure to environmental tobacco smoke to the maximum extent possible; or

(ii) the person requesting the waiver will establish and make a good-faith effort to enforce an alternative nonsmoking policy (or alternative requirement under the policy) that will protect children from exposure to environmental tobacco smoke to the same degree as the policy (or requirement) under subsection (b).

(3) **SPECIAL WAIVER.**—

(A) **IN GENERAL.**—On receipt of an application, the head of the Federal agency may grant a special waiver to a person described in subsection (a) who employs individuals who are members of a labor organization and provide children's services pursuant to a collective bargaining agreement that—

(i) took effect before the date of enactment of this Act; and

(ii) includes provisions relating to smoking privileges that are in violation of the requirements of this section.

(B) **TERMINATION OF WAIVER.**—A special waiver granted under this paragraph shall terminate on the earlier of—

(i) the first expiration date (after the date of enactment of this Act) of the collective bargaining agreement containing the provisions relating to smoking privileges; or

(ii) the date that is 1 year after the date specified in subsection (f).

(d) **CIVIL PENALTIES.**—

(1) **IN GENERAL.**—Any person subject to the requirements of this section who fails to comply with the requirements shall be liable to the United States for a civil penalty in an amount not to exceed \$1,000 for each violation, but in no case shall the amount be in excess of the amount of Federal funds received by the person for the fiscal year in which the violation occurred for the provision of children's services. Each day a viola-

tion continues shall constitute a separate violation.

(2) **ASSESSMENT.**—A civil penalty for a violation of this section shall be assessed by the head of the Federal agency that provided Federal funds (including financial assistance) to the person (or if the head of the Federal agency does not have the authority to issue an order, the appropriate official) by an order made on the record after opportunity for a hearing in accordance with section 554 of title 5, United States Code. Before issuing the order, the head of the Federal agency (or the appropriate official) shall—

(A) give written notice to the person to be assessed a civil penalty under the order of the proposal to issue the order; and

(B) provide the person an opportunity to request, not later than 15 days after the date of receipt of the notice, a hearing on the order.

(3) **AMOUNT OF CIVIL PENALTY.**—In determining the amount of a civil penalty under this subsection, the head of the Federal agency (or the appropriate official) shall take into account—

(A) the nature, circumstances, extent, and gravity of the violation;

(B) with respect to the violator, the ability to pay, the effect of the penalty on the ability to continue operation, any prior history of the same kind of violation, the degree of culpability, and a demonstration of willingness to comply with the requirements of this title; and

(C) such other matters as justice may require.

(4) **MODIFICATION.**—The head of the Federal agency (or the appropriate official) may compromise, modify, or remit, with or without conditions, any civil penalty that may be imposed under this subsection. The amount of the penalty as finally determined or agreed upon in compromise may be deducted from any sums that the United States owes to the person against whom the penalty is assessed.

(5) **PETITION FOR REVIEW.**—A person who has requested a hearing concerning the assessment of a penalty pursuant to paragraph (2) and is aggrieved by an order assessing a civil penalty may file a petition for judicial review of the order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which the person resides or transacts business. The petition may only be filed during the 30-day period beginning on the date of issuance of the order making the assessment.

(6) **FAILURE TO PAY.**—If a person fails to pay an assessment of a civil penalty—

(A) after the order making the assessment has become a final order and without filing a petition for judicial review in accordance with paragraph (5); or

(B) after a court has entered a final judgment in favor of the head of the Federal agency (or appropriate official),

the Attorney General shall recover the amount assessed (plus interest at then currently prevailing rates from the last day of the 30-day period referred to in paragraph (5) or the date of the final judgment, as the case may be) in an action brought in an appropriate district court of the United States. In the action, the validity, amount, and appropriateness of the penalty shall not be subject to review.

(e) **EXEMPTION.**—This section shall not apply to a person who provides children's services who—

(1) has attained the age of 18;

(2) provides children's services—

(A) in a private residence; and

(B) only to children who are, by affinity or consanguinity, or by court decree, a grandchild, niece, or nephew of the provider; and

(3) is registered and complies with any State requirements that govern the children's services provided.

(f) **EFFECTIVE DATE.**—This section shall take effect on the first day of the first fiscal year beginning after the date of enactment of this Act.

SEC. 1207. REPORT BY THE ADMINISTRATOR.

Not later than 2 years after the date of enactment of this Act, the Administrator shall submit a report to Congress that includes—

(1) information concerning the degree of compliance with this title; and

(2) an assessment of the legal status of smoking in public places.

SEC. 1208. PREEMPTION.

Nothing in this title is intended to preempt any provision of law of a State or political subdivision of a State that is more restrictive than a provision of this title.

House amendment to Senate amendment: In lieu of the language contained in the Senate amendment, insert:

SECTION 1. TABLE OF CONTENTS.

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Sec. 111. Purpose.

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SUBPART 1—NATIONAL EDUCATION GOALS PANEL

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Sec. 123. Duties.

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SUBPART 2—NATIONAL EDUCATION STANDARDS AND IMPROVEMENT COUNCIL

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SUBPART 3—AUTHORIZATION OF APPROPRIATIONS

Sec. 145. Authorization of appropriations.

PART C—STATE AND LOCAL EDUCATION SYSTEMIC IMPROVEMENT

Sec. 151. Congressional findings.

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PART F—PARENTAL INFORMATION AND RESOURCES

- Sec. 191. Parental information and resources.
 Sec. 192. Eligibility.
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TITLE II—EDUCATIONAL RESEARCH, DEVELOPMENT, AND DISSEMINATION EXCELLENCE ACT

Sec. 201. Findings.

PART A—GENERAL PROVISIONS REGARDING OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT

- Sec. 211. General provisions.
 Sec. 212. Assistant Secretary for Educational Research and Improvement.
 Sec. 213. Savings provision.
 Sec. 214. Existing grants and contracts.

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- Sec. 251. Establishment within Office of Educational Research and Improvement.

TITLE III—SAFE SCHOOLS ACT OF 1994

- Sec. 301. Safe schools program authorized.
 Sec. 302. Eligible applicants.
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 Sec. 305. National leadership.
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TITLE I—GOALS 2000: EDUCATE AMERICA ACT

SEC. 101. PURPOSE.

The purpose of this Act is to provide a framework for meeting the National Education Goals established by title I of this Act by—

- (1) promoting coherent, nationwide, systemic education reform;
 (2) improving the quality of learning and teaching in the classroom and in the workplace;

- (3) defining appropriate and coherent Federal, State, and local roles and responsibilities for education reform and lifelong learning;

- (4) establishing valid, reliable, and fair mechanisms for—

- (A) building a broad national consensus on American education reform;

- (B) assisting in the development and certification of high-quality, internationally competitive content and student performance standards;

- (C) assisting in the development and certification of opportunity-to-learn standards; and

- (D) assisting in the development and certification of high-quality assessment measures that reflect the internationally competitive content and student performance standards;

- (5) supporting new initiatives at the Federal, State, local, and school levels to provide equal educational opportunity for all students to meet high standards and to succeed in the world of employment and civic participation;

- (6) providing a framework for the reauthorization of all Federal education programs by—

- (A) creating a vision of excellence and equity that will guide all Federal education and related programs;

- (B) providing for the establishment of high-quality, internationally competitive content and student performance standards that all students will be expected to achieve;

- (C) providing for the establishment of high quality, internationally competitive opportunity-to-learn standards that all States, local educational agencies, and schools should achieve;

- (D) encouraging and enabling all State educational agencies and local educational agencies to develop comprehensive improvement plans that will provide a coherent framework for the implementation of reauthorized Federal education and related programs in an integrated fashion that effectively educates all children enabling them to participate fully as workers, parents, and citizens; and

- (E) providing resources to help individual schools, including those serving students with high needs, develop and implement comprehensive improvement plans;

- (7) stimulating the development and adoption of a voluntary national system of skill standards and certification to serve as a cornerstone of the national strategy to enhance workforce skills; and

- (8) assisting every elementary and secondary school that receives funds under this Act to actively involve parents and families in supporting the academic work of their children at home and in providing parents with skills to advocate for their children at school.

PART A—NATIONAL EDUCATION GOALS

SEC. 111. PURPOSE.

The purpose of this title is to establish national education goals.

SEC. 112. NATIONAL EDUCATION GOALS.

The Congress declares that the National Education Goals are the following:

- (1) SCHOOL READINESS.—(A) By the year 2000, all children in America will start school ready to learn.

- (B) The objectives for this goal are that—

- (i) all children will have access to high-quality and developmentally appropriate preschool programs that help prepare children for school;

- (ii) every parent in America will be a child's first teacher and devote time each day to helping his or her preschool child learn, and parents will have access to the training and support they need; and

- (iii) all children will receive the nutrition and health care needed to arrive at school with healthy minds and bodies, and to maintain the mental alertness necessary to be prepared to learn, and the number of low-birthweight babies will be significantly reduced through enhanced prenatal health systems.

- (2) SCHOOL COMPLETION.—(A) By the year 2000, the high school graduation rate will increase to at least 90 percent.

- (B) The objectives for this goal are that—
 (i) the Nation must dramatically reduce its dropout rate, and 75 percent of those students who do drop out will successfully complete a high school degree or its equivalent; and

- (ii) the gap in high school graduation rates between American students from minority backgrounds and their non-minority counterparts will be eliminated.

- (3) STUDENT ACHIEVEMENT AND CITIZENSHIP.—(A) By the year 2000, all students will leave grades 4, 8, and 12 having demonstrated competency over challenging subject matter including English, mathematics, science, foreign languages, civics and government, arts, history, and geography, and every school in America will ensure that all students learn to use their minds well, so they may be prepared for responsible citizenship, further learning, and productive employment in our modern economy.

- (B) The objectives for this goal are that—
 (i) the academic performance of all students at the elementary and secondary level will increase significantly in every quartile, and the distribution of minority students in each level will more closely reflect the student population as a whole;

- (ii) the percentage of all students who demonstrate the ability to reason, solve problems, apply knowledge, and write and communicate effectively will increase substantially;

- (iii) all students will be involved in activities that promote and demonstrate good citizenship, community service, and personal responsibility;

- (iv) all students will have access to physical education and health education to ensure they are healthy and fit;

- (v) the percentage of all students who are competent in more than one language will substantially increase; and

- (vi) all students will be knowledgeable about the diverse cultural heritage of this Nation and about the world community.

- (4) TEACHER EDUCATION AND PROFESSIONAL DEVELOPMENT.—(A) By the year 2000, the Nation's teaching force will have access to programs for the continued improvement of their professional skills and the opportunity to acquire the knowledge and skills needed to instruct and prepare all American students for the next century.

- (B) The objectives of this goal are that—
 (i) every State will establish opportunity-to-learn standards and create an integrated strategy to attract, recruit, prepare, retrain, and support the continued professional development of teachers, administrators, and other educators, so that there is a highly talented workforce of professional educators to teach challenging standards;

(ii) subgrants for preservice teacher education and professional development activity will be made to local educational agencies, institutions of higher education, private nonprofit organizations, or consortia of such organizations, to support continuing, sustained, professional development activities for all educators; and

(iii) partnerships shall be established, whenever possible, between local educational agencies, institutions of higher education, local labor, business, and professional associations to provide and support programs for the professional development of educators, particularly in the area of emerging new technologies in education.

(5) MATHEMATICS AND SCIENCE.—(A) By the year 2000, United States students will be first in the world in mathematics and science achievement.

(B) The objectives for this goal are that—
(i) math and science education, including the metric system of measurement, will be strengthened throughout the system, especially in the early grades;

(ii) the number of teachers with a substantive background in mathematics and science, including the metric system of measurement, will increase by 50 percent; and

(iii) the number of United States undergraduate and graduate students, especially women and minorities, who complete degrees in mathematics, science, and engineering will increase significantly.

(6) ADULT LITERACY AND LIFELONG LEARNING.—(A) By the year 2000, every adult American will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

(B) The objectives for this goal are that—
(i) every major American business will be involved in strengthening the connection between education and work;

(ii) all workers will have the opportunity to acquire the knowledge and skills, from basic to highly technical, needed to adapt to emerging new technologies, work methods, and markets through public and private educational, vocational, technical, workplace, or other programs;

(iii) the number of quality programs, including those at libraries, that are designed to serve more effectively the needs of the growing number of part-time and midcareer students will increase substantially;

(iv) the proportion of those qualified students, especially minorities, who enter college, who complete at least two years, and who complete their degree programs will increase substantially;

(v) the proportion of college graduates who demonstrate an advanced ability to think critically, communicate effectively, and solve problems will increase substantially; and

(vi) schools, in implementing comprehensive parent involvement programs, will offer more adult literacy, parent training and lifelong learning opportunities to improve the ties between home and school, and enhance parents' work and home lives.

(7) SAFE, DISCIPLINED, AND DRUG-FREE SCHOOLS.—(A) By the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning.

(B) The objectives for this goal are that—
(i) every school will implement a firm and fair policy on use, possession, and distribution of drugs and alcohol;

(ii) parents, businesses, and community organizations will work together to ensure the

rights of students to study in a safe and secure environment that is free of drugs and crime;

(iii) every school district will develop a comprehensive K-12 drug and alcohol prevention education program. Drug and alcohol curricula should be taught as an integral part of health education. In addition, community-based teams should be organized to provide all students and teachers with needed support; and

(iv) every school district will develop and implement a policy to ensure that all schools are free of weapons and violence.

(8) SCHOOL AND HOME PARTNERSHIP.—(A) By the year 2000, every school and home will engage in partnerships that will increase parental involvement and participation in promoting the social, emotional, and academic growth of children.

(B) The objectives for this goal are that—

(i) every State will develop policies to assist local schools and local educational agencies to establish programs for increasing partnerships that respond to the varying needs of parents and the home, including parents of children who are disadvantaged, bilingual, or disabled;

(ii) every school will actively engage parents and families in a partnership which supports the academic work of children at home and shared educational decision making at school;

(iii) every home will be responsible for creating an environment of respect for education and providing the physical and emotional support needed for learning; and

(iv) parents and families will help to ensure that schools are adequately supported and will hold schools and teachers to high standards of accountability.

PART B—NATIONAL EDUCATION REFORM, LEADERSHIP, STANDARDS, AND ASSESSMENTS

Subpart 1—National Education Goals Panel

SEC. 121. PURPOSE.

It is the purpose of this part to establish a bipartisan mechanism for—

(1) building a national consensus for education improvement;

(2) reporting on progress toward achieving the National Education Goals; and

(3) reviewing the voluntary national content and student performance standards and opportunity-to-learn standards certified by the National Education Standards and Improvement Council, as well as the criteria for their certification, and the criteria for the certification of State assessments by the National Education Standards and Improvement Council with the option of disapproving such standards and criteria not later than 60 days after receipt from such Council.

SEC. 122. NATIONAL EDUCATION GOALS PANEL.

(a) ESTABLISHMENT.—There is established in the executive branch a National Education Goals Panel (referred to in this Act as the "Goals Panel") to advise the President, the Secretary, and the Congress.

(b) COMPOSITION.—The Goals Panel shall be composed of eighteen members (referred to in this part as "members"), including—

(1) two members appointed by the President;

(2) eight members who are Governors, three of whom shall be from the same political party as the President and five of whom shall be from the opposite political party of the President, appointed by the Chairperson and Vice Chairperson of the National Governors' Association, with each appointing representatives of his or her respective political party, in consultation with each other;

(3) four Members of Congress appointed as follows—

(A) one member appointed by the majority leader of the Senate from among the Members of the Senate;

(B) one member appointed by the minority leader of the Senate from among the Members of the Senate;

(C) one member appointed by the majority leader of the House of Representatives from among the Members of the House of Representatives; and

(D) one member appointed by the minority leader of the House of Representatives from among the Members of the House of Representatives; and

(4) four members of State legislatures appointed by the President of the National Conference of State Legislatures, of whom not more than two may be of the same political party as the President of the United States.

(c) SPECIAL APPOINTMENT RULES.—(1) The members appointed pursuant to subsection (b)(2) shall be appointed as follows:

(A) If the Chairperson of the National Governors' Association is from the same political party as the President, the Chairperson shall appoint three individuals and the Vice Chairperson shall appoint five individuals.

(B) If the Chairperson of the National Governors' Association is from the opposite political party as the President, the Chairperson shall appoint five individuals and the Vice Chairperson shall appoint three individuals.

(2) If the National Governors' Association has appointed a panel that meets the requirements of subsections (b) and (c), except for the requirements of subsection (b)(4), prior to the date of enactment of this title, then the members serving on such panel shall be deemed to be in compliance with subsections (b) and (c) and shall not be required to be reappointed pursuant to such subsections.

(3) To the extent feasible, the membership of the Goals Panel shall be geographically representative and reflect the racial, ethnic, and gender diversity of the United States.

(d) TERMS.—The terms of service of members shall be as follows:

(1) Members appointed under subsection (b)(1) shall serve at the pleasure of the President.

(2) Members appointed under subsection (b)(2) shall serve a two-year term, except that the initial appointments under such paragraph shall be made to ensure staggered terms with one-half of such members' terms concluding every two years.

(3) Members appointed under subsection (b) (3) and (4) shall serve a term of two years.

(e) DATE OF APPOINTMENT.—The initial members shall be appointed not later than sixty days after the date of enactment of this Act.

(f) INITIATION.—The Goals Panel may begin to carry out its duties under this part when ten members of the Goals Panel have been appointed.

(g) VACANCIES.—A vacancy on the Goals Panel shall not affect the powers of the Goals Panel, but shall be filled in the same manner as the original appointment.

(h) TRAVEL.—Each member may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(i) CHAIRPERSON.—From among the members, the President shall appoint the Chair-

person who shall serve a one-year term and shall alternate between political parties.

(j) **CONFLICT OF INTEREST.**—A member of the Goals Panel who is an elected official of a State which has developed content, student performance, or opportunity-to-learn standards may not participate in Goals Panel consideration of such standards.

(k) **EX OFFICIO MEMBER.**—If the President has not appointed the Secretary of Education as 1 of the 2 members he appoints pursuant to subsection (b)(1), then the Secretary shall serve as a nonvoting ex officio member of the Goals Panel.

SEC. 123. DUTIES.

(a) **DUTIES.**—The Goals Panel shall—

(1) report to the President, the Secretary, and the Congress regarding the progress the Nation and the States are making toward achieving the National Education Goals established under title I of this Act, including issuing an annual report;

(2) report on State opportunity-to-learn standards and the progress of States in meeting such standards;

(3) review, after taking into consideration the public comments received pursuant to section 136, with the option of disapproving by a two-thirds majority vote of the full membership not later than 60 days after receipt of the—

(A) criteria developed by the National Education Standards and Improvement Council for the certification of content and student performance standards, assessments, and opportunity-to-learn standards; and

(B) voluntary national content and student performance standards and opportunity-to-learn standards certified by the National Education Standards and Improvement Council;

(4) report on promising or effective actions being taken at the national, State, and local levels, in the public and private sectors, to achieve the National Education Goals; and

(5) help build a nationwide, bipartisan consensus for the reforms necessary to achieve the National Education Goals.

(b) **REPORT.**—(1) The Goals Panel shall annually prepare and submit to the President, the Secretary, the appropriate committees of Congress, and the Governor of each State a report that shall—

(A) report on the progress of the United States toward achieving the National Education Goals;

(B) identify actions that should be taken by Federal, State, and local governments to enhance progress toward achieving the National Education Goals and State opportunity-to-learn standards; and

(C) report on State opportunity-to-learn standards and the progress of States in meeting such standards.

(2) Reports shall be presented in a form, and include data, that is understandable to parents and the general public.

SEC. 124. POWERS OF THE GOALS PANEL.

(a) **HEARINGS.**—(1) The Goals Panel shall, for the purpose of carrying out this part, conduct such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Goals Panel considers appropriate.

(2) In carrying out this part, the Goals Panel shall conduct hearings to receive reports, views, and analyses of a broad spectrum of experts and the public on the establishment of voluntary national content and student performance standards, assessments, and opportunity-to-learn standards.

(b) **INFORMATION.**—The Goals Panel may secure directly from any department or agency of the United States information necessary

to enable the Goals Panel to carry out this part. Upon request of the Chairperson of the Goals Panel, the head of a department or agency shall furnish such information to the Goals Panel to the extent permitted by law.

(c) **POSTAL SERVICES.**—The Goals Panel may use the United States mail in the same manner and under the same conditions as other departments and agencies of the United States.

(d) **USE OF FACILITIES.**—The Goals Panel may, with consent, use the research, equipment, services, and facilities of any agency or instrumentality of the United States, or of any State or political subdivision thereof.

(e) **ADMINISTRATIVE ARRANGEMENTS AND SUPPORT.**—(1) The Secretary shall provide to the Goals Panel, on a reimbursable basis, such administrative support services as the Goals Panel may request.

(2) The Secretary shall, to the extent appropriate, and on a reimbursable basis, make contracts and other arrangements that are requested by the Goals Panel to help it compile and analyze data or carry out other functions necessary to the performance of such responsibilities.

SEC. 125. ADMINISTRATIVE PROVISIONS.

(a) **MEETINGS.**—The Goals Panel shall meet on a regular basis, as necessary, at the call of the Chairperson of the Goals Panel or a majority of its members.

(b) **QUORUM.**—A majority of the members shall constitute a quorum for the transaction of business.

(c) **VOTING.**—No individual may vote, or exercise any of the powers of a member, by proxy.

(d) **PUBLIC ACCESS.**—The Goals Panel shall ensure public access to its proceedings (other than proceedings, or portions of proceedings, relating to internal personnel and management matters) and make available to the public, at reasonable cost, transcripts of such proceedings.

SEC. 126. DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.

(a) **DIRECTOR.**—The Chairperson of the Goals Panel shall, without regard to the provisions of title 5, United States Code, relating to the appointment and compensation of officers or employees of the United States, appoint a Director to be paid at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule.

(b) **APPOINTMENT AND PAY OF EMPLOYEES.**—(1)(A) The Director may appoint not more than four additional employees to serve as staff to the Goals Panel without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(B) The employees appointed under paragraph (1)(A) may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, but shall not be paid a rate that exceeds the maximum rate of basic pay payable for GS-15 of the General Schedule.

(2) The Director may appoint additional employees to serve as staff to the Goals Panel consistent with title 5, United States Code.

(c) **EXPERTS AND CONSULTANTS.**—The Goals Panel may procure temporary and intermittent services of experts and consultants under section 3109(b) of title 5, United States Code.

(d) **STAFF OF FEDERAL AGENCIES.**—Upon the request of the Goals Panel, the head of any department or agency of the United States may detail any of the personnel of such agency to the Goals Panel to assist the Goals Panel in its duties under this part.

SEC. 127. EARLY CHILDHOOD ASSESSMENT.

(a) **GENERAL.**—(1) The Goals Panel shall support the work of its Resource and Technical Planning Groups on School Readiness (referred to in this section as the Groups) to improve the methods of assessing the readiness of children for school that would lead to alternatives to currently used norm-referenced early childhood assessments.

(2) The Groups shall—

(A) create clear guidelines regarding the nature, functions, and uses of early childhood assessments, including a model of school readiness that addresses a broad range of early childhood developmental needs;

(B) monitor and evaluate early childhood assessments, including the ability of existing assessments to provide valid information on the readiness of children for school; and

(C) monitor and report on the long-term collection of data on the status of young children to improve policy and practice, including the need for new sources of data necessary to assess the broad range of early childhood developmental needs.

(b) **ADVICE.**—The Groups shall advise and assist the Congress, the Secretary, the Goals Panel, and others regarding how to improve the assessment of young children and how such assessments can improve services to children.

(c) **REPORT.**—The Goals Panel shall provide reports on the work of the Groups to the Congress, the Secretary, and the public.

Subpart 2—National Education Standards and Improvement Council

SEC. 131. PURPOSE.

The purpose of this part is to establish a mechanism to—

(1) certify and regularly review voluntary national content and student performance standards that define what all students should know and be able to do;

(2) certify content and student performance standards submitted by States on a voluntary basis, if such standards are of equal or higher quality to the voluntary national content and student performance standards certified by the National Education Standards and Improvement Council;

(3) certify and regularly review voluntary national opportunity-to-learn standards that describe the conditions of teaching and learning necessary for all students to have a fair opportunity to achieve the knowledge and skills described in the voluntary national content and student performance standards certified by the National Education Standards and Improvement Council;

(4) certify opportunity-to-learn standards submitted by States on a voluntary basis, if such standards are of equal or higher quality as compared with the voluntary national opportunity-to-learn standards; and

(5) certify assessment systems submitted by States on a voluntary basis, if such systems are aligned with State content standards certified by the National Education Standards and Improvement Council and if such systems are valid, reliable, and consistent with relevant, nationally recognized, professional and technical standards for assessment when used for their intended purposes.

SEC. 132. NATIONAL EDUCATION STANDARDS AND IMPROVEMENT COUNCIL.

(a) **ESTABLISHMENT.**—There is established in the executive branch a National Education Standards and Improvement Council (referred to in this title as the "Council").

(b) **COMPOSITION.**—The Council shall be composed of twenty members (referred to in this part as "members") who shall be appointed as follows:

(1) 8 members (2 from each of subparagraphs (A) through (D) of subsection (c)(1)) shall be appointed by the President;

(2) 4 members (1 from each of subparagraphs (A) through (D) of subsection (c)(1)) shall be appointed by the Speaker of the House of Representatives, in consultation with the majority and minority leaders of the House;

(3) 4 members (1 from each of subparagraphs (A) through (D) of subsection (c)(1)) shall be appointed by the majority leader of the Senate, in consultation with the minority leader of the Senate; and

(4) 4 members (1 from each of subparagraphs (A) through (D) of subsection (c)(1)) shall be appointed by the National Education Goals Panel.

(c) QUALIFICATIONS.—(1) The members of the Council shall include—

(A) 5 professional educators, including elementary and secondary classroom teachers, preschool educators and other school-based professionals, local district or State administrators, related service personnel, and other educators;

(B) 5 representatives of business and industry, organized labor, and postsecondary educational institutions, including at least 1 representative of postsecondary educational institutions, at least 1 representative of organized labor, and at least 1 representative of business who is also a member of the National Skill Standards Board;

(C) 5 representatives of the public, including representatives of advocacy, civil rights and disability groups, parents, civic leaders, and local and State education policymakers (including State, local, or tribal school boards); and

(D) 5 education experts, including experts in measurement and assessment, curriculum, school finance and equity, and school reform.

(2) To the extent feasible, the membership of the Council shall be geographically representative of the United States and reflect the diversity of the United States with regard to race, ethnicity, gender, and disability characteristics.

(3) One-third of the Council shall consist of individuals with expertise in the educational needs of children who are from low-income families, minority backgrounds, have limited-English proficiency, or have disabilities.

(d) TERMS.—(1) Members shall be appointed for 3-year terms, with no member serving more than 3 consecutive terms.

(2) The Council shall establish by lot initial terms for individuals of one, two, or three years in order to establish a rotation in which one-third of the members are selected each year.

(e) DATE OF APPOINTMENT.—The initial members shall be appointed not later than 120 days after the date of enactment of this Act.

(f) INITIATION.—The Council shall begin to carry out the duties of the Council under this part when all 20 members have been appointed.

(g) RETENTION.—In order to retain an appointment to the Council, a member must attend at least two-thirds of the scheduled meetings of the Council in any given year.

(h) VACANCY.—A vacancy on the Council shall not affect the powers of the Council, but shall be filled in the same manner as the original appointment.

(i) COMPENSATION.—Members of the Council who are not regular full-time employees of the United States may, while attending meetings or hearings of the Council, be provided compensation at a rate fixed by the Secretary, but not exceeding the maximum

rate of basic pay payable for GS-15 of the General Schedule.

(j) CONFLICT OF INTEREST.—(1) A member of the Council may not concurrently serve as a member of the Goals Panel.

(2) Section 208 of title 18 of the United States Code shall apply to members of the Council except that, for the purposes of making written determinations under subsection (b)(1), the Government official responsible for the appointment of any member of the Council is deemed to be the Director of the Office of Government Ethics.

(3) A member of the Council who resides in a State which has developed standards and assessments may not participate in Council consideration of such standards and assessments.

(k) TRAVEL.—Each member of the Council may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(l) OFFICERS.—The members of the Council shall select officers from among its members. The officers of the Council shall serve for one-year terms.

SEC. 133. DUTIES.

(a) VOLUNTARY NATIONAL CONTENT STANDARDS.—(1) The Council shall—

(A) identify areas in which voluntary national content standards need to be developed;

(B) certify voluntary national content and student performance standards using the criteria developed under paragraph (2)(A)(i), that define what all students should know and be able to do;

(C) forward such voluntary national content and student performance standards to the Goals Panel for review, except that the Goals Panel shall have the option of disapproving such standards by a two-thirds majority vote of the full membership not later than 60 days after receipt of such standards; and

(D) develop a process for regularly reviewing any national voluntary content, student performance, and opportunity-to-learn standards that have been certified.

(2)(A) The Council shall—

(i) identify and develop criteria to be used for certifying the voluntary national content and student performance standards; and

(ii) before applying such criteria, forward them to the Goals Panel for review, except that the Goals Panel shall have the option of disapproving such criteria by a two-thirds majority vote of the full membership not later than 60 days after receipt of such criteria.

(B) The criteria developed by the Council shall address—

(i) the extent to which the proposed standards are internationally competitive and comparable to the best in the world;

(ii) the extent to which the proposed content and student performance standards reflect the best available knowledge about how all students learn and about how the content area can be most effectively taught;

(iii) the extent to which the proposed content and student performance standards have been developed through an open and public process that provides for input and involvement of all relevant parties, including teachers, related services personnel, and other professional educators, employers and postsecondary education institutions, curriculum and subject matter specialists, parents, advocacy groups, and the public; and

(iv) other factors that the Council deems appropriate.

(C) In developing the criteria, the Council shall work with entities that are developing, or have already developed, content and student performance standards, and any other entities that the Council deems appropriate, to identify appropriate certification criteria.

(b) VOLUNTARY STATE CONTENT STANDARDS.—The Council may certify content and student performance standards presented on a voluntary basis by States, using the criteria developed under subsection (a)(2)(A)(i), if such standards are of equal or higher quality to the voluntary national content and student performance standards certified by the Council.

(c) VOLUNTARY NATIONAL OPPORTUNITY-TO-LEARN STANDARDS.—(1) The Council shall certify exemplary, voluntary national opportunity-to-learn standards that will establish a basis for providing all students a fair opportunity to achieve the knowledge and skills set out in the voluntary national content standards certified by the Council.

(2) The voluntary national opportunity-to-learn standards certified by the Council shall address—

(A) the quality and availability of curricula, instructional materials, and technologies, including distance learning, to all students;

(B) the capability of teachers to provide high-quality instruction to meet diverse learning needs in each content area to all students;

(C) the extent to which teachers, principals, and administrators have ready and continuing access to professional development, including the best knowledge about teaching, learning, and school improvement;

(D) the extent to which curriculum, instructional practices, and assessments are aligned to content standards;

(E) the extent to which school facilities provide a safe and secure environment for learning and instruction and have the requisite libraries, laboratories, and other resources necessary to provide an opportunity to learn;

(F) the extent to which schools utilize policies, curricula, and instructional practices which ensure nondiscrimination on the basis of gender; and

(G) other factors that the Council deems appropriate to ensure the students receive a fair opportunity to achieve the knowledge and skills described in the voluntary content and student performance standards certified by the Council.

(3) In carrying out this subsection, the Council shall—

(A) identify what countries with rigorous content standards do to—

(i) provide their children with opportunities to learn;

(ii) prepare their teachers; and

(iii) provide continuing professional development opportunities for their teachers; and

(B) develop criteria to be used for certifying the voluntary national and State opportunity-to-learn standards and, before applying such criteria, forward them to the Goals Panel for review, except that the Goals Panel shall have the option of disapproving such standards by a two-thirds majority vote of the full membership not later than 60 days after receipt of such criteria.

(4) The Council shall assist in the development of the voluntary national opportunity-to-learn standards developed by the consortium under section 139 by—

(A) making recommendations to the Secretary regarding priorities and selection criteria for the award made under section 139 and

(B) coordinating with the consortium receiving an award under section 139 to ensure that the opportunity-to-learn standards the consortium develops are appropriate for the needs of all students, are of high quality, and are consistent with the criteria developed by the Council for the certification of such standards.

(5) The Council shall forward the voluntary national opportunity-to-learn standards it certifies to the Goals Panel for review, except that the Goals Panel shall have the option of disapproving such standards by a two-thirds majority vote of the full membership not later than 60 days after receipt of such standards.

(d) **VOLUNTARY STATE OPPORTUNITY-TO-LEARN STANDARDS.**—The Council may certify opportunity-to-learn standards submitted voluntarily by a State, using the criteria developed under subsection (c)(3)(B), if such standards are of equal or higher quality as compared to the voluntary national opportunity-to-learn standards.

(e) **GENERAL PROVISION REGARDING VOLUNTARY NATIONAL STANDARDS.**—The Council may certify voluntary national content, student performance, and opportunity-to-learn standards if such standards are sufficiently general to be used by any State without restricting State and local control of curriculum and prerogatives regarding instructional methods to be employed.

(f) **ASSESSMENTS.**—(1)(A) The Council may certify an assessment system that is submitted voluntarily by a State, using the criteria developed under paragraph (2)(A), if such system is aligned with the State's content standards certified by the Council.

(B) Assessment systems shall be certified by the Council for the purposes of—

(i) informing students, parents, teachers, and related services personnel about the progress of all students toward the standards;

(ii) improving classroom instruction and improving the learning outcomes for all students;

(iii) exemplifying for students, parents, and teachers the kinds and levels of achievement that should be expected of all students, including the identification of student performance standards;

(iv) measuring and motivating individual students, schools, districts, States, and the Nation to improve educational performance; and

(v) assisting education policymakers in making decisions about education programs.

(C) The Council shall certify an assessment system only if—

(i) the State has established or adopted opportunity-to-learn standards;

(ii) such system will not be used to make decisions regarding graduation, grade promotion, or retention of students for a period of five years from the date of enactment of this Act; and

(iii) the State has submitted—

(I) a description of the purposes for which the assessment system has been designed;

(II) the methodologies and process used to develop, select, validate, and use such assessment systems;

(III) a copy of the test instrument and, as appropriate, other measures that will make up the system; and

(IV) evidence that the test or tests which are part of the assessment system are valid, reliable measures of their intended purposes, are aligned with the State content standards, are capable of assessing the progress of all students toward learning the material in the State content standards, and are consistent

with relevant nationally recognized professional and technical standards.

(D) The Council shall, at the request of a State prior to developing an assessment system for a proposed use, review and provide guidance to such State on a proposed package of measures, including tests that would be included in such a system.

(2)(A) The Council shall develop and, no sooner than three years or later than four years after the enactment of this Act, begin utilizing criteria for the certification of assessment systems for the purposes indicated in paragraph (1)(B). Before using such criteria, the Council shall forward the criteria to the Goals Panel for review, except that the Goals Panel shall have the option of disapproving such criteria by a two-thirds majority vote of the full membership not later than 60 days after receipt of such criteria.

(B) The certification criteria developed by the Council shall address the extent to which the assessment system—

(i) is aligned with State content standards certified by the Council; and

(ii) is to be used for a purpose for which it is valid, reliable, free of discrimination, and is consistent with relevant, nationally recognized professional and technical standards for assessment.

(C) In determining appropriate certification criteria, the Council shall—

(i) consider standards and criteria being developed by other national organizations, research on assessment, and emerging new State and local assessments;

(ii) recommend needed research;

(iii) encourage the development and field testing of assessment systems; and

(iv) provide a public forum for discussing, debating, and building consensus for the criteria to be used for the certification of assessment systems.

(D) Prior to determining the certification criteria, the Council shall seek public comment regarding the proposed criteria.

(E) The Council shall certify an assessment system only if such system includes all students.

(g) **PERFORMANCE OF DUTIES.**—In carrying out its responsibilities under this title, the Council shall—

(1) provide for a process of broad public input as part of the process of developing criteria for standards and assessments;

(2) work with Federal and non-Federal agencies and organizations which are conducting research, studies, or demonstration projects to determine internationally competitive standards and assessments, and may establish subject matter and other panels to advise it on particular content, student performance, and opportunity-to-learn standards and on assessments;

(3) establish cooperative arrangements with the National Skill Standards Board to promote the coordination of the development of content and student performance standards under this title with the development of skill standards under title IV of this Act;

(4) recommend studies to the Secretary that are necessary to carry out the Council's responsibilities;

(5) inform the public about what constitutes high quality, internationally competitive, content, student performance, and opportunity-to-learn standards, and assessment systems;

(6) on a regular basis, review and update criteria for certifying content, student performance, and opportunity-to-learn standards, and assessment systems; and

(7) periodically recertify, as appropriate, the voluntary national content and student

performance standards, and the voluntary national opportunity-to-learn standards and the assessments that it certifies under this section.

(h) **UNCONDITIONED STATE PARTICIPATION.**—No State shall be required to obtain certification of standards or assessments developed under subsection (b), (d), or (f) of this section or to participate in programs under title III of this Act, as a condition of participating in any Federal education program under this or any other Act.

SEC. 134. ANNUAL REPORTS.

Not later than one year after the date the Council concludes its first meeting, and in each succeeding year, the Council shall prepare and submit a report to the President, the Secretary, the appropriate committees of Congress, the Governor of each State, and the Goals Panel regarding its work.

SEC. 135. POWERS OF THE COUNCIL.

(a) **HEARINGS.**—(1) The Council shall, for the purpose of carrying out its responsibilities, conduct such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Council considers appropriate.

(2) In carrying out this part, the Council shall conduct public hearings in different geographic areas of the United States, both urban and rural, to receive the reports, views, and analyses of a broad spectrum of experts and the public on the establishment of voluntary national content, student performance, and opportunity-to-learn standards, and assessment systems.

(b) **INFORMATION.**—The Council may secure directly from any department or agency of the United States information necessary to enable the Council to carry out this part. Upon request of the Chairperson of the Council, the head of a department or agency shall furnish such information to the Council to the extent permitted by law.

(c) **POSTAL SERVICES.**—The Council may use the United States mail in the same manner and under the same conditions as other departments and agencies of the United States.

(d) **USE OF FACILITIES.**—The Council may, with their consent, use the research, equipment, services, and facilities of any agency or instrumentality of the United States, or of any State or political subdivision thereof.

(e) **ADMINISTRATIVE ARRANGEMENTS AND SUPPORT.**—(1) The Secretary shall provide to the Council, on a reimbursable basis, such administrative support services as the Council may request.

(2) The Secretary shall, to the extent appropriate, and on a reimbursable basis, make contracts and other arrangements that are requested by the Council to help it compile and analyze data or carry out other functions necessary to the performance of its responsibilities.

SEC. 136. PUBLICATION FOR PUBLIC COMMENT.

(a) **TRANSMITTAL.**—For the purpose of obtaining public comment through publication in the Federal Register, the Council shall transmit to the Secretary—

(1) proposed criteria for certifying national and State content and performance standards;

(2) proposed criteria for certifying national and State opportunity-to-learn standards;

(3) proposed criteria for certifying State assessment systems; and

(4) proposed national content, performance, and opportunity-to-learn standards.

(b) **PUBLICATION.**—The Secretary shall publish such proposed procedures, standards, and criteria in the Federal Register.

SEC. 137. ADMINISTRATIVE PROVISIONS.

(a) **MEETINGS.**—The Council shall meet on a regular basis, as necessary, at the call of

the Chairperson of the Council, or a majority of its members.

(b) **QUORUM.**—A majority of the members shall constitute a quorum for the transaction of business.

(c) **VOTING.**—The Council shall take all action of the Council by a majority vote of the total membership of the Council, ensuring the right of the minority to issue written views. No individual may vote or exercise any of the powers of a member by proxy.

(d) **PUBLIC ACCESS.**—The Council shall ensure public access to its proceedings (other than proceedings, or portions of proceedings, relating to internal personnel and management matters) and make available to the public, at reasonable cost, transcripts of such proceedings.

SEC. 138. DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.

(a) **DIRECTOR.**—The Chairperson of the Council shall, without regard to the provisions of title 5, United States Code, relating to the appointment and compensation of officers or employees of the United States, appoint a Director to be paid at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule.

(b) **APPOINTMENT AND PAY OF EMPLOYEES.**—(1)(A) The Director may appoint not more than four additional employees to serve as staff to the Council without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(B) The employees appointed under subparagraph (A) may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, but shall not be paid a rate that exceeds the maximum rate of basic pay payable for GS-15 of the General Schedule.

(2) The Director may appoint additional employees to serve as staff of the Council consistent with title 5, United States Code.

(c) **EXPERTS AND CONSULTANTS.**—The Council may procure temporary and intermittent services under section 3019(b) of title 5, United States Code.

(d) **STAFF OF FEDERAL AGENCIES.**—Upon the request of the Council, the head of any department or agency of the United States may detail any of the personnel of such department or agency to the Council to assist the Council in its duties under this part.

SEC. 139. OPPORTUNITY-TO-LEARN DEVELOPMENT GRANT.

(a) **OPPORTUNITY-TO-LEARN DEVELOPMENT GRANT.**—(1) The Secretary is authorized to make a grant, on a competitive basis, to a consortium of individuals and organizations to develop voluntary national opportunity-to-learn standards consistent with the provisions of section 123(c).

(2) To the extent possible, such consortium shall include the participation of—

(A) State-level policymakers, such as Governors, State legislators, chief State school officers, and State school board members;

(B) local policymakers and administrators, such as local school board members, superintendents, and principals;

(C) teachers (especially teachers involved in the development of content standards);

(D) parents and individuals with experience in promoting parental involvement in education;

(E) representatives of business;

(F) experts in vocational-technical education;

(G) representatives of regional accrediting associations;

(H) individuals with expertise in school finance and equity, the education of at-risk

students, and the preparation and training of teachers and school administrators;

(I) curriculum and school reform experts;

(J) student and civil rights advocacy groups;

(K) representatives of higher education; and

(L) secondary school students.

(3) In developing voluntary national opportunity-to-learn standards, such consortium shall—

(A) draw upon current research about student achievement and the necessary conditions for effective teaching and learning; and

(B) provide for the development of several consecutive drafts of standards which incorporate the comments and recommendations of educators and other knowledgeable individuals across the Nation.

(4) One-third of the consortium shall consist of individuals with expertise in the educational needs and assessment of children who are from low-income families, minority backgrounds, have limited-English proficiency, or have disabilities.

(5) The membership of the consortium shall be geographically representative and reflect the racial, ethnic, and gender diversity of the United States.

(b) **APPLICATIONS.**—(1) Any consortium that desires to receive a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

(2) In awarding such grant, the Secretary shall give priority to applications from consortia which involve individuals and organizations with the greatest diversity of perspectives and points of view.

(3) In establishing additional priorities and selection criteria for such grant, the Secretary shall give serious consideration to the recommendations made by the Council pursuant to section 123(c)(4)(A).

(c) **REPORT.**—After the development of the voluntary national opportunity-to-learn standards, the consortium funded under this section shall submit a report to the Secretary which discusses the background, important issues, and rationale regarding such standards.

SEC. 140. ASSESSMENT DEVELOPMENT AND EVALUATION GRANTS.

(a) **GENERAL.**—(1) The Secretary is authorized to make grants to States and local educational agencies or consortia of such agencies to help defray the cost of developing, field testing, and evaluating assessment systems, to be used for some or all of the purposes indicated in section 123(f)(1)(B), that are aligned to State content standards certified by the Council.

(2) The Secretary shall reserve a portion of the funds authorized under section 141(d) for grants to State educational agencies and local educational agencies for purposes of developing such assessments in languages other than English.

(b) **APPLICATIONS.**—A State, local educational agency, or consortium of such agencies that desires to receive a grant under subsection (a)(1) shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

(c) **REQUIREMENTS.**—(1) A recipient of a grant under this section shall—

(A) examine the validity and reliability of an assessment system for the particular purposes for which such assessment system was developed;

(B) ensure that an assessment system is consistent with relevant, nationally recog-

nized professional and technical standards for assessments; and

(C) devote special attention to how an assessment system, treats all students, especially with regard to the race, gender, ethnicity, disability, and language proficiency.

(2) An assessment system developed and evaluated with funds under this section may not be used for decisions about individual students relating to program placement, promotion, or retention, graduation, or employment for a period of five years from the date of enactment of this Act.

SEC. 141. EVALUATION.

(a) **GRANT.**—From funds reserved under section 154(a)(2), the Secretary annually shall make a grant, in an amount not to exceed \$500,000, to the Commission on Behavioral and Social Sciences and Education of the National Academy of Sciences or to the National Academy of Education to—

(1) evaluate—

(A) the technical quality of the work performed by the Goals Panel and the Council;

(B) the process the Council uses to develop criteria for certification of standards and assessments;

(C) the process the Council uses to certify voluntary national standards as well as standards and assessments voluntarily submitted by States; and

(D) the process the Goals Panel uses to approve certification criteria and voluntary national standards;

(2) periodically provide to the Goals Panel and the Council, as appropriate, information from the evaluation under paragraph (1); and

(3) report on the activities authorized under sections 139 and 140.

(b) **REPORT.**—The grant recipient shall periodically report to the Congress, the Secretary, and the public regarding findings and shall make a final report not later than January 1, 1998.

Subpart 3—Authorization of Appropriations

SEC. 145. AUTHORIZATION OF APPROPRIATIONS.

(a) **NATIONAL EDUCATION GOALS PANEL.**—There are authorized to be appropriated \$3,000,000 for fiscal year 1994 and such sums as may be necessary for each of the four succeeding fiscal years to carry out part A of this title.

(b) **NATIONAL EDUCATION STANDARDS AND IMPROVEMENT COUNCIL.**—There are authorized to be appropriated \$3,000,000 for fiscal year 1994 and such sums as may be necessary for each of the fiscal years 1995 through 1998 to carry out part B of this title.

(c) **OPPORTUNITY-TO-LEARN DEVELOPMENT GRANT.**—There are authorized to be appropriated \$3,000,000 for fiscal year 1994 and such sums as may be necessary for fiscal year 1995 to carry out the Opportunity-to-Learn Development Grant Program established under section 139 of this title.

(d) **ASSESSMENT DEVELOPMENT AND EVALUATION GRANTS.**—There are authorized to be appropriated \$5,000,000 for fiscal year 1994 and such sums as may be necessary for each of the fiscal years 1995 through 1998 to carry out the Assessment Development and Evaluation Grants Program established under section 140 of this title.

PART C—STATE AND LOCAL EDUCATION SYSTEMIC IMPROVEMENT

SEC. 151. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) all students can learn and achieve high standards and must realize their potential if the United States is to prosper;

(2) the reforms in education of the last 15 years have achieved some good results, but these efforts often have been limited to a few

schools or to a single part of the educational system;

(3) leadership must come both from teachers, related services personnel, principals, and parents in individual schools and from policymakers at the local, State, tribal, and national levels, in order for lasting improvements in student performance to occur;

(4) simultaneous top-down and bottom-up education reform is necessary to spur creative and innovative approaches by individual schools to help all students achieve internationally competitive standards;

(5) strategies must be developed by communities and States to support the revitalization of all local public schools by fundamentally changing the entire system of public education through comprehensive, coherent, and coordinated improvement in order to increase student learning;

(6) parents, teachers, and other local educators, and business, community, and tribal leaders must be involved in developing systemwide improvement strategies that reflect the needs of their individual communities;

(7) State and local education improvement efforts must incorporate strategies for providing all students and families with coordinated access to appropriate social services, health care, nutrition, and child care to remove preventable barriers to learning and enhance school readiness for all students;

(8) States and local educational agencies, working together, must immediately set about developing and implementing such systemwide improvement strategies if the Nation is to educate all children to meet their full potential and achieve the National Education Goals listed in title I of this Act;

(9) State and local systemic improvement strategies must provide all students with effective mechanisms and appropriate paths to the workforce as well as to higher education;

(10) business should be encouraged to enter into partnerships with schools, provide information and guidance to schools on the needs of area business for properly educated graduates in general and on the need for particular workplace skills, that the schools may provide necessary material and support, and continue the lifelong learning process throughout the employment years of an individual, and schools should provide information to business regarding how the business community can assist schools in meeting the goals of this Act;

(11) institutions of higher education should be encouraged to enter into partnerships with schools to provide information and guidance to schools on the skills and knowledge graduates need in order to enter and successfully complete postsecondary education, and schools should provide information and guidance to institutions of higher education on the skills, knowledge, and preservice training teachers need, and the types of professional development educators need in order to meet the goals of this Act;

(12) the appropriate and innovative use of technology, including distance learning, can be very effective in helping to bring all students the opportunity to learn and meet high standards; and

(13) Federal funds should be targeted to support local and State initiatives, and to leverage State and local resources for designing and implementing system-wide improvement plans.

SEC. 152. PURPOSE.

The purpose of this title is to improve the quality of education for all students by improving student learning through a long-term, broad-based effort to promote coherent and coordinated improvements in the system

of education throughout the Nation at the local and State levels. This title provides new authorities and funding for the Nation's school systems without replacing or reducing funding for existing Federal education programs. It is the intention of the Congress that no State or local educational agency will reduce its funding for education or for education reform on account of receiving any funds under this title.

SEC. 153. AUTHORIZATION OF APPROPRIATIONS.

For the purpose of carrying out this title, there are authorized to be appropriated \$393,000,000 for the fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.

SEC. 154. ALLOTMENT OF FUNDS.

(a) RESERVATIONS OF FUNDS.—From funds appropriated under section 153, the Secretary—

(1) shall reserve a total of one percent to provide assistance, in amounts determined by the Secretary—

(A) to the outlying areas; and

(B) to the Secretary of the Interior to benefit Indian students in schools operated or funded by the Bureau of Indian Affairs (referred to in this Act as the "Bureau"); and

(2) may reserve a total of up to 6 percent for—

(A) national leadership activities under section 163;

(B) the costs of peer review of State improvement plans and applications under this title; and

(C) evaluation activities under section 141.

(b) STATE ALLOTMENTS.—The Secretary shall allot the remaining amount appropriated under section 153 for each fiscal year to the States (which for the purposes of this subsection does not include the outlying areas) as follows:

(1) 50 percent of such remaining amount shall be allocated in accordance with the relative amounts such State received under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 for the preceding fiscal year.

(2) 50 percent of such remaining amount shall be allocated in accordance with the relative amounts each such State received under part A of chapter 2 of title I of the Elementary and Secondary Education Act of 1965 for the preceding fiscal year.

(c) REALLOTMENTS.—If the Secretary determines that any amount of a State's allotment for any fiscal year under subsection (b) will not be needed for such fiscal year by the State, the Secretary shall reallocate such amount to other States that need additional funds, in such manner as the Secretary determines is appropriate.

SEC. 155. STATE APPLICATIONS.

(a) GENERAL.—(1) If a State desires to receive a grant under this title, the State educational agency shall submit an application to the Secretary at such time and in such manner as the Secretary may determine.

(2) In addition to the information described in subsections (b) and (c), each such application shall include—

(A) an assurance that the State educational agency will cooperate with the Secretary in carrying out the Secretary's responsibilities under section 162, and will comply with reasonable requests of the Secretary for data related to the State's progress in developing and implementing its State improvement plan under this title;

(B) an assurance that State law provides adequate authority to carry out each component of the State's improvement plan developed, or to be developed under section 156, or that such authority will be sought;

(C) an assurance that the standards developed for student achievement are not less rigorous than student achievement standards used prior to the date of enactment of this Act;

(D) an assurance that the State will provide for broad public participation in the planning process; and

(E) such other assurances and information as the Secretary may require.

(b) FIRST YEAR.—A State's application for the first year of assistance under this title shall—

(1) describe the process by which the State will develop a school improvement plan that meets the requirements of section 156; and

(2) describe how the State educational agency will use funds received under this title for such year, including how the State educational agency will make subgrants to local educational agencies and for teacher training.

(c) SUBSEQUENT YEARS.—A State's second application under this title shall—

(1) cover the second through fifth years of its participation;

(2) include a copy of the State's improvement plan that meets the requirements of section 156 or, if the State plan is not complete, a statement of the steps it will take to complete the plan and a schedule for doing so; and

(3) include an explanation of how the State will use funds received under this title, including how it will make subgrants to local educational agencies and for teacher training under section 159(b)(1).

SEC. 156. STATE IMPROVEMENT PLANS.

(a) BASIC SCOPE OF PLAN.—Any State educational agency that wishes to receive a grant under this title after its first year of participation shall develop and implement a plan for the fundamental restructuring and improvement of elementary and secondary education in the State. This plan must address—

(1) in accordance with subsection (c), the establishment or adoption of challenging content and student performance standards for all students and the use of curricula, instructional practices, assessments, technology, parental involvement programs, and professional preparation and development approaches appropriate to help all students reach such standards;

(2) in accordance with subsection (d), the establishment or adoption of opportunity-to-learn standards that will define the conditions of teaching and learning that provide all students the opportunity to meet the challenging content and student performance standards;

(3) in accordance with subsection (e), needed changes in the governance and management of the education system in order to effectively focus schools on, and assist them in, preparing all students to meet the challenging State standards;

(4) in accordance with subsection (f), comprehensive strategies to involve communities, including parents, businesses, libraries, institutions of higher education, employment and training agencies, health and human service agencies, advocacy groups, cultural institutions, and other public and private agencies that provide social services, health care, child care, early childhood education, and nutrition to students, in helping all students meet the challenging State standards;

(5) in accordance with subsection (g), strategies for ensuring that all local educational agencies and schools within the State are involved in developing and implementing need-

ed improvements within a specified period of time;

(6) in accordance with subsection (h), strategies for ensuring that comprehensive, systemic reform is promoted from the bottom up in communities, local educational agencies, and schools; and

(7) the needs of the children, ages 5 through 18, who are out of school and the extent to which such children can be brought back into the education system and meet the standards set forth in this Act.

(b) **PLAN DEVELOPMENT.**—(1) A State improvement plan under this title must be developed by a broad-based panel (referred to in this title as the "panel") in cooperation with the State educational agency and the Governor. The panel shall include—

(A) the Governor and the chief State school officer, or their designees;

(B) the chairman of the State board of education and the chairmen of the appropriate authorizing committees of the State legislature, or their designees;

(C) teachers, principals, and administrators who have successfully improved student performance and deans of colleges of education;

(D) representatives of teacher organizations, parents, institutions of higher education, business and labor leaders, community-based organizations, Indian tribes, local boards of education, State and local officials responsible for health, social services, and other related services, and others, as appropriate;

(E) representatives from rural and urban local educational agencies in the State; and

(F) experts in educational measurement and assessment.

(2) The Governor and the chief State school officer shall each appoint half the members of the State panel. The full panel shall establish the procedures regarding the operation of the panel, including the designation of the panel chairperson.

(3) To the extent feasible, the membership of the panel shall be geographically representative of the State and reflect the diversity of the population of the State with regard to race, ethnicity, gender, and disability characteristics.

(4) One-third of the panel members shall be individuals with expertise in the educational needs and assessments of children who are from low-income families, minority group backgrounds, have limited-English proficiency, or have disabilities.

(5) The panel shall consult the Governor, the chief State school officer, the State board of education, and relevant committees of the State legislature in developing the plan.

(6) The panel shall be responsible for conducting a statewide, grassroots outreach process, including conducting public hearings, to involve educators, related services personnel, parents, secondary school students, local officials, private nonprofit elementary and secondary schools, community and business leaders, Indian tribes, citizens, children's advocates, and others with a stake in the success of students and their education system, and who are representative of the diversity of the State and its student population, in the development of the State plan and in a continuing dialog regarding the need for and nature of challenging standards for all students and local and State responsibilities for helping all students achieve them.

(7) The panel shall develop a continuing process for interacting with local educational agencies and individual schools en-

gaged in systemic reform, especially including local educational agencies and schools which receive subgrants under section 159 of this Act, to ensure that the development and implementation of the State plan reflects their needs and experiences.

(8) The panel shall develop a State plan, provide opportunity for public comment, and submit the State plan to the State educational agency for approval.

(9) The State educational agency shall submit the original State improvement plan developed by the panel and the State improvement plan if modified by such agency, together with an explanation of any changes made by such agency to the plan developed by the panel, to the Secretary for approval.

(10) If any portion of the State plan addresses matters that, under State or other applicable law, are not under the authority of the State educational agency, the State educational agency shall obtain the approval of, or changes to, such portion, with an explanation from the Governor or other official responsible for that portion before submitting the plan to the Secretary.

(11) After approval of the State plan by the Secretary, the panel, in close consultation with teachers, principals, administrators, school boards, advocacy groups, advocates of children with disabilities and parents in local educational agencies and schools receiving funds under this title, shall monitor the implementation and effectiveness of the State plan to determine if revisions are appropriate, and shall periodically report its findings to the public.

(c) **TEACHING, LEARNING, STANDARDS, AND ASSESSMENTS.**—Each State plan shall establish strategies and a timetable for improving teaching and learning, including—

(1) a process for developing or adopting challenging content and student performance standards for all students which includes coordinating the standards developed pursuant to section 115 of the Carl D. Perkins Vocational and Applied Technology Education Act of 1990;

(2) a process for providing assistance and support to local educational agencies and schools to give them the capacity and responsibility to provide all students the opportunity to increase education achievement and meet challenging State content and student performance standards;

(3) assessing the effectiveness and equity of the school finance program of the State to identify disparities in the resources available to each local educational agency and school in such State and how such disparities affect the ability of the State educational agency and local educational agencies to develop and implement plans under this title;

(4) a process for developing, adopting, or recommending instructional materials, including gender equitable and multicultural materials, and technology to support and assist local educational agencies and schools to provide all students the opportunity to meet the challenging State content and student performance standards;

(5) a process for developing and implementing a valid and nondiscriminatory assessment system or set of locally-based assessment systems which are consistent with relevant, nationally recognized, professional and technical standards for assessment, and are capable of providing coherent information about student attainments relative to the State content standards;

(6) a process for monitoring the implementation of such system or systems and the impact on improved instruction for all students;

(7) a process for improving the State's system of teacher and school administrator preparation, licensure, and continuing professional development so that all teachers, related services personnel, and administrators develop the subject matter and pedagogical expertise needed to prepare all students to meet the challenging standards under paragraph (1);

(8) a process for providing appropriate and effective professional development, including the use of technology, distance learning, and gender-equitable methods, necessary for teachers, school administrators, and others to help all students meet the challenging standards under paragraph (1); and

(9) a process to ensure widespread participation of classroom teachers in developing the portions of the plan described in this subsection.

(d) **OPPORTUNITY-TO-LEARN STANDARDS.**—Each State plan shall establish a strategy and timetable for—

(1) adopting or establishing opportunity-to-learn standards that are consistent with the challenging content and student performance standards that have been adopted or established;

(2) ensuring that every school in the State is making demonstrable progress toward meeting the State's opportunity-to-learn standards;

(3) ensuring that the State's opportunity-to-learn standards address the need of all students;

(4) providing for periodic assessments of the extent to which opportunity-to-learn standards are being met throughout the State; and

(5) periodically reporting to the public on the extent of the State's improvement in achieving such standards and providing all students with a fair opportunity to achieve the knowledge and skill levels that meet the State's content and student performance standards.

(e) **GOVERNANCE AND MANAGEMENT.**—Each State plan shall establish strategies for improved governance and management of its education system, such as—

(1) aligning responsibility, authority, and accountability throughout the education system, so that decisions regarding content and student performance standards are coordinated and decisions regarding the means for achieving such standards are made closest to the learners;

(2) creating an integrated and coherent approach to attracting, recruiting, preparing and licensing, appraising, rewarding, retaining, and supporting the continued professional development of teachers (including vocational teachers), administrators, and other educators, including bilingual educators and special education providers, so that there is a highly talented workforce of professional educators capable of preparing all students to reach challenging standards, with special attention to the recruitment, training, and retention of qualified minorities into the education profession within the State to ensure that the profession reflects the racial and ethnic diversity of the student population;

(3) providing incentives for high performance, such as—

(A) working with employers and institutions of higher education to devise strategies to reward student achievement;

(B) incentives for classroom teachers, principals, and other professional educators to participate in professional development activities; and

(C) school-based incentives for schools and local educational agencies to improve student performance;

(4) increasing the proportion of State and local funds allocated to direct instructional purposes; and

(5) increasing flexibility for local educational agencies and schools by, for example—

(A) waiving State regulations and other requirements that impede educational improvement;

(B) focusing accountability on educational outcomes rather than monitoring compliance with input requirements; and

(C) fostering conditions that allow teachers, principals, and parents in the school community to be creative in helping all students meet challenging standards.

(f) PARENTAL AND COMMUNITY SUPPORT AND INVOLVEMENT.—Each State plan shall describe strategies for how the State will involve parents and other community members in planning, designing, and implementing its plan, including such strategies as—

(1) educating the public about the need for higher standards, systemic improvement, and awareness of diverse learning needs;

(2) involving parents, communities, and advocacy groups in the standard-setting and improvement process;

(3) linking the family and school in supporting students to meet the challenging student content and performance standards established;

(4) reporting, on an ongoing basis, to parents, educators, and the public on the progress in implementing the plan and improving student performance;

(5) focusing public and private community resources and public school resources on prevention and early intervention to address the needs of all students by—

(A) identifying and removing unnecessary regulations and obstacles to coordination;

(B) improving communication and information exchange; and

(C) providing appropriate training to agency personnel; and

(6) increasing the access of all students to social services, health care, nutrition, related services, and child care services, and locating such services in schools, cooperating service agencies, community-based centers, or other convenient sites designed to provide "one-stop shopping" for parents and students.

(g) MAKING THE IMPROVEMENTS SYSTEM-WIDE.—To help provide all students throughout the State the opportunity to meet challenging State standards, each State plan shall describe strategies such as—

(1) ensuring that the improvement efforts expand from the initial local educational agencies, schools, and educators involved to all local educational agencies, schools, and educators in the State education system through such approaches as teacher and administrator professional development, technical assistance, whole school projects, intensive summer training, and networking of teachers and other educators, consortia of schools, and local educational agencies undertaking similar improvements;

(2) developing partnerships among preschools, elementary and secondary schools, institutions of higher education, cultural institutions, health and social service providers, and employers to improve teaching and learning at all levels of the education system for all students and to foster collaboration and continuous improvement;

(3) strategies to provide for the close coordination of standards development and im-

provement efforts among institutions of higher education and secondary, and elementary schools;

(4) conducting parental involvement activities and outreach programs aimed at parents whose language is a language other than English, individuals with disabilities, and other special populations, including American Indians, Alaskan Natives, and Native Hawaiians, to involve all segments of the community in the development of the State plan;

(5) developing partnerships with Indian tribes and schools funded by the Bureau, where appropriate, to improve consistency and compatibility in curriculum among public and such schools funded by the Bureau at all grade levels;

(6) allocating all available local, State, and Federal resources to achieve system-wide improvement;

(7) providing for the development of objective criteria and measures against which the success of local plans will be evaluated;

(8) providing for the availability of curricular materials, learning technologies, including distance learning, and professional development in a manner ensuring equal access by all local educational agencies in the State;

(9) taking steps to ensure that all local educational agencies, schools, and educators in the State benefit from successful programs and practices supported by funds made available to local educational agencies and schools under this title; and

(10) providing assistance to students, teachers, schools, and local educational agencies that are identified through the assessment system developed under subsection (c)(5) as needing such assistance.

(h) PROMOTING BOTTOM-UP REFORM.—Each State plan shall include strategies for ensuring that comprehensive, systemic reform is promoted from the bottom up in communities, local educational agencies, and schools, as well as guided by coordination and facilitation from State leaders, including strategies such as—

(1) ensuring that the State plan is responsive to the needs and experiences of local educational agencies, schools, teachers, the community, and parents;

(2) establishing mechanisms for continuous input from local schools, communities, advocacy groups, institutions of higher education, and local educational agencies into, and feedback on, the implementation of the State plan;

(3) providing discretionary resources that enable teachers and schools to purchase needed professional development and other forms of assistance consistent with their improvement plan from high-quality providers of their choice;

(4) establishing collaborative networks of teachers centered on content standards and assessments for the purpose of improving teaching and learning;

(5) providing flexibility to individual schools and local educational agencies to enable them to adapt and integrate State content standards into courses of study appropriate for individual schools and communities;

(6) facilitating the provision of waivers from State rules and regulations that impede the ability of local educational agencies or schools to carry out local education improvement plans; and

(7) facilitating communication among educators within and between local educational agencies for the purpose of sharing innovative and effective practices, including,

through the use of telecommunications, distance learning, site visits, and other means.

(i) COORDINATION WITH SCHOOL-TO-WORK PROGRAMS.—If a State has received Federal assistance for the purpose of planning for, expanding, or establishing a school-to-work program, then a State shall include in the State plan a description of how such school-to-work program will be incorporated into the school reform efforts of the State. In particular, the State plan shall include a description of how secondary schools will be modified in order to provide career guidance, the integration of academic and vocational education, and work-based learning, if such programs are proposed in the State's school-to-work plan.

(j) BENCHMARKS AND TIMELINES.—Each State plan shall include specific benchmarks of improved student performance and of progress in implementing the improvement plan, and timelines against which the progress of the State in carrying out its plan, including the elements described in subsections (c) through (h), can be measured.

(k) COORDINATING STRATEGIES.—Each State plan shall include strategies for coordinating the integration of academic and vocational instruction pursuant to the Carl D. Perkins Vocational and Applied Technology Education Act.

(l) PROGRAM IMPROVEMENT AND ACCOUNTABILITY.—Each State shall describe—

(1) how the State will monitor progress towards implementing the State and local plans; and

(2) procedures the State will use to ensure schools and school districts meet State opportunity-to-learn and content standards within the established time lines.

(m) PROHIBITION ON FEDERAL MANDATES, DIRECTION, AND CONTROL.—Nothing in this section 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 and local resources.

(n) PEER REVIEW AND SECRETARIAL APPROVAL.—(1) The Secretary shall review each State improvement plan prepared under this section, and each application submitted under section 155, with the assistance and advice of State and local education policy-makers, educators, classroom teachers, related services personnel, experts on educational innovation and improvement, parents, advocates for children with disabilities, representatives of other advocacy groups, and other appropriate individuals. The peer review process shall be performed by individuals representative of the diversity of the United States with regard to geography, race, ethnicity, gender, and disability. The review of each State plan shall include at least one site visit to each State.

(2) The Secretary shall approve a State's plan when the Secretary determines, after considering the peer reviewers' comment, that it—

(A) reflects a widespread commitment within the State;

(B) holds reasonable promise of enabling all students to achieve at the high levels called for by this Act;

(C) meets the requirements of subsections (a) through (k); and

(D) allows local schools, local educational agencies and communities the flexibility to implement local improvement plans in a manner which reflects local needs and requirements in order to promote a "bottom up" system of school reform.

(3) The Secretary shall not decline to approve a State's plan, or any State applica-

tion submitted under section 155, before offering the State—

(A) an opportunity to revise its plan or application; and

(B) a hearing.

(c) **REGULAR REVIEW.**—Each State plan shall include a process for regularly reviewing and updating any State content, student performance, and opportunity-to-learn standards and assessment systems.

(p) **AMENDMENTS TO PLAN.**—(1) Each State shall periodically review its plan and revise it, as appropriate, in accordance with the process described in subsection (b).

(2) The Secretary shall review major amendments to a State's plan through the same process, described in subsection (j), used to review the original plan.

(q) **PREEXISTING STATE PLANS AND PANELS.**—(1) If a State has developed a comprehensive and systemic improvement plan to help all students meet challenging standards, or any component of such a plan, that otherwise meets the requirements of this section, the Secretary may approve such plan or component notwithstanding that it was not developed in accordance with subsection (b), if the Secretary determines that such approval would further the purposes of State systemic education improvement.

(2) If, before the enactment of this Act, a State has made substantial progress in developing a plan that otherwise meets, or is likely to meet, the requirements of this section, but was developed by a panel that does not meet the requirements of paragraphs (1), (2), and (3) of subsection (b), the Secretary may, at the request of the Governor and the State educational agency, treat such panel as meeting the requirements of this title if the Secretary determines that there has been statewide involvement of educators, parents, students, advocacy groups, other interested members of the public in the development of the plan.

SEC. 157. SECRETARY'S REVIEW OF APPLICATIONS; PAYMENTS.

(a) **FIRST YEAR.**—The Secretary shall approve the initial year application of a State educational agency under section 155(b) if the Secretary determines that—

(1) such application meets the requirements of this title; and

(2) there is a substantial likelihood that the renewal application of the State will be able to develop and implement an education improvement plan that complies with section 156.

(b) **SECOND THROUGH FIFTH YEARS.**—The Secretary shall approve a renewal application of a State educational agency under section 155(c) for the second through fifth years only if—

(1)(A) the Secretary has approved the State's improvement plan under section 156(1); or

(B) the Secretary determines that the State has made substantial progress in developing such plan; and

(2) such application meets the other requirements of this title.

(c) **PAYMENTS.**—For any fiscal year for which a State has an approved application under this title, the Secretary shall make a grant to the State educational agency in the amount determined under section 154(b).

SEC. 158. STATE USE OF FUNDS.

(a) **FIRST YEAR.**—In the first year for which a State educational agency receives a grant under this title, the State—

(1) shall use at least 75 percent of such funds to make subgrants, in accordance with section 159(a), to local educational agencies for the development or implementation of

local improvement plans and to make subgrants, in accordance with section 159(b), to improve educator preservice programs and for professional development activities consistent with the State plan, if the amount allocated to States under section 154(b) for such year is at least \$50,000,000. The State may use such funds for such subgrants if such amount is less than \$50,000,000; and

(2) shall use the remainder of such funds to develop, revise, expand, or implement an education improvement plan described in section 156.

(b) **SUCCEEDING YEARS.**—A State that receives assistance under this title for any year after the first year of participation shall—

(1) use at least 90 percent of such assistance in each succeeding year to make subgrants—

(A) to local educational agencies, in accordance with section 159(a), for the implementation of the State improvement plan and of local improvement plans; and

(B) in accordance with section 159(b), to improve educator preservice programs and for professional development activities that are consistent with the State improvement plan; and

(2) use the remainder of such assistance for State activities designed to implement its improvement plan, such as—

(A) supporting the development or adoption of State content and student performance standards, State opportunity-to-learn standards, and assessments linked to the standards, including through consortia of States, and in conjunction with the National Education Standards and Improvement Council established under part B of title II of this Act;

(B) supporting the implementation of high-performance management and organizational strategies, such as site-based management, shared decisionmaking, or quality management principles, to promote effective implementation of such plan;

(C) supporting the development and implementation, at the local educational agency and school building level, of improved human resource development systems for recruiting, selecting, mentoring, supporting, evaluating, and rewarding educators;

(D) providing special attention to the needs of minority, limited-English proficient, disabled, and female students, including instructional programs and activities that encourage such students in elementary and secondary schools to aspire to enter post secondary education or training;

(E) supporting the development, at the State or local level, of performance-based accountability and incentive systems for schools;

(F) outreach related to education improvement to parents, Indian tribal officials, classroom teachers, related services personnel, and other educators, and the public;

(G) providing technical assistance and other services to increase the capacity of local educational agencies and schools to develop and implement local systemic improvement plans, implement new assessments, and develop curricula consistent with the content and student performance standards of the State;

(H) promoting public magnet schools, public "charter schools", and other mechanisms for increasing choice among public schools; and

(I) collecting and analyzing data.

(c) **LIMIT ON ADMINISTRATIVE COSTS.**—In each year, a State may use not more than four percent of its annual allotment under

this title, or \$100,000, whichever is greater, for administrative expenses, not including the activities of the panel established under section 156(b)(1).

SEC. 159. SUBGRANTS FOR LOCAL REFORM AND PROFESSIONAL DEVELOPMENT.

(a) **SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.**—(1)(A) Each State educational agency shall make subgrants to local educational agencies (or consortia of such agencies) consistent with subsections (a)(1) and (b)(1)(A) of section 158 through a competitive process.

(B) In making such subgrants, the State educational agency shall award not less than 1 subgrant in each fiscal year to an urban local educational agency and not less than 1 subgrant in each fiscal year to a rural local educational agency, except that this provision shall not apply to the District of Columbia. Rural local educational agencies may include or be represented as a fiscal agent by an education service agency.

(C) Each subgrant shall be for a project of sufficient duration and of sufficient size, scope, and quality to carry out the purpose of this title effectively.

(2) A local educational agency wishing to receive a subgrant under this title for the purpose of developing a comprehensive local plan shall submit an application to the State educational agency. Such application shall contain assurances that the local educational agency intends to develop a plan that meets the requirements of this section.

(3) Each local educational agency wishing to receive a subgrant for the purpose of implementing a plan under this subsection shall submit a local plan to the State educational agency which—

(A) is developed by a broad-based panel that—

(i) is appointed by the local educational agency and is representative of the diversity of students and community with regard to race, language, ethnicity, gender, disability, and socioeconomic characteristics and includes teachers, parents, advocacy groups, school administrators, business representatives, and others, as appropriate; and

(ii) shall, following the selection of its members, establish the procedures regarding the operation of the panel, including the designation of the chairperson;

(B) includes a comprehensive local plan for districtwide education improvement, directed at enabling all students to meet the challenging content and student performance standards of the State, including specific goals and benchmarks, consistent with the State improvement plan (either approved or under development) and includes a strategy for—

(i) implementing opportunity-to-learn standards;

(ii) improving teaching and learning;

(iii) improving governance and management;

(iv) generating and strengthening parental and community involvement; and

(v) expanding improvements throughout the local educational agency;

(C) promotes the flexibility of local schools in developing plans which address the particular needs of their school and community and are consistent with the local plan;

(D) describes a process of broad-based community participation in the development, implementation, and evaluation of the local plan;

(E) describes how the local educational agency will encourage and assist schools to develop comprehensive school improvement plans that focus on helping all students

reach challenging content and student performance standards and that address relevant elements of the improvement plan of the local educational agency identified in subparagraph (B);

(F) describes how the local educational agency will implement specific programs aimed at ensuring improvements in school readiness and the ability of students to learn effectively at all grade levels by identifying the most pressing needs facing students and their families with regard to social services, health care, nutrition, and child care, and by entering into partnerships with public and private agencies to increase the access of students and families to coordinated services in a school setting or at a nearby site;

(G) describes how the subgrant will be used by the local educational agency, and the procedures to be used to make funds available to schools in accordance with paragraph (6)(A);

(H) identifies, with an explanation, any State or Federal requirements that the local educational agency believes impede educational improvement and that such local educational agency requests be waived in accordance with section 161 (such requests shall promptly be transmitted to the Secretary by the State educational agency); and

(I) contains such other information as the State educational agency may reasonably require.

(4) A local educational agency which has approved a local plan shall submit such plan to the State for approval together with a description of modifications to such plan and any comments from the local panel regarding such plan.

(5) The panel appointed under paragraph (3)(A) shall, after approval by the State educational agency of the application of the local educational agency, monitor the implementation and effectiveness of the local improvement plan in close consultation with teachers, related services personnel, principals, administrators, community members, and parents from schools receiving funds under this title, to determine if revisions to the local plan should be recommended to the local educational agency. The panel shall make public its findings.

(6)(A) A local educational agency that receives a subgrant under this subsection shall—

(i) in the first year, use not more than 25 percent of subgrant funds to develop a local improvement plan or to implement any local educational activities approved by the State educational agency which are reasonably related to carrying out the State or local improvement plans, and not less than 75 percent of such funds to support individual school improvement initiatives directly related to providing all students in the school the opportunity to meet challenging State content and student performance standards; and

(ii) in subsequent years, use subgrant funds for any activities approved by the State educational agency which are reasonably related to carrying out the State or local improvement plans, except that at least 85 percent of such funds shall be made available to individual schools to develop and implement comprehensive school improvement plans which are tailored to meet the needs of their particular student populations and are designed to help all students meet challenging State content standards.

(B) At least 50 percent of the funds made available by a local educational agency to individual schools under this section in any fiscal year shall be made available to schools

with a special need for such assistance, as indicated by a high number or percentage of students from low-income families, low student achievement, or other similar criteria developed by the local educational agency.

(C) A local educational agency may not use more than five percent of its annual allotment under this Act for administrative expenses.

(7) The State educational agency shall give priority in awarding a subgrant to—

(A) a consortium of local educational agencies; or

(B) a local educational agency that makes assurances that funds will be used to assist a consortium of schools that has developed a plan for school improvement.

(b) SUBGRANTS FOR PRESERVICE TEACHER EDUCATION AND PROFESSIONAL DEVELOPMENT ACTIVITIES.—(1)(A) Each State educational agency shall make subgrants to consortia of local educational agencies, institutions of higher education, private nonprofit organizations, or combinations thereof, consistent with subsections (a)(1) and (b)(1) of section 158 through a competitive, peer-reviewed process to—

(i) improve preservice teacher education programs consistent with the State plan, including how to work effectively with parents and the community; and

(ii) support continuing, sustained professional development activities for educators which will increase student learning and are consistent with the State plan.

(B)(i) In order to apply for a subgrant described in subparagraph (A)(i), a consortium must include at least one local educational agency and at least one institution of higher education.

(ii) In order to apply for a subgrant described in subparagraph (A)(ii), a consortium must include at least one local educational agency.

(2) A consortium that wishes to receive a subgrant under this subsection shall submit an application to the State educational agency which—

(A) describes how the applicant will use the subgrant to improve teacher preservice and school administrator education programs or to implement educator professional development activities consistent with the State plan;

(B) identifies the criteria to be used by the applicant to judge improvements in preservice education or the effects of professional development activities consistent with the State plan; and

(C) contains any other information that the State educational agency determines is appropriate.

(3) A recipient of a subgrant under this subsection shall use the subgrant funds for activities supporting—

(A) the improvement of preservice teacher education and school administrator programs so that such programs equip educators with the subject matter and pedagogical expertise necessary for preparing all students to meet challenging standards; or

(B) the development and implementation of new and improved forms of continuing and sustained professional development opportunities for teachers, principals, and other educators at the school or district level that equip educators with such expertise, and with other knowledge and skills necessary for leading and participating in continuous education improvement.

(4) A recipient may use the subgrant funds under this subsection for costs related to release time for teachers to participate in professional development activities.

(5) Professional development shall include related services personnel as appropriate.

(6) In awarding subgrants under this subsection, the State educational agency shall give priority to local educational agencies that form partnerships with collegiate educators to establish professional development school sites.

(c) SPECIAL AWARD RULE.—(1) Each State educational agency shall award at least 50 percent of subgrant funds under subsection (a) in each fiscal year to local educational agencies that have a greater percentage or number of disadvantaged children than the statewide average percentage or number for all local educational agencies in the State.

(2) The State educational agency may waive the requirement of paragraph (1) if such State does not receive a sufficient number of applications to comply with such requirement.

SEC. 160. AVAILABILITY OF INFORMATION AND TRAINING.

(a) INFORMATION AND TRAINING.—Proportionate to the number of children in a State or in a local educational agency who are enrolled in private elementary or secondary schools—

(1) a State educational agency or local educational agency which uses funds under this title to develop goals, content standards, curricular materials, and assessments shall, upon request, make information related to such goals, standards, materials, and assessments available to private schools; and

(2) a State educational agency or local educational agency which uses funds under this title for teacher and administrator training shall provide in its plan for the training of teachers and administrators in private schools located in the geographical area served by such agency.

(b) WAIVER.—If, by reason of any provision of law, a State or local educational agency is prohibited from providing for the equitable participation of teachers and administrators from private schools in training programs assisted with Federal funds provided under this title, or if the Secretary determines that a State or local educational agency has substantially failed or is unwilling to provide for such participation, the Secretary shall waive such requirements and shall arrange for the provision of training consistent with State goals and content standards for such teachers and administrators. Such waivers shall be subject to consultation, withholding, notice, and judicial review in accordance with section 1017 of the Elementary and Secondary Education Act of 1965.

SEC. 161. WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS.

(a) GENERAL.—(1) Except as provided in subsection (c), the Secretary may waive any requirement of any statute listed in subsection (b) or of the regulations issued under such statute for a State educational agency, local educational agency, or school that requests such a waiver—

(A) if, and only to the extent that, the Secretary determines that such requirement impedes the ability of the State, or of a local educational agency or school in the State, to carry out the State or local education improvement plan;

(B) if the State educational agency has waived, or agrees to waive, similar requirements of State law; and

(C) if, in the case of a Statewide waiver, the State educational agency—

(i) provides all local educational agencies and parent organizations in the State with notice and an opportunity to comment on the proposal of the State educational agency to seek a waiver; and

(i) submits the comments of such agencies to the Secretary.

(2) To request a waiver, a State educational agency, local educational agency, or school that receives funds under this Act or a local educational agency that does not receive funds under this Act but is undertaking school reform efforts that meet the objectives of the State plan, shall submit an application to the Secretary that includes—

(A) the identification of statutory or regulatory requirements that are requested to be waived and the goals that the State local educational agency or school intends to achieve;

(B) a description of the action that the State has undertaken to remove State statutory or regulatory barriers identified in the applications of local educational agencies;

(C) a description of the goals of the waiver and the expected programmatic outcomes if the request is granted;

(D) the numbers and types of students to be impacted by such waiver;

(E) a timetable for implementing a waiver; and

(F) the process the State will use to monitor, on a biannual basis, the progress in implementing a waiver.

(3) The Secretary shall act promptly on a waiver request and state in writing the reasons for granting or denying such request. If a waiver is granted, the Secretary must also include the expected outcome of granting such waiver.

(4) The Secretary's decision shall be—

(A) published in the Federal Register; and

(B) disseminated by the State educational agency to interested parties, including educators, parents, students, advocacy and civil rights organizations, other interested parties, and the public.

(5) Each such waiver shall be for a period not to exceed three years. The Secretary may extend such period if the Secretary determines that the waiver has been effective in enabling the State or affected local educational agencies to carry out reform plans.

(b) INCLUDED PROGRAMS.—The statutes subject to the waiver authority of this section are as follows:

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

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

(3) The Dwight D. Eisenhower Mathematics and Science Education Act (part A of title II of the Elementary and Secondary Education Act of 1965).

(4) The Emergency Immigrant Education Act of 1984 (part D of title IV of the Elementary and Secondary Education Act of 1965).

(5) The Drug-Free Schools and Communities Act of 1986 (title V of the Elementary and Secondary Education Act of 1965).

(6) The Carl D. Perkins Vocational and Applied Technology Education Act.

(c) WAIVERS NOT AUTHORIZED.—The Secretary may not waive any statutory or regulatory requirement of the programs listed in subsection (b) relating to—

(1) maintenance of effort;

(2) comparability of services;

(3) the equitable participation of students and professional staff in private schools;

(4) parental participation and involvement; or

(5) the distribution of funds to State or to local educational agencies.

(d) TERMINATION OF WAIVERS.—The Secretary shall periodically review the performance of any State, local educational agency, or school for which the Secretary has granted

a waiver and shall terminate the waiver if the performance of the State, the local educational agency, or the school in the area affected by the waiver has been inadequate to justify a continuation of the waiver.

SEC. 162. PROGRESS REPORTS.

(a) STATE REPORTS TO THE SECRETARY.—Each State educational agency that receives funds under this title shall annually report to the Secretary regarding—

(1) progress in meeting State goals and plans;

(2) proposed State activities for the succeeding year; and

(3) in summary form, the progress of local educational agencies in meeting local goals and plans and increasing student learning.

(b) SECRETARY'S REPORTS TO CONGRESS.—By April 30, 1996, and every two years thereafter, the Secretary shall submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate describing the activities and outcomes of grants under—

(1) section 140 of this Act, including—

(A) a description of the purpose, uses, and technical merit of assessments evaluated with funds under such section; and

(B) an analysis of the impact of such assessments on the performance of all students, particularly students of different racial, gender, ethnic, language groups, or individuals with disabilities; and

(2) this title, including a description of the effect of waivers granted under section 151.

SEC. 163. NATIONAL LEADERSHIP.

(a) ACTIVITIES AUTHORIZED.—From funds reserved each year under section 154(a)(2)(A), the Secretary shall, through the Office of Educational Research and Improvement in accordance with the provisions of sections 405 and 406 of the General Education Provisions Act, directly or through grants or contracts—

(1) provide technical assistance to States and local educational agencies developing or implementing school improvement plans, in a manner that ensures that each such State has access to such assistance;

(2) gather data on, conduct research on, and evaluate systemic education improvement, including the programs authorized by this title;

(3) disseminate research findings and other information on systemic education improvement and how it affects student learning;

(4) provide grants to tribal divisions of education for coordination efforts between school reform plans developed for schools funded by the Bureau of Indian Affairs and public schools described in section 156(g)(5), including tribal activities in support of plans; and

(5) support national demonstration projects that unite local and State educational agencies, institutions of higher education, government, business, and labor in collaborative arrangements in order to make educational improvements systemwide.

(b) RESERVATION OF FUNDS.—(1) The Secretary shall use at least 50 percent of the funds reserved each year under section 154(a)(2)(A) to make grants, consistent with the provisions of section 159(a) that the Secretary finds appropriate, and provide technical and other assistance to urban and rural local educational agencies with large numbers or concentrations of students who are economically disadvantaged or who have limited English proficiency, to assist such agencies in developing and implementing local school improvement plans.

(2) The Secretary shall use not less than \$1,000,000 of the funds reserved the first year

under section 154(a)(2)(A) to survey coordinated services programs that have been found to be successful in helping students and families and improving student outcomes, and shall disseminate information about such programs to schools that plan to develop coordinated services programs.

SEC. 164. ASSISTANCE TO THE OUTLYING AREAS AND TO THE SECRETARY OF THE INTERIOR.

(a) OUTLYING AREAS.—(1) Funds reserved for outlying areas under section 154(a)(1)(A) shall be distributed among such areas by the Secretary according to relative need.

(2) The provisions of Public Law 95-134, permitting the consolidation of grants to the insular areas, shall not apply to funds received by such areas under this title.

(b) SECRETARY OF THE INTERIOR.—

(1) IN GENERAL.—The funds reserved to the Secretary of the Interior under section 154 shall be made in a payment which shall be pursuant to an agreement between the Secretary and the Secretary of the Interior containing such assurances and terms as the Secretary determines shall best achieve the provisions of this section and this Act. The agreement shall, at a minimum, contain assurances that—

(A) a panel, as set forth in paragraph (4) of this subsection, shall be established;

(B) a reform and improvement plan, designed to increase student learning and assist students in meeting the National Education Goals, meeting the requirements pertaining to State improvement plans required in section 156 and providing for the fundamental restructuring and improvement of elementary and secondary education in schools funded by the Bureau, shall be developed by such panel; and

(C) the provisions and activities required under State improvement plans, including the requirements for timetables for opportunity-to-learn standards, shall be carried out in the same time frames and under the same conditions stipulated for the States in sections 155 and 156, provided that for these purposes, the term "local educational agencies" shall be interpreted to mean "schools funded by the Bureau".

(2) VOLUNTARY SUBMISSION.—The provisions applicable to the States in section 123 of this Act shall apply to the Bureau plan with regard to voluntary submission of standards and assessment systems to the National Education Standards and Improvement Council for review and certification.

(3) PLAN SPECIFICS.—The reform and improvement plan shall include, in addition to the requirements referenced above, specific provisions for—

(A) opportunity to learn standards pertaining to residential programs and transportation costs associated with programs located on or near reservations or serving students in off-reservation residential boarding schools;

(B) review and incorporation of the National Education Goals and the voluntary national content, student performance, and opportunity-to-learn standards developed under part B of title II of this Act, provided that such review shall include the issues of cultural and language differences; and

(C) provision for coordination of the efforts of the Bureau with the efforts for school improvement of the States and local educational agencies in which the schools funded by the Bureau are located, to include, but not be limited to, the development of the partnerships outlined in section 156(g)(5) of the Act.

(4) PANEL.—To carry out the provisions of this section, and to develop the plan for sys-

tem-wide reform and improvement required under the agreement required under paragraph (1), the Secretary of the Interior shall establish a panel coordinated by the Assistant Secretary of the Interior for Indian Affairs. Such panel shall consist of—

(A) the Director of the Office of Indian Education Programs of the Bureau of Indian Affairs and two heads of other divisions of such Bureau as the Assistant Secretary shall designate;

(B) a designee of the Secretary of Education; and

(C) a representative nominated by each of the following:

(i) The organization representing the majority of teachers and professional personnel in schools operated by the Bureau.

(ii) The organization representing the majority of nonteaching personnel in schools operated by the Bureau, if not the same organization as in clause (i).

(iii) School administrators of schools operated by the Bureau.

(iv) Education line officers located in Bureau area or agency offices serving schools funded by the Bureau.

(v) The organization representing the majority of contract or grant schools funded by the Bureau not serving students on the Navajo reservation.

(vi) The organization representing the majority of contract or grant schools funded by the Bureau serving students on the Navajo reservation.

(vii) The organization representing the school boards required by statute for schools operated by the Bureau not serving students on the Navajo reservation.

(viii) The organization representing the school boards required by statute for schools funded by the Bureau serving students on the Navajo reservation.

Including the additional members required by paragraph (5), a majority of the members of such panel shall be from the entities designated under subparagraph (C).

(5) **ADDITIONAL MEMBERS.**—In addition, the members of the panel stipulated above shall designate for full membership four additional members—

(A) one of whom shall be a representative of a national organization which represents primarily national Indian education concerns; and

(B) three of whom shall be chairpersons (or their designees) of Indian tribes with schools funded by the Bureau on their reservations (other than those specifically represented by organizations referred to in paragraph (4)), provided that preference for no less than two of these members shall be given to Indian tribes with a significant number of schools funded by the Bureau on their reservations, or with a significant percentage of their children enrolled in schools funded by the Bureau.

(c) **BIA COST ANALYSIS.**—

(1) **IN GENERAL.**—(A) The Secretary of the Interior shall reserve from the first allotment made to the Department of the Interior pursuant to section 154 an amount not to exceed \$500,000 to provide, through the National Academy of Sciences, for an analysis of the costs associated with meeting the academic and home-living/residential standards of the Bureau of Indian Affairs for each school funded by such Bureau. The purpose of such analysis shall be to provide the Bureau and the Panel with baseline data regarding the current state of operations funded by the Bureau and to provide a framework for addressing the implementation of opportunity-to-learn standards.

(B) The results of such analysis shall be reported, in aggregate and school specific form, to the chairpersons and ranking minority members of the Committees on Education and Labor and Appropriations of the House of Representatives and the Select Committee on Indian Affairs and the Committee on Appropriations of the Senate, and to the Secretary of the Interior, the Secretary of Education (who shall transmit the report to the proper entities under this Act), and the Assistant Secretary of the Interior for Indian Affairs, not later than 6 months after the date of enactment of this Act.

(2) **CONTENT.**—Such analysis shall evaluate the costs of providing a program in each school for the next succeeding academic year and shall be based on—

(A) the standards either published in the Federal Register as having effect in schools operated by the Bureau on the date of enactment of this Act or the standards incorporated into each grant or contract in effect on such date with a tribally controlled school funded under section 1128 of Public Law 95-561 (as amended);

(B) the best projections of student counts and demographics, as provided by the Bureau and as independently reviewed by the Academy; and

(C) the pay and benefit schedules and other personnel requirements for each school operated by the Bureau, as existing on the date of enactment.

(d) **SECRETARY OF DEFENSE.**—The Secretary shall consult with the Secretary of Defense to ensure that, to the extent practicable, the purposes of this title are applied to the Department of Defense schools.

PART D—NATIONAL SKILL STANDARDS BOARD

SEC. 171. PURPOSE.

It is the purpose of this title to establish a National Board to serve as a catalyst in stimulating the development and adoption of a voluntary national system of skill standards and certification that will serve as a cornerstone of the national strategy to enhance workforce skills, and that can be used, consistent with Federal civil rights laws—

(1) by the Nation, to ensure the development of a high skills, high quality, high performance workforce, including the most skilled front-line workforce in the world, and that will result in increased productivity, economic growth and American economic competitiveness;

(2) by industries, as a vehicle for informing training providers and prospective employees of skills necessary for employment;

(3) by employers, to assist in evaluating the skill levels of prospective employees and to assist in the training of current employees;

(4) by labor organizations, to enhance the employment security of workers by providing portable credentials and skills;

(5) by workers, to obtain certifications of their skills to protect against dislocation, to pursue career advancement, and to enhance their ability to reenter the workforce;

(6) by students and entry level workers, to determine the skill levels and competencies needed to be obtained in order to compete effectively for high wage jobs;

(7) by training providers and educators, to determine appropriate training services to offer;

(8) by Government, to evaluate whether publicly-funded training assists participants to meet skill standards where they exist and thereby protect the integrity of public expenditures;

(9) to facilitate the transition to high performance work organizations;

(10) to increase opportunities for minorities and women, including removing barriers to the entry of women in non-traditional employment; and

(11) to facilitate linkages between other components of the workforce investment strategy, including school-to-work transition, secondary and postsecondary vocational-technical education, and job training programs.

SEC. 172. ESTABLISHMENT OF NATIONAL BOARD.

(a) **IN GENERAL.**—There is established a National Skill Standards Board (in this title referred to as the "National Board").

(b) **COMPOSITION.**—

(1) **IN GENERAL.**—The National Board shall be composed of 28 members, appointed in accordance with paragraph (3), of whom—

(A) one member shall be the Secretary of Labor;

(B) one member shall be the Secretary of Education;

(C) one member shall be the Secretary of Commerce;

(D) one member shall be the Chairperson of the National Education Standards and Improvement Council established pursuant to section 122(a);

(E) eight members shall be representatives of small and large business and industry selected from among individuals recommended by recognized national business organizations and trade associations;

(F) eight members shall be representatives of organized labor selected from among individuals recommended by recognized national labor federations; and

(G) eight members shall be representatives from the following groups, with at least one member from each group:

(i) Educational institutions.

(ii) Community-based organizations.

(iii) State and local governments.

(iv) Nongovernmental organizations with a demonstrated history of successfully protecting the rights of racial, ethnic and religious minorities, women, persons with disabilities or older persons.

(2) **DIVERSITY REQUIREMENTS.**—The members described in subparagraph (G) of paragraph (1) shall have expertise in the area of education and training. The members described in subparagraphs (E), (F), and (G) of paragraph (1) shall—

(A) in the aggregate, represent a broad cross-section of occupations and industries; and

(B) to the extent feasible, be geographically representative of the United States and reflect the racial, ethnic and gender diversity of the United States.

(3) **APPOINTMENT.**—The membership of the National Board shall be appointed as follows:

(A) Twelve members (four from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be appointed by the President.

(B) Six members (two from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be appointed by the Speaker of the House of Representatives, of whom three members (one from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be selected from recommendations made by the Majority Leader of the House of Representatives and three members (one from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be selected from recommendations made by the Minority Leader of the House of Representatives.

(C) Six members (two from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be appointed by the President pro tempore of the Senate, of whom three members (one from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be selected from recommendations made by the Majority Leader of the Senate and three members (one from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be selected from recommendations made by the Minority Leader of the Senate.

(4) TERM.—Each member of the National Board appointed under subparagraphs (E), (F), and (G) of paragraph (1) shall be appointed for a term of 4 years, except that of the initial members of the Board appointed under such paragraph—

(A) twelve members shall be appointed for a term of 3 years (four from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)), of whom—

(i) two from each class shall be appointed in accordance with paragraph (3)(A);

(ii) one from each such class shall be appointed in accordance with paragraph (3)(B); and

(iii) one from each such class shall be appointed in accordance with paragraph (3)(C); and

(B) twelve members shall be appointed for a term of 4 years (four from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)), of whom—

(i) two from each such class shall be appointed in accordance with paragraph (3)(A);

(ii) one from each such class shall be appointed in accordance with paragraph (3)(B); and

(iii) one from each such class shall be appointed in accordance with paragraph (3)(C).

(c) CHAIRPERSON AND VICE CHAIRPERSONS.—

(1) CHAIRPERSON.—The National Board shall biennially elect a Chairperson from among the members of the National Board by a majority vote of such members.

(2) VICE CHAIRPERSONS.—The National Board shall annually elect 3 Vice Chairpersons (each representing a different class of the classes of members described in subparagraphs (E), (F), and (G) of subsection (b)(1)) from among its members appointed under subsection (b)(3) by a majority vote of such members, each of whom shall serve for a term of 1 year.

(d) COMPENSATION AND EXPENSES.—

(1) COMPENSATION.—Members of the National Board who are not regular full-time employees or officers of the Federal Government shall serve without compensation.

(2) EXPENSES.—The members of the National Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57, title 5, United States Code, while away from their homes or regular places of business in the performance of services for the National Board.

(e) EXECUTIVE DIRECTOR AND STAFF.—The Chairperson of the National Board shall appoint an Executive Director, who shall be compensated at a rate determined by the National Board that shall not exceed the rate of pay for level V of the Executive Schedule under section 5316 of title 5, United States Code, and who shall appoint such staff as is necessary in accordance with title 5, United States Code. Such staff shall include at least one individual with expertise in measurement and assessment.

(f) AGENCY SUPPORT.—

(1) USE OF FACILITIES.—The National Board may use the research, equipment, services

and facilities of any agency or instrumentality of the United States with the consent of such agency or instrumentality.

(2) STAFF OF FEDERAL AGENCIES.—Upon the request of the National Board, the head of any department or agency of the United States may detail to the National Board, on a reimbursable basis, any of the personnel of such department or agency to assist the National Board in carrying out this title.

(g) CONFLICT OF INTEREST.—An individual who has served as a member of the National Board may not have any financial interest in an assessment and certification system developed or endorsed under this title for a period of three years after the termination of service of such individual from the National Board.

SEC. 173. FUNCTIONS OF THE NATIONAL BOARD.

(a) IDENTIFICATION OF OCCUPATIONAL CLUSTERS.—

(1) IN GENERAL.—Subject to paragraph (2), the National Board, after extensive public review and comment and study of the national labor market, shall identify broad clusters of major occupations that involve one or more than one industry in the United States.

(2) PROCEDURES FOR IDENTIFICATION.—Prior to identifying broad clusters of major occupations under paragraph (1), the National Board shall—

(A) develop procedures for the identification of such clusters;

(B) publish such procedures in the Federal Register; and

(C) allow for extensive public review of and comment on such procedures.

(b) VOLUNTARY PARTNERSHIPS TO DEVELOP STANDARDS.—

(1) IN GENERAL.—For each of the occupational clusters identified pursuant to subsection (a), the National Board shall encourage and facilitate the establishment of voluntary partnerships to develop a skill standards system in accordance with subsection (d).

(2) REPRESENTATIVES.—Such voluntary partnerships shall include the full and balanced participation of—

(A) representatives of business and industry who have expertise in the area of workforce skill requirements, including representatives of large and small employers, recommended by national business organizations and trade associations representing employers in the occupation or industry for which a standard is being developed, and representatives of trade associations that have received demonstration grants from the Department of Labor or the Department of Education to establish skill standards prior to the enactment of this title;

(B) employee representatives who have expertise in the area of workforce skill requirements and who shall be—

(i) individuals recommended by recognized national labor organizations representing employees in the occupation or industry for which a standard is being developed; and

(ii) such other individuals who are non-managerial employees with significant experience and tenure in such occupation or industry as are appropriate given the nature and structure of employment in the occupation or industry;

(C) representatives of—

(i) educational institutions;

(ii) community-based organizations;

(iii) State and local agencies with administrative control or direction over education, vocational-technical education, or employment and training;

(iv) other policy development organizations with expertise in the area of workforce skill requirements; and

(v) non-governmental organizations with a demonstrated history of successfully protecting the rights of racial, ethnic, and religious minorities, women, individuals with disabilities, and older persons; and

(D) individuals with expertise in measurement and assessment, including relevant experience in designing unbiased assessments and performance-based assessments.

(3) EXPERTS.—The partnerships described in paragraph (1) may also include such other individuals who are independent, qualified experts in their fields.

(c) RESEARCH, DISSEMINATION, AND COORDINATION.—In order to support the development of a skill standards system in accordance with subsection (d), the National Board shall—

(1) conduct workforce research relating to skill standards (including research relating to how to use skill standards in compliance with civil rights laws) and make such research available to the public, including the partnerships described in subsection (b);

(2) identify and maintain a catalog of skill standards used by other countries and by States and leading firms and industries in the United States;

(3) serve as a clearinghouse to facilitate the sharing of information on the development of skill standards and other relevant information among representatives of occupations and industries identified pursuant to subsection (a), the voluntary partnerships recognized pursuant to subsection (b), and among education and training providers through such mechanisms as the Capacity Building and Information and Dissemination Network established under section 453(b) of the Job Training Partnership Act;

(4) develop a common nomenclature relating to skill standards;

(5) encourage the development and adoption of curricula and training materials for attaining the skill standards developed pursuant to subsection (d) that include structured work experiences and related study programs leading to progressive levels of professional and technical certification and postsecondary education;

(6) provide appropriate technical assistance; and

(7) facilitate coordination among voluntary partnerships that meet the requirements of subsection (b) to promote the development of a coherent national system of voluntary skill standards.

(d) ENDORSEMENT OF SKILL STANDARDS SYSTEMS.—

(1) DEVELOPMENT OF ENDORSEMENT CRITERIA.—

(A) IN GENERAL.—The National Board, after extensive public consultation, shall develop objective criteria for endorsing skills standards systems relating to the occupational clusters identified pursuant to subsection (a). Such criteria shall, at a minimum, include the components of a skill standards system described in subparagraph (B). The endorsement criteria shall be published in the Federal Register, and updated as appropriate.

(B) COMPONENTS OF SYSTEM.—The components of a skill standards system shall include the following:

(i) Voluntary skill standards, which at a minimum—

(I) meet or exceed, to the extent practicable, the highest standards used in other countries and the highest international standards;

(II) meet or exceed the highest applicable standards used in the United States, including apprenticeship standards registered under the National Apprenticeship Act;

(III) take into account content and performance standards certified pursuant to title II;

(IV) take into account the requirements of high performance work organizations;

(V) are in a form that allows for regular updating to take into account advances in technology or other developments within the occupational cluster;

(VI) are formulated in such a manner that promotes the portability of credentials and facilitates worker mobility within an occupational cluster or industry and among industries; and

(VII) are not discriminatory with respect to race, color, gender, age, religion, ethnicity, disability, or national origin, consistent with Federal civil rights laws.

(i) A voluntary assessment system and certification of the attainment of skill standards developed pursuant to subparagraph (A), which at a minimum—

(I) takes into account, to the extent practicable, methods of assessment and certification used in other countries;

(II) utilizes a variety of evaluation techniques, including, where appropriate, oral and written evaluations, portfolio assessments and performance tests; and

(III) includes methods for establishing that the assessment and certification system is not discriminatory with respect to race, color, gender, age, religion, ethnicity, disability, or national origin, consistent with Federal civil rights laws.

(iii) A system to promote the use of and to disseminate information relating to skill standards, and assessment and certification systems developed pursuant to this paragraph (including dissemination of information relating to civil rights laws relevant to the use of such standards and systems) to entities such as institutions of postsecondary education offering professional and technical education, labor organizations, trade associations, employers providing formalized training and other organizations likely to benefit from such systems.

(iv) A system to evaluate the implementation of the skill standards, and assessment and certification systems developed pursuant to this paragraph, and the effectiveness of the information disseminated pursuant to subparagraph (C) for informing the users of such standards and systems of the requirements of relevant civil rights laws.

(v) A system to periodically revise and update the skill standards, and assessment and certification systems developed pursuant to this paragraph, which will take into account changes in standards in other countries.

(2) ENDORSEMENT.—The National Board, after extensive public review and comment, shall endorse those skill standards systems relating to the occupational clusters identified pursuant to subsection (a) that—

(A) meet the objective endorsement criteria that are developed pursuant to paragraph (1); and

(B) are submitted by partnerships that meet the representation requirements of subsection (b)(2).

(e) RELATIONSHIP WITH ANTIDISCRIMINATION LAWS.—

(1) IN GENERAL.—Nothing in this title shall be construed to modify or affect any Federal or State law prohibiting discrimination on the basis of race, religion, color, ethnicity, national origin, gender, age, or disability.

(2) EVIDENCE.—The endorsement or absence of an endorsement by the Board of a skill

standard or assessment and certification system under subsection (d) shall not be used in any action or proceeding to establish that the skill standard or assessment and certification system conforms or does not conform to the requirements of civil rights laws.

(f) COORDINATION WITH EDUCATION STANDARDS.—The National Board shall establish cooperative arrangements with the National Education Standards and Improvement Council to promote the coordination of the development of skill standards under this title with the development of content and performance standards under title II.

(g) FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—From funds appropriated pursuant to section 166(a), the Secretary of Labor may award grants (including grants to the voluntary partnerships in accordance with paragraph (2)) and enter into contracts and cooperative arrangements that are requested by the National Board for the purposes of carrying out this title.

(2) GRANT PROGRAMS FOR VOLUNTARY PARTNERSHIPS.—

(A) ELIGIBILITY AND APPLICATION.—Voluntary partnerships that meet the requirements of subsection (b) shall be eligible to apply for a grant under this subsection. Each such voluntary partnership desiring a grant shall submit an application to the National Board at such time, in such manner, and accompanied by such information as the National Board may reasonably require.

(B) REVIEW AND RECOMMENDATION.—The National Board shall review each application submitted pursuant to subparagraph (A) in accordance with the objective criteria published pursuant to subparagraph (C) and shall forward each such application to the Secretary of Labor accompanied by a recommendation for the approval or disapproval of each such application by the Secretary.

(C) CRITERIA FOR REVIEW.—Prior to each fiscal year, the National Board shall publish objective criteria to be used by the Board in reviewing applications under subparagraph (B).

(3) LIMITATION ON THE USE OF FUNDS.—

(A) IN GENERAL.—Not more than 20 percent of the funds appropriated under section 166(a) for each fiscal year shall be used by the National Board for the costs of administration.

(B) COSTS OF ADMINISTRATION DEFINED.—For purposes of this paragraph, the term "costs of administration" means costs relating to staff, supplies, equipment, space, travel and per diem, costs of conducting meetings and conferences, and other related costs.

SEC. 174. DEADLINES.

Not later than December 31, 1996, the National Board shall—

(1) identify occupational clusters pursuant to section 163(a) representing a substantial portion of the workforce; and

(2) promote the development of an initial set of skill standards in accordance with section 163(d) for such clusters.

SEC. 175. REPORTS.

The National Board shall submit to the President and the Congress in each fiscal year a report on the activities conducted under this title, including the extent to which skill standards have been adopted by employers, training providers, and other entities and the effectiveness of such standards in accomplishing the purposes described in section 161.

SEC. 176. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated \$15,000,000 for fiscal year 1994 and such sums as may be necessary for each

of the fiscal years 1995 through 1998 to carry out this title.

(b) AVAILABILITY.—Amounts appropriated pursuant to subsection (a) shall remain available until expended.

SEC. 177. DEFINITIONS.

For purposes of this title, the following definitions apply:

(1) COMMUNITY-BASED ORGANIZATIONS.—The term "community-based organizations" means such organizations as defined in section 4(5) of the Job Training Partnership Act.

(2) EDUCATIONAL INSTITUTION.—The term "educational institution" means a high school, a vocational school, and an institution of higher education.

(3) SKILL STANDARD.—The term "skill standard" means the level of knowledge and competence required to successfully perform work-related functions within an occupational cluster.

PART E—MISCELLANEOUS

SEC. 181. DEFINITIONS.

As used in this Act—

(1) the terms "all students" and "all children" mean students or children from a broad range of backgrounds and circumstances, including disadvantaged students, students with diverse racial, ethnic, and cultural backgrounds, American Indians, Alaska Natives, Native Hawaiians, students with disabilities, students with limited-English proficiency, migrant children, school-aged children who have dropped out, migrant children, and academically talented students;

(2) the term "assessment system" means measures of student performance which include at least 1 test, and may include other measures of student performance, for a specific purpose and use which are intended to evaluate the progress of all students in the State toward learning the material in State content standards in 1 or more subject areas;

(3) the terms "community", "public", and "advocacy group" are to be interpreted to include representatives of organizations advocating for the education of American Indian, Alaska Native, and Native Hawaiian children and Indian tribes;

(4) the term "content standards" means broad descriptions of the knowledge and skills students should acquire in a particular subject area;

(5) the term "Governor" means the chief executive of the State;

(6) the terms "local educational agency" and "State educational agency" have the meaning given those terms in section 1471 of the Elementary and Secondary Education Act of 1965;

(7) the term "opportunity-to-learn standards" means the criteria for, and the basis of, assessing the sufficiency or quality of the resources, practices, and conditions necessary at each level of the education system (schools, local educational agencies, and States) to provide all students with an opportunity to learn the material in national or State content standards;

(8) the term "outlying areas" means Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and Palau (until the effective date of the Compact of Free Association with the Government of Palau);

(9) the term "performance standards" means concrete examples and explicit definitions of what students have to know and be able to do to demonstrate that they are proficient in the skills and knowledge framed by content standards;

(10) the term "related services" has the same meaning given such term under section 602(17) of the Individuals with Disabilities Education Act;

(11) the term "school" means a school that is under the authority of the State educational agency and a local educational agency or, for the purpose of carrying out section 164(b), a school that is operated or funded by the Bureau of Indian Affairs;

(12) the term "Secretary", except where used in title IV, means the Secretary of Education; and

(13) except as otherwise provided, the term "State" means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.

SEC. 182. LIMITATIONS.

(a) ASSESSMENTS.—No funds provided under titles II or III of this Act shall be used to undertake assessments that will be used to make decisions regarding the graduation, grade promotion, or retention of students for five years after the date of enactment of this Act.

(b) PUBLIC SCHOOL.—Nothing in this Act shall be construed to authorize the use of funds under title III (except as provided in section 160) to directly or indirectly benefit any school other than a public school.

SEC. 183. ASSESSMENT OF EDUCATIONAL PROGRESS ACTIVITIES.

Section 421(h) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2421(h)) is amended—

(1) by inserting "(1)" after "(h)"; and

(2) by inserting at the end the following:

"(2)(A) Notwithstanding any provision of section 406 of the General Education Provisions Act, the Commissioner of Education Statistics may authorize a State educational agency or a consortium of such agencies to use items and data from the National Assessment of Educational Progress for the purpose of evaluating a course of study related to vocational education, if the Commissioner has determined, in writing, that such use will not—

"(i) result in the identification of characteristics or performance of individual students or schools;

"(ii) result in the ranking or comparing of schools or local educational agencies;

"(iii) be used to evaluate the performance of teachers, principals, or other local educators for the purpose of dispensing rewards or punishments; or

"(iv) corrupt or harm the use and value of data collected for the National Assessment of Educational Progress.

"(B) Not later than 60 days after making an authorization under subsection (a), the Commissioner shall submit to the Committee on Education and Labor of the House of Representatives and to the Committee on Labor and Human Resources of the Senate, a report which contains—

"(i) a copy of the request for such authorization;

"(ii) a copy of the written determination under subsection (a); and

"(iii) a description of the details and duration of such authorization.

"(C) The Commissioner may not grant more than one such authorization in any fiscal year and shall ensure that the authorized use of items or data from the National Assessment is evaluated for technical merit and for its affect on the National Assessment of Educational Progress. The results of such evaluations shall be promptly reported to the committees specified in subparagraph (B)."

SEC. 184. COMPLIANCE WITH BUY AMERICAN ACT.

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, 1993 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

SEC. 185. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

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

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 186. PROHIBITION OF CONTRACTS.

If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

PART F—PARENTAL INFORMATION AND RESOURCES

SEC. 191. PARENTAL INFORMATION AND RESOURCES

(a) AUTHORIZATION.—The Secretary of Education is authorized to make grants each year to nonprofit organizations for the purpose of providing training and information to parents of children, aged birth to 5 years, and children enrolled in participating schools and to individuals who work with such parents to encourage a more effective working relationship with professionals in meeting the educational needs of children, aged birth to 5 years, and children enrolled in participating schools.

(b) GRANTS.—Such grants shall—

(1) be designed to meet the unique training and information needs of parents of children, aged birth to 5 years, and children enrolled in participating schools, particularly parents who are severely disadvantaged educationally or economically;

(2) be distributed geographically to the greatest extent possible throughout all the States and give priority to grants which serve areas with high concentrations of low-income families;

(3) be targeted to parents of children, aged birth to 5 years, and children enrolled in participating schools in rural, suburban, and urban areas;

(4) serve parents of low-income and minority children, aged birth to 5 years, and children enrolled in participating schools, including limited-English-proficient children;

(5) be funded at a sufficient size, scope, and quality to ensure that the program is adequate to serve the parents in the area; and

(6) include funds to establish, expand, and operate Teachers as Parents programs.

SEC. 192. ELIGIBILITY.

(a) REPRESENTATION.—To receive a grant under section 191, a nonprofit organization shall meet the following requirements:

(1) Be governed by a board of directors in which the membership includes, or be an organization that represents the interests of, parents and establish a special advisory committee in which the membership includes—

(A) parents of children, aged birth to 5 years, and children enrolled in participating schools; and

(B) representation of education professionals with expertise in improving services for disadvantaged children.

(2) Provide that the parent and professional membership of the board or special advisory committee is broadly representative of minority, low-income, and other individuals and groups that have an interest in compensatory education and family literacy.

(3) Demonstrate the capacity and expertise to conduct effective training and information activities for which a grant may be made.

(4) Network with clearinghouses, other organizations and agencies, and with other established national, State, and local parent groups representing the full range of parents of children, aged birth to 5 years, and children enrolled in participating schools, especially parents of low-income and minority children.

(b) REQUIREMENTS.—The Board of Directors or special governing committee of an organization receiving a grant under this title shall meet at least once each calendar quarter to review the parent training and information activities for which the grant is made.

(c) GRANT RENEWAL.—Whenever an organization requests the renewal of a grant under section 191 for a fiscal year, the Board of Directors or the special advisory committee shall submit to the Secretary a written review of the parent training and information program conducted by such organization during the preceding fiscal year.

SEC. 193. USES OF FUNDS.

Grants received under this title may be used—

(1) for parent training and information programs that assist parents to—

(A) better understand their children's educational needs;

(B) provide follow up support for their children's educational achievement;

(C) communicate more effectively with teachers, counselors, administrators, and other professional educators and support staff;

(D) participate in the design and provision of assistance to students who are not making adequate progress;

(E) obtain information about the range of options, programs, services, and resources available at the national, State, and local levels to assist parents of children, aged birth to 5 years, and children enrolled in participating schools and their parents;

(F) seek technical assistance regarding compliance with the requirements of this Act and of other Federal programs relevant to achieving the goals of this Act;

(G) participate in State and local decision-making;

(H) train other parents; and

(I) plan, implement, and fund activities that coordinate the education of their children with other Federal programs that serve such children or their families;

(2) to include State or local educational personnel where such participation would further an objective of the program assisted by the grant; and

(3) to establish a parent training and information center to carry out the activities in paragraphs (1) and (2) and to represent parent interests at the State level, including

participation in the design of the public outreach process described in section 156(b)(6), submitting recommendations concerning State standards and plans, and commenting on proposed waivers under this Act.

SEC. 194. TECHNICAL ASSISTANCE.

The Secretary shall provide technical assistance, by grant or contract, for the establishment, development, and coordination of parent training and information programs and centers.

SEC. 195. EXPERIMENTAL CENTERS.

After the establishment in each State of a parent training and information center, the Secretary shall provide for the establishment of 5 additional experimental centers, 3 to be located in urban areas and 2 in rural areas where there are large concentrations of poverty.

SEC. 196. REPORTS.

Not later than June 30, 1995, and not later than June 30 each succeeding year, the Secretary shall obtain data concerning programs and centers assisted under this title, including—

(1) the number of parents, including the number of minority and limited-English-proficient parents, who receive information and training;

(2) the types and modes of information or training provided; and

(3) the strategies used to reach and serve parents of minority and limited-English-proficient children and parents with limited literacy skills.

SEC. 197. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated \$5,000,000 for fiscal year 1994 and such sums as may be necessary for each of the fiscal years 1995 through 1998.

TITLE II—EDUCATIONAL RESEARCH, DEVELOPMENT, AND DISSEMINATION EXCELLENCE ACT

SEC. 201. FINDINGS.

The Congress finds as follows with respect to improving education in the United States:

(1) A majority of public schools in the United States are failing to adequately prepare their students. To achieve the national education goals set forth by the President and the governors of the States, an overwhelming campaign for educational improvement must be mounted in order to set in motion many strategies and models designed to encourage and support school restructuring. The Federal Government must support an extensive program of educational research, development, dissemination, replication and assistance to identify and support the best responses for the challenges ahead. A significant investment in attaining a deeper understanding of the processes of learning and schooling and developing new ideas holds the best hope of making a substantial difference to the lives of every school and student in the United States. The Office of Educational Research and Improvement of the Department of Education should be at the center of this campaign in order to coordinate such efforts.

(2) The Federal role in educational research has been closely identified with youths who are socioeconomically disadvantaged, belong to a language minority, or are disabled. However, in 1988, the Federal commitment to education was sufficient to serve not more than—

(A) 1 out of every 5 low-income children in need of preschool education;

(B) 2 out of every 5 children in need of remediation;

(C) 1 out of every 4 children in need of bilingual education; and

(D) 1 out of every 20 youths in need of job training.

(3) The failure of the Federal Government to adequately invest in educational research and development has denied the Nation a sound foundation on which to design school improvements, leading to a history of fadism and failed experimentation resulting in a dearth of research in the area of educationally at-risk students. This situation is of particular concern because at least half of the public school students in 25 of the largest cities of the United States are minority children, and demographers project that, by 2005, almost all urban public school students will be minority children or other children in poverty.

(4) The investment goal of the Federal research, development, and dissemination function should be at least 1 percent of the total amount of funds spent on education nationally.

(5) Nationwide model programs and reliable interventions should be demonstrated and replicated, and for such purposes, programs should be established to conduct research and evaluations, and to disseminate information.

(6) The Office of Educational Research and Improvement must develop a national dissemination policy that will advance the goal of placing a national treasure chest of research results, models, and materials at the disposal of the Nation's education decisionmakers.

(7) A National Educational Research Policy and Priorities Board should be established to ensure that an educational research and dissemination agenda is developed and implemented without partisan political interference.

(8) Existing research and development entities should adopt expanded, proactive roles and new institutions must be created to promote knowledge development necessary to accelerate the application of research knowledge to high priority areas.

(9) Greater use should be made of existing technologies in efforts to improve the Nation's educational system, including efforts to disseminate research findings.

(10) Minority educational researchers are inadequately represented throughout the Department of Education, but particularly in the Office of Educational Research and Improvement. The Office therefore must assume a leadership position in the recruitment, retention, and promotion of qualified minority educational researchers.

(11) The coordination of the mission of the Office of Educational Research and Improvement with that of other components of the Department of Education is critical. It must improve the coordination of the educational research, development, and dissemination function with those of other Federal agencies.

PART A—GENERAL PROVISIONS REGARDING OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT

SEC. 211. GENERAL PROVISIONS.

Section 405 of the General Education Provisions Act (20 U.S.C. 1221e) is amended to read as follows:

“OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT

“SEC. 405. (a) DECLARATION OF POLICY REGARDING EDUCATIONAL OPPORTUNITY.—

“(1) IN GENERAL.—The Congress declares it to be the policy of the United States to provide to every individual an equal opportunity to receive an education of high quality regardless of race, color, religion, sex,

age, disability, national origin, or social class. Although the American educational system has pursued this objective, it has not attained the objective. Inequalities of opportunity to receive high quality education remain pronounced. To achieve the goal of quality education requires the continued pursuit of knowledge about education through research, development, improvement activities, data collection, synthesis, technical assistance, and information dissemination. While the direction of American education remains primarily the responsibility of State and local governments, the Federal Government has a clear responsibility to provide leadership in the conduct and support of scientific inquiry into the educational process.

“(2) MISSION OF OFFICE.—

“(A) The mission of the Office of Educational Research and Improvement shall be to provide national leadership in—

“(i) expanding fundamental knowledge and understanding of education;

“(ii) promoting excellence and equity in education; and

“(iii) monitoring the state of education.

“(B) The mission of the Office shall be accomplished in collaboration with researchers, teachers, school administrators, parents, students, employers, and policymakers.

“(b) PURPOSE AND STRUCTURE OF OFFICE.—

“(1) IN GENERAL.—The Secretary, acting through the Office of Educational Research and Improvement, shall carry out the policies set forth in subsection (a). In carrying out such policies, the Secretary shall be guided by the priorities established by the Board of Governors established in section 405A.

“(2) ADMINISTRATIVE STRUCTURE.—The Office shall be administered by the Assistant Secretary and shall include—

“(A) the National Educational Research Policy and Priorities Board established by section 405A;

“(B) the national research institutes established by section 405B;

“(C) the national education dissemination system established by section 405C;

“(D) the National Library of Education established by section 405D;

“(E) the National Center for Education Statistics established by section 406; and

“(F) such other units as the Secretary deems appropriate to carry out the purposes of the Office.

“(3) PRIORITIES IN RESEARCH AND DEVELOPMENT.—The Office shall, in accordance with the provisions of this section, seek to improve education in the United States through concentrating the resources of the Office on the following priority research and development needs:

“(A) The education of at-risk students.

“(B) The education and development of young children.

“(C) Student achievement in elementary and secondary school.

“(D) Postsecondary education, libraries, and lifelong learning for adults.

“(E) The improvement of schools through the restructuring and reform of school governance, policymaking, finance and management at the State, local, school building, and classroom level.

“(c) APPOINTMENT OF EMPLOYEES.—

“(1) IN GENERAL.—The Assistant Secretary may appoint, for terms not to exceed three years (without regard to the provisions of title 5 of the United States Code governing appointment in the competitive service) and may compensate (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) such scientific or technical employees of the Office as the Assistant Secretary considers necessary to accomplish its functions, provided that—

"(A) at least 60 days prior to the appointment of any such employee, public notice is given of the availability of such position and an opportunity is provided for qualified individuals to apply and compete for such position;

"(B) the rate of basic pay for such employees does not exceed the maximum rate of basic pay payable for positions at GS-15, as determined in accordance with section 5376 of title 5, United States Code;

"(C) the appointment of such employee is necessary to provide the Office with scientific or technical expertise which could not otherwise be obtained by the Office through the competitive service; and

"(D) the total number of such employees does not exceed one-fifth of the number of full-time, regular scientific or professional employees of the Office.

"(2) REAPPOINTMENT OF EMPLOYEES.—The Assistant Secretary may reappoint employees described in paragraph (1) upon presentation of a clear and convincing justification of need, for one additional term not to exceed 3 years. All such employees shall work on activities of the Office and shall not be reassigned to other duties outside the Office during their term.

"(d) AUTHORITY TO PUBLISH.—

"(1) IN GENERAL.—The Assistant Secretary is authorized to prepare and publish such information, reports, and documents as may be of value in carrying out the purposes of sections 405 through 405D without further clearance or approval by the Secretary or any other office of the Department.

"(2) QUALITY ASSURANCE.—In carrying out such authority, the Assistant Secretary shall—

"(A) establish such procedures as may be necessary to assure that all reports and publications issued by the Office are of the highest quality; and

"(B) provide other offices of the Department with an opportunity to comment upon any report or publication prior to its publication when its contents relate to matters for which such office has responsibility.

"(e) BIENNIAL REPORT ON ACTIVITIES OF OFFICE.—The Assistant Secretary shall transmit to the President and the Congress by not later than December 30 of every other year a biennial report which shall consist of—

"(1) a description of the activities carried out by and through each research institute during the fiscal years for which such report is prepared and any recommendations and comments regarding such activities as the Assistant Secretary considers appropriate;

"(2) a description of the activities carried out by and through the national education dissemination system established by section 405C during the fiscal years for which such report is prepared and any recommendations and comments regarding such activities as the Assistant Secretary considers appropriate;

"(3) such written comments and recommendations as may be submitted by the Board concerning the activities carried out by and through each of the institutes and the national education dissemination system during the fiscal years for which such report is prepared and how such activities relate to the Research Policies and Priorities Plan developed by the Board;

"(4) a description of the coordination activities undertaken pursuant to section

405(f) during the fiscal years for which such report is prepared;

"(5) recommendations for legislative and administrative changes necessary to improve the coordination of all educational research, development, and dissemination activities carried out within the Federal Government, particularly within the priority research and development needs identified in section 405(b)(3); and

"(6) such additional comments, recommendations, and materials as the Assistant Secretary considers appropriate.

"(f) COORDINATION.—With the advice and assistance of the Board, the Assistant Secretary shall establish and maintain an ongoing program of activities designed to improve the coordination of education research, development, and dissemination and activities within the Department and within the Federal Government, particularly within the priority research and development needs identified in section 405(b)(3), in order to—

"(1) minimize duplication in education research, development, and dissemination carried out by the Federal Government;

"(2) maximize the value of the total Federal investment in education research, development, and dissemination; and

"(3) enable all entities engaged in education research, development, and dissemination within the Federal Government to interact effectively as partners and take full advantage of the diverse resources and proficiencies which each entity has available.

"(g) ACTIVITIES REQUIRED WITH RESPECT TO COORDINATION.—In carrying out such program of coordination, the Assistant Secretary shall compile (and thereafter regularly maintain) and make available a comprehensive inventory of all education research, development, dissemination activities, and expenditures being carried out by the Federal Government within the priority research and development needs identified in section 405(b)(3).

"(h) STANDARDS FOR CONDUCT AND EVALUATION OF RESEARCH.—

"(1) IN GENERAL.—In consultation with the Board, the Assistant Secretary shall develop such standards as may be necessary to govern the conduct and evaluation of all research, development, and dissemination activities carried out by the Office to assure that such activities meet the highest standards of professional excellence. In developing such standards, the Assistant Secretary shall review the procedures utilized by the National Institutes of Health, the National Science Foundation, and other Federal agencies engaged in research and development and shall also actively solicit recommendations from the National Academy of Sciences, the American Educational Research Association and members of the general public.

"(2) CONTENTS OF STANDARDS.—Such standards shall at a minimum—

"(A) require that a system of peer review be utilized by the Office—

"(i) in reviewing and evaluating all applications for grants and cooperative agreements and bids for those contracts which exceed \$100,000;

"(ii) in evaluating and assessing the performance of all recipients of grants from and cooperative agreements and contracts with the Office; and

"(iii) in reviewing and designating exemplary and promising programs in accordance with section 405C(d);

"(B)(i) specify the composition of peer review panels, the criteria for the selection of members of such panels, and describe the

means by which potential members shall be identified so as to assure that such panels are broadly representative of individuals with expertise in matters relevant to the purposes of each such panel;

"(ii) prohibit the consideration of partisan affiliation in the selection of any member of a peer review panel;

"(iii) describe the general procedures which shall be used by each peer review panel in its operations;

"(iv) prohibit the participation by a member of a peer review panel in the review of any application in which such member has any financial interest; and

"(v) require that transcripts, minutes, and other documents made available to or prepared for or by a peer review panel will be available for public inspection to the extent consistent with the Freedom of Information Act, the Federal Advisory Committee Act, the Privacy Act, and other laws;

"(C)(i) describe the procedures which shall be utilized in evaluating applications for grants, proposed cooperative agreements, and contract bids;

"(ii) specify the criteria and factors which shall be considered in making such evaluations; and

"(iii) provide that any decision to fund a grant, contract, or cooperative agreement out of its order of ranking by a peer review panel shall be first fully justified in writing and that copies of such justification shall be transmitted to the Board, unless such action is required by some other provision of law;

"(D)(i) describe the procedures which shall be utilized in reviewing educational programs which have been identified by or submitted to the Secretary for evaluation in accordance with section 405C(d); and

"(ii) specify the criteria which shall be used in recommending programs as exemplary and promising; and

"(E)(i) require that the performance of all recipients of grants from and contracts and cooperative agreements with the Office shall be periodically evaluated, both during and at the conclusion of their receipt of assistance;

"(ii) describe the procedures and means by which such evaluations shall be undertaken, including—

"(I) the frequency of such evaluations;

"(II) the criteria, outcome measures, and other factors which shall be taken into account; and

"(III) measures to assure that on-site evaluations of performance shall be utilized to the extent appropriate and whenever practicable; and

"(iii) provide that the results of such evaluations shall be taken into account prior to any decision to continue, renew, or provide new funding to the entity being reviewed.

"(3) PUBLICATION AND PROMULGATION OF STANDARDS.—

"(A) The Assistant Secretary shall publish proposed standards—

"(i) which meet the requirements of subparagraphs (A), (B), and (C) of paragraph (2) not later than 1 year after the date of the enactment of the Educational Research, Development, and Dissemination Excellence Act;

"(ii) which meet the requirements of paragraph (2)(D) not later than 2 years after such date; and

"(iii) which meet the requirements of subparagraph (E) of paragraph (2) not later than 3 years after such date;

"(B) Following the publication of such proposed standards, the Assistant Secretary shall solicit comments from interested members of the public with respect to such proposed standards for a period of not more

than 120 days. After giving due consideration to any comments which may have been received, the Assistant Secretary shall transmit such standards to the Board for its review and approval.

“(C) Upon the approval of the Board, the Assistant Secretary shall transmit final standards to the Secretary which meet the requirements of the particular subparagraphs of paragraph (2) for which they were developed. Such standards shall be binding upon all activities carried out with funds appropriated under section 405.

“(i) ADDITIONAL RESPONSIBILITIES OF THE ASSISTANT SECRETARY.—In carrying out the activities and programs of the Office, the Assistant Secretary shall—

“(1) be guided by the Research Priorities Plan developed by the Board;

“(2) ensure that there is broad and regular public and professional involvement from the educational field in the planning and carrying out of the Office's activities, including establishing teacher advisory boards for any program office, program or project of the Office as the Assistant Secretary deems necessary;

“(3) ensure that the selection of research topics and the administration of the program are free from undue partisan political influence; and

“(4) ensure that all statistics and other data collected and reported by the Office shall be collected, cross-tabulated, analyzed, and reported by sex within race or ethnicity and socioeconomic status whenever feasible (and when such data collection or analysis is not feasible, ensure that the relevant report or document includes an explanation as to why such data collection or analysis is not feasible).

“(j) DEFINITIONS.—For purposes of this section and sections 405A through 405D:

“(1) The term ‘Assistant Secretary’ means the Assistant Secretary for Educational Research and Improvement established by section 202 of the Department of Education Organization Act.

“(2) The term ‘at-risk student’ means a student who, because of limited English proficiency, poverty, geographic location, or educational or economic disadvantage, faces a greater risk of low educational achievement and has greater potential for dropping out of school.

“(3) The term ‘Board’ means the National Educational Research Policy and Priorities Board.

“(4) The term ‘educational research’ includes basic and applied research, development, planning, surveys, assessments, evaluations, investigations, experiments, and demonstrations in the field of education and other fields relating to education.

“(5) The term ‘development’—

“(A) means the systematic use, adaptation, and transformation of knowledge and understanding gained from research to create alternatives, policies, products, methods, practices, or materials which can contribute to the improvement of educational practice; and

“(B) includes the design and development of prototypes and the testing of such prototypes for the purposes of establishing their feasibility, reliability, and cost-effectiveness.

“(6) The term ‘technical assistance’ means the provision of external assistance to facilitate the adoption or application of the knowledge gained from educational research and development and includes—

“(A) problem analysis and diagnosis;

“(B) assistance in finding, selecting, or designing suitable solutions and approaches to problems;

“(C) training in the installation and implementation of products, programs, policies, practices, or technologies; and

“(D) such other assistance as may be necessary to encourage the adoption or application of such knowledge.

“(7) The term ‘dissemination’ means the transfer of knowledge and products gained through research and includes—

“(A) the use of communication techniques to increase awareness of such knowledge and products;

“(B) the provision of comparative and evaluative information necessary to enable educators, school administrators, and others to assess and make informed judgments about the relevance and usefulness of such knowledge and products in specific settings; and

“(C) the provision of technical assistance needed to adapt, apply, and utilize such knowledge and products in specific educational settings.

“(8) The term ‘national education dissemination system’ means the activities carried out by the Office of Reform Assistance and Dissemination established by section 405C.

“(9) The term ‘Office’ means the Office of Educational Research and Improvement established in section 209 of the Department of Education Organization Act.

“(10) The term ‘national research institute’ means an institute established in section 405B.

“(11) The terms ‘United States’ and ‘State’ include the District of Columbia and the Commonwealth of Puerto Rico.

“(k) AUTHORIZATION OF APPROPRIATIONS.—

“(1) NATIONAL INSTITUTES.—

“(A) For the purpose of carrying out section 405B, there is authorized to be appropriated \$37,000,000 for fiscal year 1994.

“(B) For the purpose of carrying out the provisions of section 405B relating to the National Institute for Student Achievement, there are authorized to be appropriated \$20,000,000 for fiscal year 1995, and such sums as are necessary for each of fiscal years 1996 and 1997.

“(C) For the purpose of carrying out the provisions of section 405B relating to the National Institute for the Education of At-Risk Students, there are authorized to be appropriated \$20,000,000 for fiscal year 1995, and such sums as are necessary for each of fiscal years 1996 and 1997.

“(D) For the purpose of carrying out the provisions of section 405B relating to the National Institute for Innovation in Educational Governance, Finance, Policy-Making, and Management, there are authorized to be appropriated \$20,000,000 for fiscal year 1995, and such sums as are necessary for each of fiscal years 1996 and 1997.

“(E) For the purpose of carrying out the provisions of section 405B relating to the National Institute for Early Childhood Development and Education, there are authorized to be appropriated \$20,000,000 for fiscal year 1995, and such sums as are necessary for each of fiscal years 1996 and 1997.

“(F) For the purpose of carrying out the provisions of section 405B relating to the National Institute of Postsecondary Education, Libraries, and Lifelong Learning, there are authorized to be appropriated \$20,000,000 for fiscal year 1995, and such sums as are necessary for each of fiscal years 1996 and 1997.

“(2) NATIONAL EDUCATION DISSEMINATION SYSTEM.—

“(A)(i) For the purpose of carrying out subsections (b)(2) through (g) of section 405C,

there are authorized to be appropriated \$22,000,000 for fiscal year 1994, and such sums as are necessary for each of the fiscal years 1995 through 1997.

“(ii) Of the amount appropriated under clause (i) for any fiscal year, the Secretary shall make available not less than \$7,175,000 to carry out subsection (f) of section 405C (relating to clearinghouses).

“(B) For the purpose of carrying out subsection (h) of section 405C (relating to regional educational laboratories), there are authorized to be appropriated \$37,000,000 for fiscal year 1994, and such sums as are necessary for each of the fiscal years 1995 through 1997. Of the amounts appropriated under the preceding sentence for a fiscal year, the Secretary shall obligate not less than 25 percent to carry out such purpose with respect to rural areas (including schools funded by the Bureau of Indian Affairs which are located in rural areas).

“(C) For the purpose of carrying out subsection (j) of section 405C (relating to the teacher research dissemination network) there are authorized to be appropriated \$30,000,000 for fiscal year 1994, and such sums as are necessary for each of the fiscal years 1995 through 1997.

“(D) For the purpose of carrying out subsection (i) of section 405C (relating to the Goals 2000 Community Partnerships program), there are authorized to be appropriated \$30,000,000 for fiscal year 1994, \$50,000,000 for fiscal year 1995, and such sums as are necessary for each of the fiscal years 1996 and 1997.

“(3) NATIONAL EDUCATIONAL RESEARCH POLICY AND PRIORITIES BOARD.—Of the amounts appropriated under paragraphs (1) and (2) for any fiscal year, the Secretary shall make available 2 percent of such amounts, or \$1,000,000, whichever is less, to the Board for the purpose of carrying out section 405A.

“(4) ALLOCATIONS FOR GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—Of the amounts appropriated under paragraph (1) or (2) for any fiscal year, not less than 95 percent shall be expended to carry out the purposes described in such paragraphs through grants, cooperative agreements, or contracts.

“(5) LIMITATIONS ON APPROPRIATIONS.—No amounts are authorized to be appropriated under paragraph (1) or (2) for fiscal year 1995 or any fiscal year thereafter unless the Board has been appointed in accordance with section 405A.

“(6) GRANT AUTHORIZED.—From the amounts appropriated under paragraph (1) for fiscal year 1995, the Secretary is authorized, in accordance with the provisions of this paragraph, to award a grant of not more than \$5,000,000 to a public or private institution, agency or organization for a period not to exceed five years for the purpose of conducting a State-by-State poll to determine the perceptions of recent graduates of secondary schools, their instructors in institutions of higher education, parents of recent such graduates, and employers of recent such graduates on how well schools have prepared students for further education or employment. The grant shall be awarded on a competitive basis and shall be matched on a two-to-one basis, with the Federal Government contributing one-third of the total costs of the poll.”

SEC. 212. ASSISTANT SECRETARY FOR EDUCATIONAL RESEARCH AND IMPROVEMENT.

Subsection (b) of section 202 of the Department of Education Organization Act is amended—

(1) in paragraph (1)—
 (A) by striking subparagraph (E); and
 (B) by redesignating subparagraphs (F) and (G) as subparagraphs (E) and (F), respectively; and

(2) by adding at the end the following new paragraph:

"(3) There shall be in the Department an Assistant Secretary for Educational Research and Improvement who shall be—

"(A) appointed by the President, by and with the consent of the Senate; and

"(B) selected in consultation with the National Educational Research Policy and Priorities Board from among individuals who—

"(i) are distinguished educational researchers;

"(ii) have proven management ability; and

"(iii) have substantial knowledge of education within the United States.

SEC. 213. SAVINGS PROVISION.

Notwithstanding any other provision of law, contracts for the regional educational laboratories, education resources information clearinghouses and research and development centers assisted under section 405 of the General Education Provisions Act on the date of the enactment of this Act shall remain in effect until the termination date of such contracts.

SEC. 214. EXISTING GRANTS AND CONTRACTS.

Notwithstanding any other provision of law, grants and contracts for the research and development centers assisted under section 405 of the General Education Provisions Act on the date of enactment of this Act shall remain in effect until the termination date of such grants or contracts, as the case may be, except that such grants and contracts may be extended to implement the provisions of this Act.

PART B—NATIONAL EDUCATIONAL RESEARCH POLICY AND PRIORITIES BOARD

SEC. 221. ESTABLISHMENT WITHIN OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT.

Part A of the General Education Provisions Act (20 U.S.C. 1221e et seq.) is amended by inserting after section 405 the following new section:

"NATIONAL EDUCATIONAL RESEARCH POLICY AND PRIORITIES BOARD

"SEC. 405A. (a) IN GENERAL.—There is established within the Office a National Educational Research Policy and Priorities Board (hereafter in this section referred to as the "Board").

"(b) FUNCTIONS.—It shall be the responsibility of the Board, acting through the Assistant Secretary—

"(1) to determine priorities that should guide the work of the Office and provide guidance to the Congress in its oversight of the Office;

"(2) to review and approve standards for the conduct and evaluation of all research, development, and dissemination carried out under the auspices of the Office pursuant to sections 405 through 405C; and

"(3) to regularly review, evaluate, and publicly comment upon, the implementation of its recommended priorities and policies by the Department and the Congress.

"(c) RESEARCH PRIORITIES PLAN.—In cooperation with the Assistant Secretary, the Board shall—

"(1) survey and assess the state of knowledge in education research, development and dissemination to identify disciplines and areas of inquiry within the priority research, development and dissemination needs identified in section 405(b)(3) in which the state of

knowledge is insufficient and which warrant further investigation, taking into account the views of both education researchers and practicing educators;

"(2) consult with the National Education Goals Panel and other authorities on education to identify national priorities for the improvement of education;

"(3) actively solicit recommendations from education researchers, teachers, school administrators, cultural leaders, parents and others throughout the Nation through such means as periodic regional forums;

"(4) provide recommendations for the development, maintenance, and assurance of a strong infrastructure for education research and development in the United States; and

"(5) on the basis of such recommendations, develop a research priorities program which shall recommend priorities for the investment of the resources of the Office over the next 5-, 10-, and 15-year periods, including as priorities those areas of inquiry in which further research, development and dissemination—

"(A) is necessary to attain the goals for the improvement of education identified in paragraph (2);

"(B) promises to yield the greatest practical benefits to teachers and other educational in terms of improving education; and

"(C) will not be undertaken in sufficient scope or intensity by the other Federal and non-Federal entities engaged in education research and development.

"(d) CONTENTS OF PLAN.

"(1) IN GENERAL.—The research and priorities plan described in subsection (c) shall, at a minimum—

"(A) set forth specific objectives which can be expected to be achieved as a result of a Federal investment in the priorities set forth in the plan;

"(B) include recommendations with respect to research and development on cross-cutting issues which should be carried out jointly by 2 or more of the research institutes; and

"(C) include an evaluative summary of the educational research and development activities undertaken by the Federal government during the preceding 2 fiscal years which shall describe—

"(i) what has been learned as a result of such activities;

"(ii) how such new knowledge or understanding extends or otherwise relates to what had been previously known or understood;

"(iii) the implications of such new knowledge or understanding for educational practice and school reform; and

"(iv) any development, reform, and other assistance activities which have utilized such knowledge or understanding and the effects of such efforts.

"(2) REPORT.

"(A) Not later than 6 months after the first meeting of the Board and October 1 of every second year thereafter, the Assistant Secretary shall publish a report specifying the proposed research priorities of the Office and allow a 60-day period beginning on the date of the publication of the report for public comment and suggestions.

"(B) Not later than 90 days after the expiration of the 60-day period referred to in subparagraph (A), the Assistant Secretary shall submit to the President and the Congress a report specifying the research priorities of the Office and any public comment and suggestions obtained under such subparagraph.

"(e) ADDITIONAL RESPONSIBILITIES OF THE BOARD.—It shall also be the responsibility of the Board to—

"(1) provide advice and assistance to the Assistant Secretary in carrying out the coordination activities described in section 405;

"(2) make recommendations to the Assistant Secretary of persons qualified to fulfill the responsibilities of the Director for each research institute established by section 405B after making special efforts to identify qualified women and minorities and soliciting and giving due consideration to recommendations from professional associations and interested members of the public;

"(3) advise and make recommendations to the President with respect to individuals who are qualified to fulfill the responsibilities of the Assistant Secretary for the Office of Educational Research and Improvement; and

"(4) review and approve standards for the conduct and evaluation of research developed by the Assistant Secretary pursuant to subsection (h) of section 405.

"(f) STANDING SUBCOMMITTEES.

"(1) ESTABLISHMENT.—The Board shall establish a standing subcommittee for each of the Institutes established by subsection (a) of section 405B and for the Office of Reform Assistance and Dissemination established by subsection (b) of section 405C which shall advise, assist, consult with and make recommendations to the Assistant Secretary, the Board, the Director of such entity and the Congress on matters related to the activities carried out by and through such entities.

"(2) COMPOSITION.

"(A) Each standing subcommittee shall consist of 3 members of the Board and 6 additional individuals appointed by the Board who have significant experience in and knowledge of the disciplines relevant to the purposes of the entity for which the subcommittee is established.

"(B) The Board shall assure that the membership of each subcommittee includes both educational researchers and persons who are knowledgeable about the research, development and dissemination needs of practitioners, including classroom teachers, school administrators, and members of State or local boards of education.

"(g) POWERS OF THE BOARD.—In carrying out its functions, powers, and responsibilities, the Board—

"(1) shall, without regard to the provisions of title 5, United States Code, relating to the appointment and compensation of officers or employees of the United States, appoint a director to be paid at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule who shall assist in carrying out and managing the activities of the Board and perform such other functions the Board determines to be necessary and appropriate;

"(2) shall hire its own staff through routine government procedures;

"(3) may arrange for the detail of staff personnel and utilize the services and facilities of any agency of the Federal Government;

"(4) may enter into contracts, or make other arrangements as may be necessary to carry out its functions;

"(5) may review any grant, contract, or cooperative agreement made or entered into by the Office;

"(6) may, to the extent otherwise permitted by law, obtain directly from any department or agency of the United States such information as it deems necessary to carry out its responsibilities.

(7) may convene workshops and conferences, collect data, and establish subcommittees which may be composed of members of the Board and nonmember consultants (including employees of the Department) with expertise in the particular area addressed by such subcommittees; and

(8) shall establish such rules and procedures to govern its operations as it considers appropriate to the extent otherwise permitted by law.

(h) MEMBERSHIP IN GENERAL.—

(1) QUALIFICATIONS.—The members of the Board shall be eminent persons who, by virtue of their training, experience, and background, are exceptionally qualified to appraise the educational research and development effort of the Nation and to establish policies and priorities to govern future Federal investment in educational research, development, and dissemination.

(2) BROAD REPRESENTATION.—Due consideration shall be given to the gender, race, and ethnicity of appointees to assure that the Board is broadly representative of the diversity of the Nation.

(3) LIMITATION.—A voting member of the Board may not serve on any other governing or advisory board within the Department of Education.

(4) CONFLICT OF INTEREST.—A voting member of the Board shall be considered a special Government employee for the purposes of the Ethics in Government Act of 1978.

(i) SECRETARIAL APPOINTMENTS.—The Board shall consist of 18 members appointed by the Secretary. Of the members of the Board—

(1) seven shall be appointed from among researchers in the field of education who have been nominated by the National Academy of Sciences and the National Academy of Education (giving due consideration to recommendations made by the American Educational Research Association), including persons who are among the leading authorities on early childhood education and the education of at-risk students;

(2) five shall be outstanding field-based professional educators;

(3) one shall be a Chief State School Officer;

(4) one shall be a local education agency school superintendent or principal;

(5) one shall be a member of a State or local board of education or Bureau of Indian Affairs-funded school board;

(6) one shall be a professional librarian, school library media specialist, library administrator, or library science educator;

(7) one shall be a parent with extensive experience in promoting parental involvement in education; and

(8) one shall be an individual from business and industry with significant experience in promoting private sector involvement in education.

(j) REQUIREMENTS FOR NOMINATIONS BY THE NATIONAL ACADEMY OF SCIENCES AND THE NATIONAL ACADEMY OF EDUCATION.—

(1) IN GENERAL.—In making nominations for the members of the Board described in subsection (i)(1), the National Academy of Sciences and the National Academy of Education—

(A) may not nominate any individual who is an elected officer or employee of such organizations; and

(B) shall each nominate not less than 5 individuals for each of the positions on the Board for which such organization has responsibility for making nominations.

(2) REQUEST FOR ADDITIONAL NOMINATIONS.—In the event that the Secretary de-

termines that none of the individuals nominated by the National Academy of Sciences or the National Academy of Education meets the qualifications for membership on the Board specified in subsection (i), the Secretary may request that such organization make additional nominations.

(k) NOMINATIONS FOR BOARD MEMBERSHIP.—Prior to appointing any member of the Board, the Secretary shall actively solicit and give due consideration to recommendations of persons qualified for membership on the board from the National Education Association, the American Federation of Teachers, the National Parent-Teachers Association, the American Library Association, the American Association of School Administrators, the National Association of State Boards of Education, the National Indian School Board Association, the Association of Community Tribal Schools, the National Indian Education Association, and other education-related organizations (and interested members of the public).

(l) EX OFFICIO MEMBERS.—The ex officio, nonvoting members of the Board shall include the Assistant Secretary and may also include—

(1) the Director of Research for the Department of Defense;

(2) the Director of Research for the Department of Labor;

(3) the Director of the National Science Foundation;

(4) the Director of the National Institutes of Health;

(5) the chair of the National Endowment for the Arts;

(6) the chair of the National Endowment for the Humanities;

(7) the Librarian of Congress; and

(8) the Director of the Office of Indian Education Programs of the Department of the Interior.

(m) CHAIR.—The Board shall select a Chair from among its appointed members who shall serve for a renewable term of 2 years.

(n) TERMS OF OFFICE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the term of office of each voting member of the Board shall be 5 years.

(2) EXCEPTIONS.—

(A) Any individual appointed to fill a vacancy occurring on the Board prior to the expiration of the term for which the predecessor of the individual was appointed shall be appointed for the remainder of the term. A vacancy shall be filled in the same manner in which the original appointment was made.

(B) The terms of office of the members of the Board who first take office after the date of the enactment of the Educational Research, Development, and Dissemination Excellence Act shall, as designated by a random selection process at the time of appointment, be as follows:

(i) 2 years for each of 6 members of the Board;

(ii) 3 years for each of 6 members of the Board;

(iii) 5 years for each of 6 members of the Board.

(3) PROHIBITION ON CERTAIN CONSECUTIVE TERMS.—An individual who has been a member of the Board for 10 consecutive years shall thereafter be ineligible for appointment during the 5-year period beginning on the date of the expiration of the 10th year.

(o) MEETINGS OF BOARD.—

(1) INITIAL MEETING.—The Secretary shall ensure that the first meeting of the Board is held not later than May 15, 1994.

(2) SUBSEQUENT MEETINGS.—The Board shall meet quarterly, at the call of the Chair, and when at least one-third of the members of the Board make a written request to meet.

(3) QUORUM.—A majority of the Board shall constitute a quorum.

(4) OPEN MEETINGS.—The Government in the Sunshine Act (5 U.S.C. 552b) shall apply to meetings of the Board.

PART C—NATIONAL RESEARCH INSTITUTES

SEC. 231. ESTABLISHMENT WITHIN OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT.—

Part A of the General Education Provisions Act, as amended by section 221 of this Act, is amended by inserting after section 405A the following new section:

“NATIONAL RESEARCH INSTITUTES

“SEC. 405B. (a) ESTABLISHMENT OF INSTITUTES.—In order to fulfill the research and development purposes of the Office, and to carry out, in accordance with the standards established by the Board, a program of high-quality and rigorously evaluated research and development that is capable of improving Federal, State, Indian tribal, and local education policies and practices, there are established within the Office the following institutes:

(1) The National Institute for the Education of At-Risk Students;

(2) The National Institute for Innovation in Educational Governance, Finance, Policy-Making, and Management;

(3) The National Institute for Early Childhood Development and Education;

(4) The National Institute on Student Achievement;

(5) The National Institute on Postsecondary Education, Libraries, and Lifelong Education.

(b) DIRECTORS.—

(1) IN GENERAL.—Each Institute established by subsection (a) shall be headed by a Director who shall be appointed by the Assistant Secretary from among persons who have significant experience and expertise in the disciplines relevant to the purposes of such Institute. Prior to making such appointment, the Assistant Secretary shall solicit and give due consideration to recommendations made by the Board of persons qualified to fulfill the position;

(2) TERM OF OFFICE.—The Director of each Institute shall serve for a renewable term of 3 years.

(3) REPORTING.—Each Director shall report directly to the Assistant Secretary regarding the activities of the Institute and shall work with the other directors to promote research syntheses across the Institutes.

(c) AUTHORITIES AND DUTIES.—

(1) IN GENERAL.—The Assistant Secretary is authorized to conduct research, development, demonstration, and evaluation activities to carry out the purposes for which such Institute was established.

(A) directly;

(B) through grants, contracts, and cooperative agreements with institutions of higher education, regional educational laboratories, public and private organizations, institutions, agencies, and individuals, which may include—

(i) grants to support research and development centers which are—

(I) awarded competitively for a period of not less than 6 and not more than 10 years;

(II) funded at not less than \$2,000,000 annually in order to support a full range of basic research, applied research and dissemi-

nation activities, which may also include development activities; and

"(III) established by institutions of higher education, by institutions of higher education in consortium with public agencies or private nonprofit organizations, or by interstate agencies established by compact which operate subsidiary bodies established to conduct postsecondary educational research and development;

"(ii) public-private research partnerships established by a State or local education agency, Bureau of Indian Affairs-funded school, or tribal department of education, in concert with a private organization and a team of educational researchers, for which the Federal share shall be limited to not more than 50 percent of the total costs of the project;

"(iii) meritorious unsolicited proposals for educational research and related activities;

"(iv) proposals that are specifically invited or requested by the Assistant Secretary, on a competitive basis; and

"(v) dissertation grants, awarded for a period of not more than 2 years and in a total amount not to exceed \$20,000 to graduate students in the sciences, humanities, and the arts to support research by such scholars in the field of education;

"(C) through the provision of technical assistance; and

"(D) through the award of fellowships to support graduate study in educational research by qualified African-American, Hispanic, American Indian and Alaska Native, and other individuals from groups which have been traditionally underrepresented in the field of educational research which shall—

"(i) be awarded on the basis of merit for a period of 3 years; and

"(ii) provide stipends to each fellow in an amount which shall be set at a level of support comparable to that provided by the National Science Foundation Graduate Fellowships, except that such amounts shall be adjusted as necessary so as not to exceed each fellow's demonstrated level of need.

"(2) SCOPE AND FOCUS OF ACTIVITIES.—In carrying out the purposes for which each Institute is established, the Assistant Secretary shall—

"(A) maintain an appropriate balance between applied and basic research;

"(B) significantly expand the role of field-initiated research in meeting the Nation's education research and development needs by reserving not less than 15 percent of the amounts available to each Institute in any fiscal year to support field-initiated research described in clauses (iii) through (v) of paragraph (1);

"(C) provide for and maintain a stable foundation of long-term research and development on core issues and concerns conducted through university-based research and development centers by reserving not less than one-third of the amounts available to each Institute in any fiscal year to support such research and development centers;

"(D) support and provide research information that leads to policy formation for State legislatures, State and local boards of education and other policy and governing bodies, to assist such entities in identifying and developing effective policies to promote student achievement and school improvement; and

"(E) coordinate the Institute's activities with the activities of the regional educational laboratories and with other educational service organizations in designing the Institute's research agenda and projects

in order to increase the responsiveness of such Institute to the needs of teachers and the educational field and to bring research findings directly into schools to ensure greatest access at the local level to the latest research developments.

"(3) REQUIREMENTS REGARDING FINANCIAL ASSISTANCE.—No grant, contract, or cooperative agreement may be made under this section unless—

"(A) sufficient notice of the availability of, and opportunity to compete for, assistance has first been provided to potential applicants through notice published in the Federal Register or other appropriate means;

"(B) it has been evaluated through peer review in accordance with the standards developed pursuant to subsection (h) of section 405;

"(C) it will be evaluated in accordance with the standards developed pursuant to subsection (h) of section 405;

"(D) in the case of a grant, contract, or cooperative agreement which exceeds \$500,000 for a single fiscal year or \$1,000,000 for more than one fiscal year, the Secretary has complied with the requirements of paragraph (4); and

"(E) in the case of a grant, contract, or cooperative agreement to support a research and development center, all applications for such assistance have been evaluated by independent experts according to standards and criteria which include—

"(i) whether applicants have assembled a critical mass of high quality researchers sufficient to achieve the mission of the center;

"(ii) whether the proposed organizational structure and arrangements will facilitate achievement of the mission of the center;

"(iii) whether there is a substantial staff commitment to the work of the center;

"(iv) whether the directors and staff will devote adequate time to center activities; and

"(v) review of the contributions of primary researchers (other than researchers at the proposed center) to evaluate the appropriateness of such primary researcher's experiences and expertise in the context of the proposed center activities, and the adequacy of such primary researcher's time commitment to achievement of the mission of the center.

"(4) BOARD REVIEW OF CERTAIN PROPOSED GRANT AND CONTRACT ACTIONS.—The Assistant Secretary may not solicit any contract bid or issue a request for proposals or applications for any grant or cooperative agreement the amount of which exceeds \$500,000 in any single fiscal year or which exceeds an aggregate amount of \$1,000,000 for more than one fiscal year unless the Board has had an opportunity to review such proposed grant, contract, or cooperative agreement action and to provide written comments to the Assistant Secretary with respect to whether—

"(A) the purposes and scope of the proposed action are consistent with the Research Priorities Plan; and

"(B) the methodology and approach of the proposed action are sound and adequate to achieve its stated objectives.

"(5) HISTORICALLY UNDERUTILIZED RESEARCHERS AND INSTITUTIONS.—The Assistant Secretary shall establish and maintain initiatives and programs to increase the participation in the activities of each Institute of groups of researchers and institutions that have been historically underutilized in Federal educational research activities, including—

"(A) researchers who are women, African-American, Hispanic, American Indian and Alaska Native, or other ethnic minorities;

"(B) promising young or new researchers in the field, such as postdoctoral students and recently appointed assistant or associate professors;

"(C) historically black colleges and universities, tribally controlled community colleges, and other institutions of higher education with large numbers of minority students;

"(D) institutions of higher education located in rural areas; and

"(E) institutions and researchers located in States and regions of the Nation which have historically received the least Federal support for educational research and development.

"(6) ADDITIONAL AUTHORITIES.—The Assistant Secretary—

"(A) may obtain (in accordance with section 3109 of title 5 but without regard to the limitation in such section on the period of service) the services of experts or consultants with scientific or professional qualifications in the disciplines relevant to the purposes of such Institute;

"(B) may use, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, or local public agencies, with or without reimbursement therefor;

"(C) may accept voluntary and uncompensated services; and

"(D) may accept unconditional gifts made to the Office to support its activities.

"(d) NATIONAL INSTITUTE FOR THE EDUCATION OF AT-RISK STUDENTS.—

"(1) FINDINGS.—The Congress finds as follows:

"(A) The rate of decline in our urban schools is escalating at a rapid pace. Student performance in most inner city schools grows worse each year. At least half of all students entering ninth grade fail to graduate 4 years later and many more students from high-poverty backgrounds leave school with skills that are inadequate for today's workplace. In 1988 the average National Assessment of Educational Progress (NAEP) reading score of white 17 year-olds was approximately 20 points higher than that of African-American 17 year-olds and 25 points higher than that of Hispanic 17 year-olds. None of the existing Federal educational research and development programs are adequately addressing this obvious emergency.

"(B) Rural schools enroll a disproportionately large share of the Nation's poor and at-risk students and yet often lack the means to address effectively the needs of these children. Intensive efforts must be made to overcome the problems of geographic isolation, declining population, inadequate financial resources and other impediments to the educational success of children residing in rural areas.

"(C) By the year 2000, an estimated 3.4 million school age children with limited English language proficiency will be entering the school system. The Federal Government must develop effective policies and programs to address the educational needs of this growing population of children who are at increased risk for educational failure.

"(D) An educational emergency exists in those urban and rural areas where there are large concentrations of children who live in poverty. The numbers of educationally disadvantaged children will substantially increase by the year 2020, when the number of impoverished children alone will be 16.5 million, a 33 percent increase over the 12.4 million children in poverty in 1987.

"(E) American Indian and Alaska Native students are keenly at-risk of educational

failure, with demonstrated high dropout, illiteracy and poverty rates, and cultural, linguistic, social and geographic isolation. The estimated 400,000 Indian and Alaska Native student population from over 500 Indian and Alaska Native tribes, is small and scattered throughout remote reservations and villages in 32 States, and in off-reservation rural and urban communities where Indians constitute but a small percentage of public school student bodies. To meaningfully address the special educational needs of this historically under-served population, the existing research and development system must be opened to Indian and Alaska Native people to identify needs and design ways to address such needs.

"(F) Minority scholars as well as institutions and groups that have been historically committed to the improvement of the education of at-risk students need to be more fully mobilized in the effort to develop a new generation of programs, models, practices, and schools capable of responding to the urgent needs of students who are educationally at-risk.

"(2) PURPOSE.—It shall be the purpose of the Institute for the Education of At-Risk Students to carry out a coordinated and comprehensive program of research and development to provide nonpartisan, research-based leadership to the Nation as it seeks to improve educational opportunities for students who are at-risk for educational failure, particularly children who reside in inner city and rural areas, and on Indian reservations, and children of limited English proficiency. Such program shall—

"(A) undertake research necessary to provide a sound basis from which to identify, develop, evaluate, and assist others to replicate and adapt interventions, programs, and models which promote greater achievement and educational success by at-risk students, such as—

"(i) methods of instruction and educational practices (including community services) which improve the achievement and retention of at-risk students;

"(ii) means by which parents and community resources and institutions (including cultural institutions) can be utilized to support and improve the achievement of at-risk students;

"(iii) the training of teachers and other educational professionals and paraprofessionals to work more effectively with at-risk students;

"(iv) the most effective uses of technology in the education of at-risk students;

"(v) programs designed to promote gender equity in schools that serve at-risk students; and

"(vi) methods of assessing the achievement of students which are sensitive to cultural differences, provide multiple methods of assessing student learning, support student acquisition of higher order capabilities, and enable identification of the effects of inequalities in the resources available to support the learning of children throughout the Nation; and

"(B) maximize the participation of those schools and institutions of higher education that serve the greatest number of at-risk students in inner city and rural areas, and on Indian reservations, including model collaborative programs between schools and school systems, institutions of higher education, cultural institutions, and community organizations.

"(3) COMPREHENSIVE RESEARCH PROGRAM.—The Institute shall support a diverse and comprehensive program of research and de-

velopment which shall include research related to the educational needs of—

"(A) at-risk students who reside in urban areas;

"(B) at-risk students who reside in rural areas;

"(C) children with limited English language proficiency; and

"(D) Indian and Alaska Native students.

"(4) CONSULTATION WITH INDIAN AND ALASKA NATIVE EDUCATORS.—All research and development activities supported by the Institute which relate to the education of Indian and Alaska Native students shall be developed in close consultation with Indian and Alaska Native researchers and educators, tribally controlled community colleges, tribal departments of education, and others with expertise in the needs of Indian and Alaska Native students.

"(e) NATIONAL INSTITUTE FOR INNOVATION IN EDUCATIONAL GOVERNANCE, FINANCE, POLICY-MAKING, AND MANAGEMENT.—

"(1) FINDINGS.—The Congress finds as follows:

"(A) Many elementary and secondary schools in the United States—

"(i) are structured according to models that are ineffective and rely on notions of management and governance that may be outdated or insufficient for the challenges of the next century; and

"(ii) are unsuccessful in equipping all students with the knowledge and skills needed to succeed as citizens and in the working world.

"(B) New approaches are needed in the governance and management of elementary and secondary education with the United States at the State, local, school building and classroom level.

"(C) Not enough is known about the effects of various systems of school governance and management on student achievement to provide sound guidance to policymakers as they pursue school restructuring and reform.

"(D) A concentrated Federal effort is needed to support research, development, demonstration, and evaluation of approaches to school governance, finance and management which promise to improve education equity and excellence throughout the Nation.

"(2) PURPOSE.—It shall be the purpose of the National Institute on Innovation in Educational Governance, Finance, Policy-Making, and Management to carry out a coordinated and comprehensive program of research and development to provide nonpartisan, research-based leadership to the Nation as it seeks to improve student achievement through school restructuring and reform. Such program shall—

"(A) undertake research necessary to provide a sound basis from which to identify, develop and evaluate approaches in governance, finance, policy-making, and management at the State, local, tribal, school building and classroom level which promise to improve educational equity and excellence, such as—

"(i) open enrollment programs, magnet schools and other systems through which parents may select the public schools and educational programs in which their children are enrolled;

"(ii) innovative school design, including lengthening the school day and the school year, reducing class size and building professional development into the weekly school schedule;

"(iii) effective approaches to organizing learning;

"(iv) effective ways of grouping students for learning so that a student is not labeled

or stigmatized in ways that may impede such student's achievement;

"(v) effective approaches to organizing, structuring, and financing vocational education;

"(vi) the provision of financial and other rewards and incentives based on performance to improve student achievement;

"(vii) the use of regulatory flexibility on the State or district level to promote innovation and school restructuring;

"(viii) school-based management;

"(ix) the restructuring of school finance systems at the State and local level to promote greater equity in the distribution of resources for education and to maximize the allocation of such resources to support direct learning;

"(x) expanding the role of teachers in policymaking and administration at the school and district-wide level;

"(xi) programs designed to increase the involvement of parents and families in the management and governance of schools and the education of their children;

"(xii) effective approaches to increasing the representation of women and minorities among leadership and management positions in education;

"(xiii) approaches to systemic reforms involving the coordination of multiple policies of each level of government to promote higher levels of student achievement;

"(xiv) approaches to coordinated services for children; and

"(xv) policies related to school to work transitions and preparing noncollege-bound students; and

"(B) undertake research and development activities necessary to provide information on the skills required for successful educational leadership at the State, tribal, and local level and to enhance the ability of school leaders and administrators to improve the educational environment for all students.

"(3) RESEARCH ON EDUCATIONAL CHOICE.—In carrying out the duties of the Institute, the Assistant Secretary shall conduct or support research on whether and to what extent the quality of education in the United States would be improved by providing public funds to parents for the costs of attendance of their children at the elementary and secondary schools of the parents' choice.

"(f) NATIONAL INSTITUTE FOR EARLY CHILDHOOD DEVELOPMENT AND EDUCATION.—

"(1) FINDINGS.—The Congress finds as follows:

"(A) The Nation has set as a goal that all children should arrive at school ready to learn.

"(B) Despite efforts to expand and improve preschool programs, many children still reach school age unprepared to benefit from formal education programs.

"(C) Early intervention for disadvantaged children from conception to age five has been shown to be a highly cost-effective strategy for reducing later expenditures on a wide variety of health, developmental, and educational problems that often interfere with learning. Long-term studies of the benefits of preschool education have a demonstrated return on investment ranging from three to six dollars for every one dollar spent.

"(D) The Federal government should play a central role in providing research-based information on early childhood education models which enhance children's development and ultimately their success in school.

"(2) PURPOSE.—The purpose of the National Institute for Early Childhood Development

and Education is to carry out a comprehensive program of research and development to provide nonpartisan, research-based leadership to the Nation as it seeks to improve early childhood development and education. Such program shall identify, develop, evaluate, and assist others to replicate sound policies and practices that may include—

“(A) social and educational development of all infants, toddlers, and preschool children;

“(B) the role of parents and the community in promoting the successful social and educational development of children from birth to age five;

“(C) training and preparation of teachers and other professional and paraprofessional preschool and child care workers;

“(D) the structure and environment of early childhood education and child care settings which lead to improved social and educational development;

“(E) practices and approaches which sustain the benefits of effective preschool and child care programs;

“(F) effective learning methods and curriculum for early childhood learning, including access to current materials in libraries;

“(G) the importance of family literacy and parental involvement in student learning;

“(H) the impact that outside influences have on learning, including television, and drug and alcohol abuse; and

“(I) methods for integrating learning in settings other than the classroom, such as within families and communities, with a special emphasis on character development and the value of hard work.

“(3) CERTAIN REQUIREMENTS.—In carrying out the activities of the Institute, the Assistant Secretary shall—

“(A) place special emphasis on the special early childhood education needs of at-risk children, children with disabilities, and girls; and

“(B) ensure that its research and development program provides information that can be utilized in improving the major Federal early childhood education programs, including Head Start, Even Start, chapter 1 preschool programs, and part H of the Individuals with Disabilities Education Act, and Bureau of Indian Affairs early childhood development programs.

“(g) NATIONAL INSTITUTE ON STUDENT ACHIEVEMENT.—

“(1) FINDINGS.—The Congress finds as follows:

“(A) The current achievement levels of students in the Nation are far below those that might indicate competency in challenging subject matter in English, mathematics, science, history, and geography and other areas, or across the subject areas.

“(B) Very few students demonstrate that they can use their minds well. In recent assessments, more students are gaining basic skills, yet fewer are demonstrating a grasp of higher-level applications of those skills.

“(C) During the past 20 years, relatively little has changed in how students are taught. Despite much research suggesting better alternatives, classrooms are still dominated by textbooks, teacher lectures, and short-answer activity sheets and unequal patterns of student attention.

“(D) Despite progress in narrowing the gaps, the differences in performance between white students and their minority counterparts remain unacceptably large. While progress has been made in reducing the gender gap in mathematics, it still remains at higher levels of problem solving. Too little progress has been made in reducing gender performance gaps favoring males in science and females in writing.

“(2) PURPOSE.—The purpose of the National Institute on Student Achievement is to carry out a coordinated and comprehensive program of research and development to provide research-based leadership to the Nation as it seeks to improve student achievement in English, mathematics, science, history, geography, and other subject areas and across the boundaries of the subject areas. Such program shall—

“(A) identify, develop, and evaluate innovative and exemplary methods to improve student knowledge at all levels in English, mathematics, science, history, geography, civics and government, foreign languages, arts and humanities, economics, and other subject areas, such as—

“(i) student learning and assessment in various subject matters;

“(ii) the effects of organizational patterns on the delivery of instruction, including issues of grouping and tracking, ungraded classrooms, and on the effects of various pedagogies, including the issues of technology in education;

“(iii) the best methods of teacher preparation;

“(iv) methods to improve the process of reading, the craft of writing, the growth of reasoning skills, and the development of information-finding skills;

“(v) enabling students to develop higher order thinking skills;

“(vi) methods to teach effectively all students in mixed-ability classrooms;

“(vii) curriculum, instruction, and assessment, in vocational education;

“(viii) the impact and effectiveness of Federal, State, and local efforts to provide gender-fair educational opportunities to elementary and secondary students; and

“(ix) programs, policies, approaches which promote gender equity in elementary and secondary education;

“(B) conduct basic and applied research in the areas of human learning, cognition, and performance, including research and development on the education contexts which promote excellence in learning and instruction, and motivational issues which provide a key to learning;

“(C) identify, develop, and evaluate programs designed to enhance academic achievement and narrow racial and gender performance gaps in a variety of subject areas, including research and development on methods of involving parents in their children's education and ways to involve business, industry and other community partners in promoting excellence in schools; and

“(D) include a comprehensive, coordinated program of research and development in the area of assessment which—

“(i) addresses such issues as—

“(I) the validity, reliability, generalizability, fairness, costs, relative merits, and most appropriate uses of various approaches and methods of assessing student learning and achievement;

“(II) methods and approaches to assessing student opportunities to learn (including the quality of instruction and the availability of resources necessary to support learning) and evaluating the quality of school environment;

“(III) the design, development, evaluation, and validation of model performance-based and other alternative or innovative formats or uses of assessments;

“(IV) the impact of high-stakes uses of assessment on student performance and motivation, narrowing of curriculum, teaching practices, and test integrity;

“(V) the fairness and impact of various methods of assessment on children of different races, ethnicities, gender, socioeconomic status, English language proficiencies, and children with other special needs;

“(VI) standards of performance, quality, and validity for various methods of assessment and the means by which such standards should be developed;

“(VII) current and emerging testing practices of State and local education agencies within the United States, as well as other nations;

“(VIII) the diverse effects, both intended and unintended, of assessments as actually used in the schools, including effects on curriculum and instruction, effects on equity in the allocation of resources and opportunities, effects on equity of outcomes, effects on other procedures and standards for judging students and practitioners and possible inflation of test scores;

“(IX) identifying and evaluating how students with limited English language proficiency and students with disabilities are included and accommodated in the various assessment programs of State and local education agencies; and

“(X) the feasibility and validity of comparing or equating the results of different assessments;

“(ii) reflects recommendations made by the National Education Goals Panel (provided such panel has been authorized by law);

“(iii) complies with the ‘Standards for Educational and Psychological Tests’ developed by the American Psychological Association, the National Council on Measurement in Education, and the American Educational Research Association;

“(iv) is consistent with the ‘Criteria for Evaluation of Student Assessment Systems’ developed by the National Forum on Assessment; and

“(v) complies with the ‘Code of Fair Testing Practices in Education’ developed by the Joint Committee on Testing Practices.

For purposes of this subparagraph, the term ‘development’ means the development of prototypes for the purposes of research and evaluation.

“(h) NATIONAL INSTITUTE FOR POSTSECONDARY EDUCATION, LIBRARIES, AND LIFELONG LEARNING.—

“(1) FINDINGS.—The Congress finds as follows:

“(A) The American system of postsecondary education is foremost in the world in its achievement of both academic excellence and equity in access, but maintaining that preeminence requires renewed efforts to strengthen the quality of postsecondary education. Disappointing student performance on achievement tests and licensure examinations, declining rates of persistence and completion among minorities, and other troubling trends in the quality of postsecondary education must be addressed by the Nation as part of its overall drive to improve American education.

“(B) The need to improve our Nation's economic productivity to meet the competitive challenges of a new, international economy, coupled with high levels of mobility in the United States labor market and demographic changes in the workforce, now demands more and higher quality programs of learning and training in the American workplace.

“(C) The more than 1,000,000 men and women incarcerated in the Nation's prisons and jails are among the most severely educationally disadvantaged in the United States, with high rates of functional illiteracy and

extremely low levels of educational attainment. Since an estimated 90 percent of these individuals are expected to be released by the end of the decade, the Nation must act to assure that our correctional system has the means to equip these Americans with the knowledge and skills they will need to participate productively in our society.

"(D) The development of a 'Nation of Students' capable of and committed to the pursuit of formal and informal lifelong learning is essential to sustain both national and individual economic success and to provide a nurturing environment in which all children and youth can learn and achieve. Historically the most effective community resource for lifelong learning, the Nation's public library system must expand and restructure its delivery of services to take full advantage of the potential of new information technologies to meet the needs of learning communities.

"(2) PURPOSE.—The purpose of the National Institute for Postsecondary Education, Libraries, and Lifelong Learning is to promote greater coordination of Federal research and development on issues related to adult learning and to carry out a program of research and development in adult learning to provide nonpartisan, research-based leadership to the Nation as it seeks to improve libraries, postsecondary education, and lifelong learning throughout the United States. Such program—

"(A) shall promote greater coordination, cooperation, and interaction among entities within the Federal Government which support research and development related to postsecondary education, libraries, and lifelong learning;

"(B) shall enable greater collaboration among entities within the Federal Government which support research and development related to postsecondary education, libraries, and lifelong learning by supporting research and development projects which are carried out jointly by such entities;

"(C) shall support research and development in those areas of postsecondary education, libraries, and lifelong learning which are not being addressed sufficiently by other entities within the Federal Government;

"(D) may include basic and applied research, development, replication, and evaluation activities in such areas as—

"(i) methods of assessing and evaluating individual, program, and institutional performance;

"(ii) the uses and applications of new technologies to improve program effectiveness and enhance student learning;

"(iii) practices, policies, and programs which address the unique needs of adult learners, including—

"(I) institutional and classroom policies and practices at the postsecondary level necessary to improve matriculation, persistence, achievement and graduation by students who are economically disadvantaged, ethnic and racial minorities, women, older, working, and who have children;

"(II) instructional practices and programs which are effective in correctional settings;

"(III) new models of service delivery for public library systems which expand opportunities for lifelong learning;

"(IV) effective programs and approaches which promote greater access to and success by minorities in postsecondary programs which prepare them for scientific, technical, teaching, and health career fields;

"(V) effective approaches to work-based learning; and

"(VI) the most effective training methods for adults to upgrade education and vocational skills;

"(iv) the effectiveness of Historically Black Colleges and Universities, Tribally-Controlled Indian Community Colleges, women's colleges, and other special mission institutions in fulfilling their mission of providing access and equal opportunity in higher education;

"(v) the quality of higher education at all levels and the roles and responsibilities of regional and national accrediting agencies in assuring the quality and relevance of academic goals and objectives established by institutions of higher education;

"(vi) approaches to improving the productivity of colleges, community colleges, universities, and other postsecondary institutions;

"(vii) financial barriers to postsecondary educational opportunity, including—

"(I) the role of Federal programs authorized under title IV of the Higher Education Act and State grant and work programs in mitigating such barriers;

"(II) the impact of the rising total cost of postsecondary education on access to higher education; and

"(III) the extent and impact of student reliance on loans to meet the costs of higher education;

"(viii) opportunities for adults to continue their education beyond higher education and graduate school, in the context of lifelong learning and information-finding skills; and

"(ix) preparing students for a lifetime of work, the ability to adapt through retraining to the changing needs of the work force and the ability to learn new tasks.

"(3) INVOLVEMENT OF CERTAIN AGENCIES AND ORGANIZATIONS.—In promoting coordination and collaboration on research and development on issues related to postsecondary education, libraries, and lifelong learning, the Institute shall, as appropriate, seek the involvement of—

"(A) within the Department of Education—

"(i) the Office of Library Programs;

"(ii) the Office of Correctional Education;

"(iii) the Office of Vocational and Adult Education;

"(iv) the National Institute on Disability and Rehabilitation Research; and

"(v) the Office of Postsecondary Education;

"(B) the National Institute for Literacy;

"(C) the National Board for Professional Teaching Standards;

"(D) the Employment and Training Administration of the Department of Labor;

"(E) the Administration for Children and Families within the Department of Health and Human Services;

"(F) the National Institutes of Health;

"(G) the National Endowment for Humanities;

"(H) the National Endowment for the Arts;

"(I) the Bureau of Prisons of the Department of Justice;

"(J) the Department of Commerce;

"(K) the Department of Defense; and

"(L) the Office of Indian Education Programs of the Department of the Interior.

"(4) In addition to the responsibilities described in paragraph (2), the Assistant Secretary shall ensure that the activities of the existing National Center on Literacy are fully coordinated with those of the National Institute for Literacy.

"(i) COORDINATION OF RESEARCH ON CROSS-CUTTING ISSUES.—The Assistant Secretary shall promote the coordination of research and development activities among the Institutes established by subsection (a) to investigate those cross-cutting disciplines and areas of inquiry, such as assessment, the use of technology and the training of teachers and school administrators, which are relevant to the missions of more than one of the Institutes. Such activities shall—

"(1) address cross-cutting disciplines and areas of inquiry which have been proposed by the Assistant Secretary and are consistent with the research priorities identified by the Board;

"(2) be carried out jointly (1) by any one of the Institutes and—

"(A) one (or more) of the Institutes;

"(B) the National Center for Education Statistics; or

"(C) any research and development entity administered by other offices of the Department of Education or by any other Federal agency or Department; and

"(3) meet all the standards set by the Assistant Secretary and the Board for other research and development conducted by the Office.

"(j) PROGRAM ON TEACHING AND TEACHER EDUCATION.—

"(1) IN GENERAL.—The Assistant Secretary, in accordance with the requirements of this subsection, shall undertake a comprehensive, coordinated program of research in the area of teaching, teacher education, and professional development.

"(2) CERTAIN PURPOSES OF PROGRAM.—In carrying out the program established under paragraph (1), the Assistant Secretary shall conduct, directly or through grants and contracts, basic and applied research and analytical activities to further knowledge about, make recommendations, and improve—

"(A) the ability of classroom teachers and schools to assist new and diverse populations of students in successfully assimilating into the classroom environment;

"(B) the working conditions of teachers and other educational practitioners, which may include such topics as—

"(i) teacher isolation;

"(ii) professional resources available to teachers;

"(iii) continuing educational and professional opportunities available to teachers;

"(iv) physical facilities and equipment, such as office space, telephone, computer access, and fax machines and television cable access available to teachers in the work environment;

"(v) opportunities for teachers to share information and resources with other teachers and education professionals;

"(vi) opportunities for advanced learning experience; and

"(vii) the reduction of stress in the teaching profession;

"(C) institutional program renewal and instruction;

"(D) restructuring of State certification of teachers and teacher education standards; and

"(E) assisting in the development of teacher certification standards by Indian tribal departments of education.

"(3) CERTAIN ACTIVITIES.—In carrying out the program established under paragraph (1), the Assistant Secretary—

"(A) shall work with institutions of higher education engaged in the preparation of teachers and professional organizations of teacher educators and practitioners to encourage institutional program renewal and restructuring;

"(B) may conduct, directly or through grants and contracts research on—

"(i) effective and reflective teaching for the preparation and continuing education of teachers;

"(ii) the use of computing and multi-media technology to advance the understanding and abilities of teacher educators and classroom teachers;

"(iii) the development and appraisal of curriculum and curriculum materials for the initial and continuing education of teachers and teacher educators; and

"(iv) strengthening the evaluation and dissemination of information on programs for continuing professional education and renewal of those who educate teachers for initial or advanced licensure or certification; and

"(C) shall work with the national regional education laboratories, the ERIC clearinghouses, national education research library, and the National Center for Education Statistics to maximize information available, to prevent unnecessary duplication of efforts and resources, and to ensure the results of the centers work are widely available.

"(k) RESEARCH ON EDUCATIONAL TECHNOLOGY.—The Assistant Secretary shall undertake a comprehensive, coordinated program of research and development in the area of the uses and applications of technology in education. Such program—

"(1) may support basic and applied research and development, analysis, evaluation in the area of the uses and applications of technology to education, including—

"(A) the capabilities of current and emerging technologies and their possible uses in education;

"(B) the uses and applications of technology—

"(i) to improve instruction within all content areas in the school curriculum;

"(ii) to educate more effectively at-risk students and other students with special needs;

"(iii) to improve education in rural communities and other remote areas;

"(iv) to improve the assessment of student learning and achievement;

"(v) to deliver preservice and inservice training for teachers, librarians, and school administrators; and

"(vi) to deliver and improve professional development and continuing education programs;

"(C) the cost and educational effectiveness of technologies used in education;

"(D) effective models and approaches for providing the preservice and inservice training and technical assistance necessary to enable teachers, librarians, and school administrators, cultural organizations, and others to use technology effectively in education;

"(E) the identification of barriers to greater use of technologies in education and potential approaches to eradicating or mitigating such barriers;

"(F) methods and approaches which can be utilized by teachers, school administrators, and education policymakers, and educational programs in cultural institutions to evaluate the quality and most appropriate uses of software and other technologies designed for use in education; and

"(G) approaches to organizing and managing schools and classrooms to make the most effective use of technology in education; and

"(2) shall be coordinated with related research and development activities undertaken by the Office of Special Education Programs, the National Science Foundation, the Department of Defense, and other Federal agencies.

"(1) TRANSITIONAL PROVISIONS.—

"(1) TEMPORARY REORGANIZATIONS.—Upon the enactment of the Educational Research, Development and Dissemination Excellence Act, the Secretary shall reorganize the research and development functions and activities of the Office into administrative units the purposes of which shall be the same as those for each of the national research institutes established in subsection (a). Such administrative units shall be responsible for planning and providing for the establishment of such institutes and shall cease to exist on the dates upon which each of the relevant institutes is established. The provisions of subsection (c) (relating to authorities and duties) shall apply to all activities undertaken by each such administrative unit.

"(2) DATES FOR ESTABLISHMENT OF INSTITUTES.—The National Institute for the Education of At-Risk Students, the National Institute for Innovation in Educational Governance, Finance, Policy-Making, and Management, the National Institute for Early Childhood Development and Education, the National Institute on Student Achievement, and the National Institute on Postsecondary Education, Libraries, and Lifelong Learning shall each be established effective October 1, 1994."

PART D—NATIONAL EDUCATION DISSEMINATION SYSTEM

SEC. 241. ESTABLISHMENT WITHIN OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT.

Part A of the General Education Provisions Act, as amended by section 231 of this Act, is amended by inserting after section 405B the following new section:

"NATIONAL EDUCATION DISSEMINATION SYSTEM

"SEC. 405C. (a) IN GENERAL.—

"(1) FINDINGS.—The Congress finds as follows:

"(A) In order to improve the American educational system for all students, achieve the national education goals, and provide for greater educational equity, policymakers, administrators, teachers, and parents must have ready access to the best information and methods available as a result of educational research and development.

"(B) The Office of Educational Research and Improvement should have as one of its primary purposes the dissemination of such information and methods in order to assist the national education reform effort.

"(C) All current resources within the Office, the Department, and other agencies that can help accomplish this goal should be coordinated by the Assistant Secretary so as to form a systematic process to accomplish these objectives.

"(D) Education research has the capacity to improve teaching and learning in our Nation's schools, however, teachers need training in the developmental skills necessary to translate research into practice and to allow them to become a cadre of knowledgeable practitioners and leaders in educational improvement.

"(E) Adequate linkages between research and development providers and practitioners are essential to ensuring that research on effective practice is useful, disseminated and supported with technical assistance to all educators, and that all educators are partners in the research and development process.

"(2) PURPOSE.—The purpose of this section is to—

"(A) create a national system of dissemination, development, and educational improvement in order to create, adapt, identify, validate, and disseminate to educators, parents, and policymakers those educational

programs that have potential or have been shown to improve educational opportunities for all students; and

"(B) empower and increase the capacity of teachers to participate in the research and development process.

"(3) DEFINITION OF EDUCATIONAL PROGRAM.—For the purposes of this section, the term 'educational program' includes educational policies, research findings, practices, and products.

"(b) ESTABLISHMENT OF OFFICE.—

"(1) IN GENERAL.—There is established within the Office an Office of Reform Assistance and Dissemination (in this section referred to as the 'Dissemination Office') through which the Secretary shall carry out all functions and activities described in this section.

"(2) CERTAIN DUTIES.—The Dissemination Office shall—

"(A) identify educational programs that may merit being designated as exemplary or promising educational programs;

"(B) based solely on the educational merits and promise of such programs, select those to be designated as exemplary or promising;

"(C) provide technical and financial assistance to individuals and organizations in the process of developing promising educational programs in the priority areas identified in section 405(b)(3), but who might not, without such assistance, be able to complete necessary development and assessment activities;

"(D) nationally disseminate information regarding the exemplary and promising programs to educators, parents, and policymakers through a variety of means, including existing Department activities, education associations and networks, and communication technologies;

"(E) provide training and technical assistance regarding the implementation and adoption of such exemplary and promising programs by interested entities; and

"(F) carry out a program of research on models for successful knowledge dissemination, and utilization, and strategies for reaching education policymakers, practitioners, and others interested in education.

"(3) ADDITIONAL DUTIES.—The Dissemination Office shall carry out and contain the following functions and activities:

"(A) A process for the identification of educational programs that work.

"(B) The educational resources information clearinghouses.

"(C) Dissemination through new technologies.

"(D) Smartline.

"(E) The regional educational laboratories.

"(F) Teacher Research Dissemination Network.

"(G) The Goals 2000 Community Partnerships Program.

"(H) The existing National Diffusion Network and its Developer-Demonstrator and State Facilitator projects.

"(I) Such other programs or entities the Secretary determines are consistent with the purposes for which the Dissemination Office is established.

"(c) IDENTIFICATION OF PROGRAMS.—

"(1) IN GENERAL.—The Assistant Secretary shall establish a process through which successful educational programs are actively sought out for possible dissemination through the national educational dissemination system. Such process shall, at a minimum, have the capability to—

"(A) work closely with the research institutes, centers, regional educational laboratories, the National Diffusion Network and

its Developer-Demonstrator and State Facilitator projects, learning grant institutions established under the Goals 2000 Community Partnerships Program, department-supported technical assistance providers, and other entities to identify successful educational programs at the regional, State, local, or classroom level;

"(B) review successful educational programs supported by the Department through all of its programs, including Chapter 1, Even Start, Drug-Free Schools and Communities Act of 1986, the Individuals With Disabilities Education Act, Bilingual Education, Indian Education, the Women's Educational Equity Act, and Adult and Vocational Education;

"(C) through cooperative agreements, review for possible inclusion in the system educational programs administered by the Departments of Health and Human Services (particularly the Head Start program), Labor and Defense, the National Science Foundation, the Department of the Interior (particularly the Office of Indian Education Programs), and any other appropriate Federal agency; and

"(D) provide for an active outreach effort to identify successful educational programs through cooperative arrangements with State and local education agencies, teachers and teacher organizations, curriculum associations, foundations, private schools, institutions of higher education, and other entities that could enhance the ability of the Secretary to identify programs for possible inclusion in the dissemination system.

"(2) PRIORITY PROGRAMS.—In carrying out this subsection, the Secretary shall place a priority on identifying programs, products, and practices related to the priority research and development needs identified in section 405(b)(3).

"(d) DESIGNATION OF EXEMPLARY AND PROMISING PROGRAMS.—

"(1) IN GENERAL.—The Assistant Secretary, in consultation with the Board, shall establish 1 or more panels of appropriately qualified experts and practitioners to—

"(A) evaluate educational programs that have been identified by the Secretary under subsection (c) or that have been submitted to the Secretary for such evaluation by some other individual or organization; and

"(B) recommend to the Secretary programs that should be designated as exemplary or promising educational programs.

"(2) CONSIDERATIONS IN MAKING RECOMMENDATIONS.—In determining whether an educational program should receive a recommendation under paragraph (1), a panel established under such paragraph shall consider—

"(A) whether, based on empirical data, which may include but shall not be limited to test results, the program is effective and should thus be designated as exemplary and disseminated through the national dissemination system; or

"(B) whether there is sufficient evidence to lead a panel of experts and practitioners to believe that the program shows promise for improving student achievement and should thus be designated as promising and disseminated through the national dissemination system while it continues to be evaluated.

"(3) REQUIREMENT REGARDING APPROVAL OF PROGRAMS.—In seeking out programs for approval under paragraph (2), the Assistant Secretary shall seek programs that may be implemented at the State, local, and classroom level.

"(4) REQUIREMENTS REGARDING PANELS.—

"(A) A panel shall not eliminate a program from consideration under this subsection

based solely on the fact that it does not have one specific type of supporting data, such as test scores.

"(B) The Assistant Secretary may not designate a program as exemplary or promising unless a panel established under paragraph (1) has recommended that the program be so designated.

"(C) The Secretary shall establish such panels under paragraph (1) as may be necessary to ensure that each program identified or submitted for evaluation is evaluated.

"(D) Not less than 2/3 of the membership of a panel established under paragraph (1) shall consist of individuals who are not officers or employees of the United States. Members of panels under paragraph (1) who are not employees of the United States shall receive compensation for each day engaged in carrying out the duties of the panel as well as compensation for their expenses.

"(e) DISSEMINATION OF EXEMPLARY AND PROMISING PROGRAMS.—

"(1) IN GENERAL.—In order to ensure that programs identified as exemplary or promising are available for adoption by the greatest number of teachers, schools, local and State education agencies, and Bureau of Indian Affairs-funded schools, the Assistant Secretary shall utilize the capabilities of—

"(A) the education resources information clearinghouses;

"(B) Smartline;

"(C) the regional educational laboratories;

"(D) the National Diffusion Network;

"(E) entities established under the Goals

2000 Community Partnerships Program;

"(F) department-supported technical assistance providers;

"(G) the National Library of Education; and

"(H) other public and private nonprofit entities, including existing education associations and networks, that have the capability to assist educators in adopting exemplary and promising programs.

"(2) REQUIREMENTS FOR ASSISTANT SECRETARY.—In carrying out paragraph (1), the Assistant Secretary shall ensure that all such entities are—

"(A) kept apprised of the availability of specific programs for dissemination;

"(B) provided technical assistance, if necessary, to carry out this dissemination function; and

"(C) involved in the national education dissemination system as specified by law.

"(f) EDUCATION RESOURCES INFORMATION CLEARINGHOUSES.—

"(1) IN GENERAL.—The Assistant Secretary shall establish a system of 16 education resource information clearinghouses having, at a minimum, the functions and scope of work as the clearinghouses had on the date of the enactment of the Educational Research, Development, and Dissemination Excellence Act.

"(2) ADDITIONAL FUNCTIONS.—In addition to those functions already being carried out by the clearinghouses, such clearinghouses may—

"(A) periodically produce interpretive summaries, digests, and syntheses of the results and findings of education-related research and development; and

"(B) contain and make available to users information concerning those programs designated as exemplary and promising under subsection (c).

"(3) COORDINATION OF ACTIVITIES.—The Assistant Secretary shall assure that the functions and activities of such clearinghouses are coordinated with the activities of the research institutes, the regional educational

laboratories, learning grant institutions, other clearinghouses supported by the Department, the National Diffusion Network, and other appropriate entities within the Office and the Department.

"(4) SPECIAL RESPONSIBILITIES OF THE SECRETARY.—To assure that the information provided through such clearinghouses is fully comprehensive, the Secretary shall—

"(A) require that all reports, studies, and other resources produced directly or by grant or contract with the Department of Education are made available to clearinghouses;

"(B) establish cooperative agreements with the Departments of Defense, Health and Human Services, Interior, and other Federal agencies to assure that all education-related reports, studies, and other resources produced directly or by grant or contract with the Federal Government are made available to such clearinghouses; and

"(C) devise an effective system for maximizing the identification, synthesis, and dissemination of information related to the needs of Indian and Alaska Native children.

"(5) COPYRIGHT PROHIBITED.—

"(A) No clearinghouse or other entity receiving assistance under this subsection may copyright or otherwise charge a royalty or other fee that—

"(i) is for the use or redissemination of any database, index, abstract, report, or other information produced with assistance under this subsection; and

"(ii) exceeds the incremental cost of disseminating such information.

"(B) For purposes of subparagraph (A), the incremental cost of dissemination does not include any portion of the cost of collecting, organizing, or processing the information which is disseminated.

"(g) DISSEMINATION THROUGH NEW TECHNOLOGIES.—

"(1) IN GENERAL.—The Assistant Secretary is authorized to award grants or contracts in accordance with this subsection to support the development of materials, programs, and resources which utilize new technologies and techniques to synthesize and disseminate research and development findings and other information which can be used to support educational improvement.

"(2) SOURCES OF MATERIALS AND RESEARCH ABOUT TEACHING AND LEARNING FOR IMPROVING NATIONWIDE EDUCATION (SMARTLINE).—

"(A) ELECTRONIC NETWORK.—The Assistant Secretary, acting through the Office of Reform Assistance and Dissemination, shall establish and maintain an electronic network which shall, at a minimum, link—

"(i) each office of the Department of Education;

"(ii) the research institutes established by section 405B;

"(iii) the National Center for Education Statistics;

"(iv) the National Library of Education; and

"(v) entities engaged in research, development, dissemination, and technical assistance under grant, contract, or cooperative agreement with the Department of Education.

"(B) CERTAIN REQUIREMENTS FOR NETWORK.—The network described in subparagraph (A) shall—

"(i) to the extent feasible, build upon existing national, regional, and State electronic networks and support video, telecomputing, and interactive communications;

"(ii) at a minimum, have the capability to support electronic mail and file transfer services;

(iii) be linked to and accessible to other users, including State and local education agencies, institutions of higher education, museums, libraries, and others through the Internet and the National Research and Education Network; and

(iv) be provided at no cost (excluding the costs of necessary hardware) to the contractors and grantees described in clause (v) of subparagraph (A) and to educational institutions accessing such network through the Internet and the National Research and Education Network.

(C) INFORMATION RESOURCES.—The Assistant Secretary, acting through the Office of Reform Assistance and Dissemination, may make available through the network described in subparagraph (A)—

(i) information about grant and contract assistance available through the department;

(ii) an annotated directory of current research and development activities and projects being undertaken with the assistance of the Department;

(iii) information about publications published by the Department and, to the extent feasible, the full text of such publications;

(iv) statistics and data published by the National Center for Education Statistics;

(v) syntheses of research and development findings;

(vi) a directory of other education-related electronic networks and databases, including information about the means by which they may be accessed;

(vii) a descriptive listing of materials and courses of instruction provided by telecommunications partnerships assisted under the Star Schools program;

(viii) resources developed by the ERIC Clearinghouses;

(ix) education-related software (including video) which is in the public domain;

(x) a listing of instructional materials available through telecommunications to local education agencies through the Public Broadcasting Service and State educational television networks; and

(xi) such other information and resources the Assistant Secretary considers useful and appropriate.

(D) EVALUATIONS REGARDING OTHER FUNCTIONS OF NETWORK.—The Assistant Secretary shall also undertake projects to test and evaluate the feasibility of using the network described in subparagraph (A) for—

(i) the submission of applications for assistance to the Department; and

(ii) the collection of data and other statistics through the National Center for Education Statistics.

(E) TRAINING AND TECHNICAL ASSISTANCE.—The Assistant Secretary, acting through the Office of Reform Assistance and Dissemination, shall—

(i) provide such training and technical assistance as may be necessary to enable the contractors and grantees described in clause (v) of subparagraph (A) to participate in the electronic network described in such subparagraph; and

(ii) work with the National Science Foundation to provide, upon request, assistance to State and local education agencies, the Department of the Interior's Office of Indian Education Programs, tribal departments of education, State library agencies, libraries, museums, and other educational institutions in obtaining access to the Internet and the National Research and Education Network.

(h) REGIONAL EDUCATIONAL LABORATORIES.—

(1) REGIONAL EDUCATIONAL LABORATORIES.—The Assistant Secretary shall enter

into contracts with public or private non-profit entities to establish a networked system of 10 regional educational laboratories which serve the needs of each region of the Nation in accordance with the provisions of this subsection. For the purposes of this subsection, the term "region" means 1 of the 10 geographic regions set forth in section 2(a) of part 707 of title 34, Code of Federal Regulations (34 CFR 707.2(a)), as published in number 157 of volume 53 of the Federal Register on August 15, 1988.

(2) DUTIES.—Each regional educational laboratory receiving assistance under this subsection shall, with such assistance, assist State education agencies, intermediate education agencies, local school districts, and schools funded by the Bureau of Indian Affairs in implementing broad-based, systemic school improvement strategies through the use of applied research and development activities. The regional educational laboratories shall support such system-wide reform efforts through—

(A) the development of a plan for identifying needs and for serving the needs of the region by conducting a continuing survey of the educational needs, strengths and weaknesses within the region, including a process of open hearings to solicit the views of schools, teachers, administrators, parents, local educational agencies, librarians, and State educational agencies within the region;

(B) the dissemination of information about programs designated as exemplary and promising under subsection (c) and other appropriate programs and practices;

(C) the provision of support and technical assistance in—

(i) replicating and adapting such exemplary and promising practices;

(ii) the development of high-quality, challenging curriculum frameworks;

(iii) the development of valid, reliable, fair systems of assessment which are based upon State, local, or Bureau of Indian Affairs-funded school curriculum frameworks and reflect recent advances in the field of educational assessment;

(iv) the improvement of professional development strategies to assure that all teachers are prepared to teach a challenging curriculum;

(v) expanding and improving the use of technology in education to improve teaching and learning;

(vi) the development of alternatives for restructuring school finance systems to promote greater equity in the distribution of resources; and

(vii) the development of alternative administrative structures which are more conducive to planning, implementing, and sustaining school reform and improved educational outcomes;

(D) the development of educational programs and practices that address State, regional, or Indian tribal needs in relating to their school reform efforts;

(E) facilitating communication between educational experts, school officials, and teachers, parents, and librarians, to enable such individuals to assist schools to develop a plan to meet the national education goals;

(F) bringing teams of experts together to develop and implement school improvement plans and strategies;

(G) the provision of training in—

(i) the field of education research and related areas;

(ii) the use of new educational methods; and

(iii) the use of information-finding methods, practices, techniques, and products de-

veloped in connection with such training for which the regional educational laboratory shall be authorized to support internships and fellowships and to provide stipends; and

(H) the provision of support and technical assistance (upon their request) to State facilitators funded through the National Diffusion Network.

(3) NETWORKING.—In order to improve the efficiency and effectiveness of the regional laboratories, the governing boards of the ten regional laboratories shall establish and maintain a network to—

(A) share information about the activities each is carrying out;

(B) plan joint activities that would meet the needs of multiple regions;

(C) create a strategic plan for the development of activities undertaken by the laboratories to reduce redundancy and increase collaboration and resource-sharing in such activities; and

(D) otherwise devise means by which the work of the individual laboratories could serve national, as well as regional, needs.

(4) ADDITIONAL DUTIES.—Each regional education laboratory receiving assistance under this subsection shall carry out the following activities:

(A) Collaborate with the Institutes established under section 405B in order to—

(i) maximize the use of research conducted through the Institutes in the work of such laboratory;

(ii) keep the Institutes apprised of the work of the regional educational laboratories in the field; and

(iii) inform the Institutes about additional research needs identified in the field.

(B) Consult with the State educational agencies and library agencies in the region in developing the plan for serving the region.

(C) Develop strategies to utilize schools as critical components in reforming education and revitalizing rural communities in the United States.

(D) Report and disseminate information on overcoming the obstacles faced by rural educators and rural schools.

(E) Identify successful educational programs that have either been developed by such laboratory in carrying out its functions or that have been developed or used by others within the region served by the laboratory and make such information available to the Secretary and the network of regional laboratories so that they may be considered for inclusion in the national education development and dissemination system.

(5) CERTAIN REQUIREMENTS.—In carrying out its responsibilities, each regional educational laboratory shall—

(A) establish a governing board that—

(i) is the sole entity that—

(I) guides and directs the laboratory in carrying out the provisions of this subsection and satisfying the terms and conditions of the contract award; and

(II) determines the regional agenda of the laboratory, consistent with the priority research and development needs identified in section 405(b)(3); and

(ii) reflects a balanced representation of the States in the region, as well as the interests and concerns of regional constituencies;

(B) comply with the standards established by the Assistant Secretary and the Board under section 405A;

(C) coordinate its activities, collaborate, and regularly exchange information with the institutes established under section 405C, the National Diffusion Network, and its Developer Demonstrator and State Facilitator projects, learning grant institutions and dis-

district education agents assisted under subsection (f), the ERIC Clearinghouses, and other entities engages in technical assistance and dissemination activities which are supported by other Offices of the Department of Education; and

(D) allocate its resources to and within each State in a manner which reflects the need for assistance, taking into account such factors as the proportion of economically disadvantaged students, the increased cost burden of service delivery in areas of sparse populations, and any special initiatives being undertaken by State, intermediate, local education agencies, or Bureau of Indian Affairs-funded schools which may require special assistance from the laboratory.

(6) EVALUATIONS.—The Assistant Secretary shall provide for periodic, independent evaluations of each of the laboratories in carrying out the duties described in paragraph (1) in accordance with the standards developed by the Assistant Secretary and the Board and transmit the results of such evaluations to the relevant committees of the Congress, the Board, and the appropriate regional educational laboratory board.

(7) INVITATION REGARDING COMPETITION FOR AWARDS OF ASSISTANCE.—Prior to awarding a grant or entering into a contract under this section, the Secretary shall invite applicants, including the existing regional educational laboratories, to compete for such award through notice in the Federal Register and in the publication of the Department of Commerce known as the Commerce Business Daily.

(8) APPLICATION FOR ASSISTANCE.—Each application for assistance under this subsection shall—

(A) cover not less than a 5-year period;

(B) describe how the applicant would carry out the activities required by this subsection; and

(C) contain such additional information as the Secretary may reasonably require.

(9) RULE OF CONSTRUCTION.—No regional educational laboratory receiving assistance under this subsection shall, by reason of the receipt of that assistance, be ineligible to receive any other assistance from the Department as authorized by law.

(10) ADVANCE PAYMENT SYSTEM.—Each regional educational laboratory shall participate in the advance payment system at the Department of Education.

(1) GOALS 2000 COMMUNITY PARTNERSHIPS PROGRAM.—

(1) PURPOSE.—The purpose of the Goals 2000 Community Partnerships program is to improve the quality of learning and teaching in the Nation's most impoverished urban and rural communities by supporting sustained collaborations between universities, schools, businesses, and communities which apply and utilize the results of educational research and development.

(2) GRANTS FOR GOALS 2000 COMMUNITY PARTNERSHIPS.—The Assistant Secretary is authorized to make grants to eligible entities to support the establishment of Learning Grant Institutions and District Education Agents and the activities authorized under this subsection within eligible communities.

(3) DEFINITION OF ELIGIBLE ENTITY AND ELIGIBLE COMMUNITY.—For the purposes of this subsection:

(A) The term 'eligible entity' includes any institution of higher education, regional education laboratory, National Diffusion Network project, national research and development center, public or private non-profit corporation, or any consortium thereof—

(i) has demonstrated experience, expertise and commitment in serving the educational needs of at-risk students; and

(ii) is, by virtue of its previous activities, knowledgeable about the unique needs and characteristics of the community to be served.

(B) The term 'eligible community' means a unit of general purpose local government (such as a city, township, or village), a non-metropolitan county, tribal village, or a geographically distinct area (such as a school district, school attendance area, ward, precinct or neighborhood), or any group of such entities that—

(i) has a population of not less than 200,000 and not more than 300,000; and

(ii) in which not less than one-half of the school-age children have family incomes which are below the poverty line, as determined by the 1990 United States Census, participation in the National School Lunch program, or other current, reliable data concerning family income.

(4) GOALS 2000 COMMUNITY PARTNERSHIPS.—Each learning grant institution receiving assistance under this subsection shall establish a Goals 2000 community partnership to carry out the activities authorized under this subsection. Such partnership—

(A) shall include the participation of one or more local educational agencies, institutions of higher education, community-based organizations, parents, teachers, and the business community;

(B) may include the participation of human, social service and health care agencies, Head Start and child care agencies, libraries, museums, employment and training agencies, and the State educational agency or tribal department of education; and

(C) shall be broadly representative of all segments of the community in which the activities will be carried out.

(5) COMPREHENSIVE GOALS 2000 PLAN.—Each Goals 2000 Community Partnership shall develop a comprehensive plan for assuring educational success and high achievement for all students in the community. Each such plan shall—

(A) adopt the 6 national educational goals;

(B) identify additional needs and goals for educational improvement within the community;

(C) focus on helping all students reach challenging content and student performance standards;

(D) be consistent with the State and local plan for system-wide education improvement developed pursuant to the Goals 2000: Educate America Act;

(E) establish a comprehensive community-wide plan for achieving such goals; and

(F) develop a means for measuring the progress of the community in meeting such goals for improvement.

(6) IMPLEMENTATION OF COMMUNITY-WIDE PLAN.—Each Goals 2000 Community Partnership shall, utilizing the District Education Agent, provide assistance in implementing the community-wide plan for educational improvement by—

(A) supporting innovation, restructuring, and continuous improvement in educational practice by—

(i) disseminating information throughout the community about exemplary and promising educational programs, practices, products, and policies;

(ii) evaluating the effectiveness of federally funded educational programs within the community and identifying changes in such programs which are likely to improve student achievement;

(iii) identifying, selecting and replicating exemplary and promising educational programs, practices, products, and policies in both in and out-of-school settings;

(iv) applying educational research to solve specific problems in the classroom, home and community which impede learning and student achievement; and

(v) supporting research and development by teachers, school administrators, and other practitioners which promise to improve teaching and learning and the organization of schools;

(B) improving the capacity of educators, school administrators, child care providers and other practitioners to prepare all students to reach challenging standards and to attain the goals set out in the comprehensive community-wide plan through such means as—

(i) the training of prospective and novice teachers (including preschool and early childhood educators) in a school setting under the guidance of master teachers and teacher educators;

(ii) training and other activities to promote the continued learning and professional development of experienced teachers, related services personnel, school administrators to assure that they develop the subject matter and pedagogical expertise needed to prepare all students to reach challenging standards;

(iii) training and other activities to increase the ability of prospective, novice, and experienced teachers to teach effectively at-risk students, students with disabilities, students with limited English language proficiency, and students from diverse cultural backgrounds; and

(iv) programs to enhance teaching and classroom management skills, including school-based management skills, of novice, prospective, and experienced teachers;

(C) promoting the development of an integrated system of service delivery to children from birth through age 18 and their families by facilitating linkages and cooperation among—

(i) local education agencies;

(ii) health and social services agencies and providers;

(iii) juvenile justice and criminal justice agencies;

(iv) providers of employment training; and

(v) child care, Head Start, and other early childhood agencies; and

(D) mobilizing the resources of the community in support of student learning and high achievement by facilitating effective partnerships and collaboration among—

(i) local education agencies;

(ii) postsecondary educational institutions;

(iii) public libraries;

(iv) parents;

(v) community-based organizations, neighborhood associations, and other civic and community organizations;

(vi) child care, Head Start, and other early childhood agencies;

(vii) churches, synagogues and other religious institutions;

(viii) labor organizations; and

(ix) business and industry.

(7) ADDITIONAL REQUIREMENTS.—In carrying out its responsibilities under this subsection, each partnership receiving assistance under this subsection shall—

(A) appoint a District Education Agent who shall be responsible, on a full-time basis, for directing the implementation of the community-wide plan. Such individual shall have significant experience and expertise in the field of education in—

"(i) addressing the needs of at-risk students; and

"(ii) conducting educational research and promoting the application of the results of such research to educational practice;

"(B) provide for such other professional and support personnel as may be necessary to implement the community-wide plan under the direction of the District Education Agent; and

"(C) coordinate its activities and work cooperatively with the National Diffusion Network State facilitators, regional laboratories, and other components of the Office to utilize most effectively Federal research, development, and dissemination resources in implementing the community-wide plan.

"(8) APPLICATION FOR GRANTS.—Any eligible entity desiring a grant under this subsection shall submit an application to the Assistant Secretary at such time, in such manner, and accompanied by such information as the Assistant Secretary may reasonably require. Each such application shall—

"(A) include a comprehensive plan for meeting the objectives and requirements of this subsection; and

"(B) provide evidence of support for the application from local elected officials, the State education agency, the local education agency, parents, local community leaders, businesses, and other appropriate organizations.

"(9) PRIORITY IN MAKING GRANTS; DURATION AND AMOUNT OF GRANT.—Each grant made under this subsection shall be—

"(A) awarded on a competitive basis, with first priority given to those applications from communities with the greatest percentage of school-age children in families with poverty-level incomes;

"(B) made for a 5-year period, with funding for the second and each successive year in this period conditioned upon a determination by the Assistant Secretary that the grant recipient has complied with the conditions of the grants during the previous year; and

"(C) an amount equal to not less than \$1,000,000 per year.

"(10) LIMITATION OF ONE GRANT PER CONGRESSIONAL DISTRICT.—Not more than one grant shall be awarded within a single congressional district.

"(11) TECHNICAL ASSISTANCE; EVALUATIONS.—In administering the program authorized under this subsection, the Assistant Secretary shall, either directly or through grant or contract with an eligible nonprofit agency—

"(A) upon request, provide technical assistance to eligible entities to assist in the development of a comprehensive plan to meet the requirements of this subsection and in the preparation of applications for assistance;

"(B) regularly provide technical assistance to learning grant institutions receiving assistance under this subsection to assist with the development and implementation of the community-wide plan for educational improvement;

"(C) provide for an independent evaluation of the activities assisted under this subsection, including—

"(i) the impact of the Goals 2000 Community Partnerships program on children and families within each community, including (but not limited to) effects on the extent of educational achievement, rates of school retention and completion, and enrollment in program postsecondary educational programs; and

"(ii) whether an intensified effort to apply and utilize educational research within a

limited geographic area significantly improves student learning and achievement; and

"(D) plan for the expansion of the Goals 2000 Community Partnerships program throughout the remainder of the Nation beginning in fiscal year 1998.

"(j) TEACHER RESEARCH DISSEMINATION NETWORK.—

"(1) FINDINGS.—The Congress finds that—

"(A) education research, including research funded by the Office, is not having the impact on the Nation's schools that such research should;

"(B) relevant education research and resulting solutions are not being adequately disseminated to the teachers that need such research and solutions;

"(C) there are not enough linkages between the research and development centers assisted under this section, the regional educational laboratories described in subsection (k), the National Diffusion Network State facilitators, the Education Resources Information Clearinghouses, and the public schools, to ensure that research on effective practice is disseminated and technical assistance provided to all teachers;

"(D) the average teacher has almost no time to plan or engage in a professional dialogue with such teacher's peers about strategies for improving learning;

"(E) teachers do not have direct access to information systems or networks;

"(F) teachers have little control over what in-service education teachers will be offered; and

"(G) individual teachers are not encouraged to move beyond the walls of their classrooms to identify and use outside resources.

"(2) PROGRAM AUTHORIZED.—

"(A) The Assistant Secretary shall enter into contracts with regional educational laboratories, in partnership with 1 or more institutions of higher education in each State of its region, the National Diffusion Network, and other entities with demonstrated experience, expertise, and commitment in the areas of teacher research or teacher professional development, such as the national research and development centers, professional teacher organizations, and other qualified organizations and associations, in the region to carry out activities described in paragraph (3).

"(B) The Assistant Secretary shall enter into contracts under this subsection in an equitable manner and shall provide assistance on the basis of the number of schools, teachers, and students in each regional educational laboratory region with attention given to populations with special needs and the increased cost burden of service delivery in regions of sparse population.

"(C) Contracts under this subsection shall be awarded for a period of not less than 3 years.

"(3) PROGRAM ACTIVITIES.—

"(A) Each regional partnership described in paragraph (2)(A) entering into a contract under this subsection shall carry out programs of providing training to teachers relevant to the needs and problems of the schools and school districts where teachers, who participate in the programs, serve. The purpose of such programs shall be to—

"(i) educate teachers on how to acquire information about education research findings and best practices;

"(ii) provide teachers with current education research and development theory, skills, and practice as shall enable them to modify, design, develop, and adapt such findings and practices to effect local district and classroom outcomes that improve education;

"(iii) enable teachers to become actively involved in the applied research and development process;

"(iv) provide teachers the ability to become leaders in the utilization of applied research and to become active participants in the Federal research and development partnership;

"(v) enhance the ability of teachers to evaluate and choose effective education programs and curricula; and

"(vi) facilitate collaboration between the teacher change agent and the National Diffusion Network State facilitator.

"(B) Teachers that participate in training assisted under this subsection shall be known as 'teacher change agents'.

"(C) The program described in subparagraph (A) shall provide teacher change agents with training during the summer and at such other times as agreed to by the district, which shall—

"(i) give teacher change agents knowledge and guidance in using the existing educational improvement services and resources funded by the United States Department of Education and other major research organizations, including the products and work of the regional educational laboratories, professional teacher organizations, the National Diffusion Network, institutions of higher education, the Educational Research Information Centers, National Research Centers, National Research Institutes, State Departments of Education, local education agencies, and other nonprofit organizations participating in the improvement of education;

"(ii) provide teacher change agents with in-depth knowledge about a number of products, programs, and processes developed by entities described in clause (i) that the teacher change agents judge most relevant to the needs of the district or districts they will serve;

"(iii) inform teacher change agents about government programs, including, but not limited to, programs in government agencies other than the Department of Education, which offer research opportunities, fellowships, and funding; and

"(iv) provide teacher change agents with instruction in technical assistance skills in order to increase their capacity to aid district and school site teacher teams responsible for leading school improvement activities at the district and school site level.

"(D) The school year activities described in subparagraph (A) shall provide teacher change agents participating in such program during the school year with—

"(i) opportunities to meet with other teacher change agents to exchange experiences;

"(ii) additional training or assistance as needed or requested;

"(iii) updates in education research, application, and findings; and

"(iv) opportunities to provide feedback into the educational research infrastructure regarding needed research and ways to improve the development and dissemination of information.

"(E) The regional partnership program may support educational improvement and reform activities such as—

"(i) training in applied research methodologies;

"(ii) assistance in conducting applied research;

"(iii) teacher research sabbaticals;

"(iv) video conferencing for additional training in order to reduce travel time and expenses;

"(v) training in developing and implementing effective teacher in-service training;

“(vi) training in change management, including strategies for restructuring schools, building local capacity, and generally strengthening the culture of schools so that schools are conducive and supportive of change, including training in interpersonal and leadership skills; and

“(vii) training in the appropriate use of technology to assist classroom teachers.

“(F) TEACHER RESPONSIBILITIES.—Teacher change agents shall, during the school year—

“(i) meet with other teachers and district or school site teacher teams to provide other teachers with knowledge about how to acquire information regarding education research findings and best practices, including what resources are available from the Department of Education and how to obtain products and technical services from the Department;

“(ii) meet with the National Diffusion Network State Facilitator to coordinate and not duplicate efforts in the dissemination of exemplary educational programs;

“(iii) help interested schools identify resources needed to address the school's needs and act as liaison between the school and the appropriate resource entities, such as regional educational laboratories, centers, national institutes, institutions of higher education, professional teacher organizations, scholars, consultants, and other schools and school districts that may be of assistance;

“(iv) teach other teachers how to use the products, programs, and processes in which the teacher was trained pursuant to paragraph (2)(C)(II);

“(v) work with other teachers and teacher teams to adapt identified exemplary practices, programs, and research results to implement school site or classroom improvements as desired, and provide follow-up activities throughout a 2-year period to ensure the successful adaptation and implementation of such programs in local schools; and

“(vi) inform teachers about how they can obtain Federal research funding, fellowships, and sabbaticals.

“(G) APPLICATION.—

“(i) IN GENERAL.—Each regional partnership desiring a contract under this subsection shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Assistant Secretary may reasonably require.

“(ii) CONTENTS.—Each application described in clause (i) shall—

“(I) contain a plan acceptable to affected States and local education agencies for conducting the program to be assisted under this section;

“(II) contain assurances that the partnership requirements are fulfilled;

“(III) contain assurances that both district and school site teacher teams will be established to work in conjunction with the teacher change agent;

“(IV) contain a plan for the selection of district and school site teacher team participants and others as deemed appropriate by the teacher change agent and the regional partnership;

“(V) contain assurances that the regional partnership, in conjunction with the participating school districts, shall provide each teacher change agent with a stipend for the entire calendar year commensurate with such teacher's salary and travel expenses, to permit a teacher to participate in such program without incurring loss of income;

“(VI) contain assurances that each teacher change agent participating in the program shall receive an award of not more than \$10,000 to be used by such teacher during the

school year of such teacher's participation to purchase materials, support, and coordinate with other teachers or site teacher teams in the school district;

“(VII) contain assurances that such regional partnerships shall provide not more than \$5,000 to each school district or group of school districts having an individual from such district or districts participating in the program assisted under this section for each of the 2 years following such participation to enable such school district or districts to continue efforts to improve dissemination of effective practices and programs within the district or districts;

“(VIII) contain assurances that representatives of State educational agencies, intermediate educational agencies, teacher centers, teacher educators at institutions of higher education, and school district in-service or curriculum specialists will be eligible to participate in the program assisted under this section if such individuals pay the cost of their participation; and

“(IX) contain an assurance that such regional partnership shall permit a teacher to participate in the program only after such partnership determines that the teacher will be afforded a full opportunity by the district to perform such teacher's responsibilities described in paragraph (3)(F).

“(4) TEACHER SELECTION AND ELIGIBILITY.—

“(A) NOMINATION.—Teacher participants in the program assisted under this subsection shall be nominated by their peers at the school district level.

“(B) ELIGIBILITY.—Each school district or group of school districts desiring to have teachers from such district or districts participate in the program assisted under this subsection shall provide the regional partnership with the names of such teachers, and an indication of the type of issues or problems on which each such teacher would like to receive information and training.

“(C) SELECTION.—

“(i) Teacher participants shall be selected by the regional partnerships in consultation with the State educational agencies in the region. Teacher participants shall be selected in such a manner so as to ensure an equitable representation of such teachers by State and school enrollment within the region.

“(ii) The number of teachers selected each year shall be determined in accordance with the amount of funding received by the regional partnership.

“(5) INDEPENDENT EVALUATION.—

“(A) IN GENERAL.—The Assistant Secretary shall provide for an independent evaluation of the program assisted under this subsection to determine the net impact and cost effectiveness of the program and the reactions of teachers and school districts participating in such program, including any career plan changes of participating teachers.

“(B) DATE.—The evaluation described in subparagraph (A) shall be submitted to the Congress within 6 months after the completion of the third year of the program.

“(C) FUNDING.—The Assistant Secretary may reserve not more than \$250,000 of the amount appropriated under section 405(1)(2)(E) to carry out the evaluation described in this paragraph.”

PART E—NATIONAL LIBRARY OF EDUCATION

SEC. 251. ESTABLISHMENT WITHIN OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT.

Part A of the General Education Provisions Act, as amended by section 241 of this

Act, is amended by inserting after section 405C the following new section:

“NATIONAL LIBRARY OF EDUCATION

“SEC. 405D. (a) IN GENERAL.—There is established within the Office a National Library of Education (hereafter in this section referred to as the ‘Library’), which shall be maintained as a governmental activity.

“(b) FUNCTIONS OF LIBRARY.—The functions of the Library are—

“(1) to provide a central location within the Federal Government for information about education;

“(2) to provide comprehensive reference services on matters related to education to employees of the Department of Education and its contractors and grantees, other Federal employees, and members of the public; and

“(3) to promote greater cooperation and resource sharing among providers and repositories of education information in the United States.

“(c) ONE-STOP INFORMATION AND REFERRAL SERVICE.—The Library shall establish and maintain a central information and referral service to respond to telephonic, mail and electronic and other inquiries from the public concerning—

“(1) programs and activities of the Department of Education;

“(2) publications produced by the Department of Education and, to the extent feasible, education related publications produced by the Departments of Labor, Health and Human Services, and other Federal agencies;

“(3) services and resources available to the public through the Office, including the ERIC Clearinghouses, the research institutes, and the national education dissemination system;

“(4) statistics and other information produced by the National Center for Education Statistics; and

“(5) referrals to additional sources of information and expertise about educational issues which may be available through educational associations and foundations, the private sector, colleges and universities, libraries and bibliographic databases.

The Library shall maintain and actively publicize a toll-free telephone number through which public inquiries to the Library may be made.

“(d) COMPREHENSIVE REFERENCE SERVICES.—The Library shall, to the extent feasible, provide for the delivery of a full range of reference services on subjects related to education to employees of the Department and its contractors and grantees, other Federal employees, and members of the general public. Such services may include—

“(1) specialized subject searches;

“(2) search and retrieval of electronic databases;

“(3) document delivery by mail and facsimile transmission;

“(4) research counseling, bibliographic instruction, and other training services;

“(5) interlibrary loan services; and

“(6) selective dissemination of information services.

The Library shall first give priority in the provision of reference services to requests made by employees of the Department.

“(e) COOPERATION AND RESOURCE SHARING.—The Library shall promote greater cooperation and resource sharing among libraries and archives with significant collections in the area of education through such means as—

“(1) the establishment of information and resource sharing networks among such entities;

"(2) the development of a national union list of education journals held by education libraries throughout the United States;

"(3) the development of directories and indexes to textbook and other specialized collections held by education libraries throughout the United States; and

"(4) cooperative efforts to preserve, maintain and promote access to items of special historical value or interest.

"(f) ADMINISTRATION.—The Library shall be administered by an Executive Director who shall—

"(1) be appointed by the Assistant Secretary from among persons with significant training or experience in library and information science;

"(2) serve for a renewable term of 5 years; and

"(3) be paid at not less than the minimum rate of basic pay payable for GS-15 of the General Schedule.

"(g) TASK FORCE.—

"(1) IN GENERAL.—The Assistant Secretary shall appoint a task force of librarians, scholars, teachers, parents, and school leaders (hereafter in this paragraph referred to as the 'Task Force') to provide advice on the establishment of the Library.

"(2) PREPARATION OF PLAN.—The Task Force shall prepare a workable plan to establish the Library and to implement the requirements of this section.

"(3) CERTAIN AUTHORITIES.—The Task Force may identify other activities and functions for the Library to carry out, except that such functions shall not be carried out until the Library is established and has implemented the requirements of this section.

"(4) REPORT.—The Task Force shall prepare and submit to the Assistant Secretary not later than 6 months after the first meeting of the Task Force a report on the activities of the Library.

"(h) TRANSFER OF FUNCTIONS.—There are hereby transferred to the Library all functions of—

"(1) the Department of Education Research Library;

"(2) the Department of Education Reference Section; and

"(3) the Department of Education Information Branch.

"(i) COLLECTION DEVELOPMENT POLICY.—Not later than 180 days after the enactment of the Educational Research, Development, and Dissemination Excellence Act, the Assistant Secretary shall promulgate a comprehensive collection development policy to govern the Library's operations, acquisitions, and services to users. Such collection development policy shall—

"(1) be consistent with the functions of the Library set out in subsection (b);

"(2) emphasize the acquisition and maintenance of a comprehensive collection of reference materials; and

"(3) avoid unnecessary duplication by putting a priority on meeting the information needs of the Library's users through cooperation and resource-sharing with other entities with significant collections in the field of education.

"(j) ARREARAGE AND PRESERVATION.—On the basis of the collection development policy promulgated under subsection (h), the Executive Director shall develop a multiyear plan which shall set forth goals and priorities for actions needed to—

"(1) eliminate within 3 years the arrearage of uncataloged books and other materials in the Library's collections; and

"(2) respond effectively and systematically to the preservation needs of the Library's

collections, relying, whenever possible, upon cooperative efforts with other institutions to preserve and maintain the usability of books and materials in the Library's collections."

TITLE III—SAFE SCHOOLS ACT OF 1994

SEC. 301. SAFE SCHOOLS PROGRAM AUTHORIZED.

(a) IN GENERAL.—With funds appropriated under subsection (c)(1), the Secretary of Education shall make competitive grants to eligible local educational agencies to carry out projects designed to achieve Goal Six of the National Education Goals, which provides that by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning, by helping to ensure that all schools are safe and free of violence.

(b) MODEL PROJECT.—The Secretary of Education, shall develop a written safe schools model so all schools can develop models that enable all students to participate regardless of any language barriers.

(c) AUTHORIZATION OF APPROPRIATIONS AND RESERVATION.—

(1) AUTHORIZATION.—There are authorized to be appropriated to carry out this Act \$50,000,000 for fiscal year 1994.

(2) RESERVATION.—From the sums appropriated to carry out this Act for any fiscal year, the Secretary may reserve not more than 5 percent to carry out national leadership activities under section 305.

SEC. 302. ELIGIBLE APPLICANTS.

To be eligible to receive a grant under this Act, a local educational agency shall demonstrate in its application under section 303(a) that it—

(1) serves an area in which there is a high rate of—

(A) homicides committed by persons between the ages 5 to 18, inclusive;

(B) referrals of youth to juvenile court;

(C) youth under the supervision of the courts;

(D) expulsions and suspensions of students from school;

(E) referrals of youth, for disciplinary reasons, to alternative schools; or

(F) victimization of youth by violence, crime, or other forms of abuse; and

(2) has serious school crime, violence, and discipline problems, as indicated by other appropriate data.

SEC. 303. APPLICATIONS AND PLANS.

(a) IN GENERAL.—In order to receive a grant under this Act, an eligible local educational agency shall submit to the Secretary an application that includes—

(1) an assessment of the current violence and crime problems in the schools to be served by the grant and in the community to be served by the applicant;

(2) an assurance that the applicant has written policies regarding school safety, student discipline, and the appropriate handling of violent or disruptive acts;

(3) a description of the schools and communities to be served by the grant, the activities and projects to be carried out with grant funds, and how these activities and projects will help to reduce the current violence and crime problems in the schools and communities served;

(4) a description of educational materials to be developed in the second most predominant language of the schools and communities to be served by the grant, if applicable;

(5) if the local educational agency receives Federal education funds, an explanation of how activities assisted under this Act will be coordinated with and support any systemic

education improvement plan prepared with such funds;

(6) the applicant's plan to establish school-level advisory committees, which include faculty, parents, staff, and students, for each school to be served by the grant and a description of how each committee will assist in assessing that school's violence and discipline problems as well as in designing appropriate programs, policies, and practices to combat those problems;

(7) the applicant's plan for collecting baseline and future data, by individual schools, to monitor violence and discipline problems and to measure its progress in achieving the purpose of this Act;

(8) a description of how, in subsequent fiscal years, the grantee will integrate the violence prevention activities it carries out with funds under this Act with activities carried out under its comprehensive plan for drug and violence prevention adopted under the Safe and Drug-Free Schools and Communities Act of 1986;

(9) a description of how the grantee will coordinate its school crime and violence prevention efforts with education, law enforcement, judicial, health, social service, programs supported under the Juvenile Justice and Delinquency Prevention Act of 1974, and other appropriate agencies and organizations serving the community;

(10) a description of how the grantee will inform parents about the extent of crime and violence in their children's schools and maximize the participation of parents in its violence prevention activities;

(11) an assurance that grant funds under this Act will be used to supplement and not supplant State and local funds that would, in the absence of funds under this Act, be made available by the applicant for the purposes of the grant;

(12) an assurance that the applicant will cooperate with, and provide assistance to, the Secretary in gathering statistics and other data the Secretary determines are necessary to determine the effectiveness of projects and activities under this Act or the extent of school violence and discipline problems throughout the Nation; and

(13) such other information as the Secretary may require.

(b) PRIORITIES.—In awarding grants under this Act, the Secretary shall take into account the special needs of local educational agencies located in both rural and urban communities.

SEC. 304. GRANTS AND USE OF FUNDS.

(a) DURATION AND AMOUNT OF GRANTS.—Grants under this Act may not exceed—

(1) 1 year in duration; and

(2) \$3,000,000.

(b) USE OF FUNDS.—

(1) ACTIVITIES.—A local educational agency may use funds awarded under section 301(a) for 1 or more of the following activities:

(A) Identifying and assessing school violence and discipline problems, including coordinating needs assessment activities with education, law-enforcement, judicial, health, social service, juvenile justice programs, gang prevention activities, and other appropriate agencies and organizations.

(B) Conducting school safety reviews or violence prevention reviews of programs, policies, practices, and facilities to determine what changes are needed to reduce or prevent violence and promote safety and discipline.

(C) Planning for comprehensive, long-term strategies for combating and preventing school violence and discipline problems through the involvement and coordination of

school programs with other education, law-enforcement, judicial, health, social service, and other appropriate agencies and organizations.

(D) Activities which involve parents in efforts to promote school safety and prevent school violence;

(E) Community education programs involving parents, businesses, local government, the medical, and other appropriate entities about the local educational agency's plan to promote school safety and reduce and prevent school violence and discipline problems and the need for community support.

(F) Coordination of school-based activities designed to promote school safety and reduce or prevent school violence and discipline problems with related efforts of education, law-enforcement, judicial, health, social service, juvenile justice programs, and other appropriate agencies and organizations.

(G) Developing and implementing violence prevention activities and materials, including—

(i) conflict resolution and social skills development for students, teachers, aides, other school personnel, and parents;

(ii) disciplinary alternatives to expulsion and suspension of students who exhibit violent or anti-social behavior;

(iii) student-led activities such as peer mediation, peer counseling, and student courts; or

(iv) alternative after-school programs that provide safe havens for students, which may include cultural, recreational, educational and instructional activities, and mentoring and community service programs.

(H) Educating students and parents about the dangers of guns and other weapons and the consequences of their use.

(I) Developing and implementing innovative curricula to prevent violence in schools and training staff how to stop disruptive or violent behavior if it occurs.

(J) 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.

(K) Counseling programs for victims and witnesses of school violence and crime.

(L) Evaluating its project under this Act.

(M) The cost of administering the project of the local educational agency under this Act.

(N) Other activities that meet the purposes of this Act.

(2) OTHER LIMITATIONS.—A local educational agency may use not more than 5 percent of its grant for activities described in paragraph (1)(M).

(3) CONSTRUCTION.—A local educational agency may not use funds under this Act for construction.

SEC. 305. NATIONAL LEADERSHIP.

To carry out the purpose of this Act, the Secretary may use funds reserved under section 301(c)(2) to conduct national leadership activities such as research, program development and evaluation, data collection, public awareness activities, training and technical assistance, to provide grants to noncommercial telecommunications entities for the production and distribution of national video-based projects that provide young people with models for conflict resolution and responsible decisionmaking, and to conduct peer review of applications under this Act. The Secretary may carry out such activities directly, through interagency agreements, or through grants, contracts, or cooperative agreements.

SEC. 306. REPORTS.

(a) REPORT TO SECRETARY.—Local educational agencies that receive funds under this part shall submit to the Secretary a report not later than March 1, 1995, that describes progress achieved in carrying out the plan required under section 303.

(b) REPORT TO CONGRESS.—The Secretary shall submit to the Committee on Education and Labor of the House of Representatives a report not later than October 1, 1995, which contains a detailed statement regarding grant awards, activities of grant recipients, a compilation of statistical information submitted by applicants under section 303, and an evaluation of programs established under this part.

SEC. 307. DEFINITIONS.

For purposes of this Act:

(1) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the meaning given such term in section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12)).

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

Mr. FORD of Michigan (during the reading). Mr. Speaker, I ask unanimous consent that the House amendment to the Senate amendment be considered as read and printed in the RECORD.

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 1804

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent that the House insist on its amendment to the Senate amendment to the bill, H.R. 1804, and ask for a conference with the Senate thereon.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. DUNCAN

Mr. DUNCAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DUNCAN moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H.R. 1804 be instructed to agree with section numbered 405, of the Senate amendment, concerning school prayer.

Mr. DUNCAN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. DUNCAN] is recognized for 30 minutes.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, this is a very simple motion to instruct, offered by myself, the gentleman from Missouri [Mr. EMERSON] and the ranking member of the Committee on Rules, the gentleman from New York [Mr. SOLOMON], both very hardworking and diligent Members of the House.

Mr. FORD of Michigan. Mr. Speaker, if the gentleman will yield and if he would agree with me not to take up the time of the House over an argument that does not exist, I will be happy to accept the gentleman's instructions if we do not have to go through an hour of useless debate.

Mr. DUNCAN. Mr. Speaker, the only problem I have is that several Members have asked for time to speak on this motion.

Mr. FORD of Michigan. Mr. Speaker, in my State they call that "whipping a dead horse. If you do not want to take what I give you, I will fight you."

Mr. EMERSON. Mr. Speaker, will the gentleman yield?

Mr. DUNCAN. I yield to the gentleman from Missouri.

Mr. EMERSON. I thank the gentleman for yielding.

Mr. Speaker, I do not disagree with what the gentleman from Michigan [Mr. FORD] is proposing but—

Mr. FORD of Michigan. Mr. Speaker, I will ask unanimous consent that everybody have 5 days to put everything they want to in the RECORD about this.

Mr. EMERSON. My point is going to be—and I think I have the floor—that inasmuch as permission was granted for the motion to instruct to not be read, and the gentleman from Tennessee had commenced his remarks and then entered into a colloquy with the gentleman from Michigan, I have no objection to what the gentleman from Michigan is proposing, but I think we should perhaps backtrack and have the motion to instruct read so that indeed the House knows what it is acting upon.

Mr. Speaker, I therefore ask unanimous consent that the motion to instruct be read.

The SPEAKER. The Clerk will read the motion offered by the gentleman from Tennessee [Mr. DUNCAN].

The Clerk read as follows:

Mr. DUNCAN moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H.R. 1804 be instructed to agree with section numbered 405, of the Senate amendment, concerning school prayer.

Mr. DUNCAN. Mr. Speaker, I will simply say this:

I appreciate the very kind offer by the gentleman from Michigan [Mr. FORD], certainly one of the kindest men in this Chamber, and I appreciate his offer. I will just simply say this:

I also appreciate the very strong support I have had from the gentleman from Missouri [Mr. EMERSON], the gentleman from New York [Mr. SOLOMON], the gentleman from Oklahoma [Mr. INHOPE], and the gentleman from Florida [Mr. STEARNS].

With that, Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Speaker, I rise today along with my colleague from Tennessee to

□ 1620

offer a motion to instruct conferees on Goals 2000 legislation. This motion instructs conferees to recede and concur to language recently passed by the Senate concerning school prayer. The amendment offered by Senator HELMS overwhelmingly passed the Senate by a vote of 75 to 22. I think it is important to note that an almost identical amendment to this one was passed by the House of Representatives in 1989 by a vote of 269 to 135—almost a 2-to-1 margin.

First, let me spell out what this language does do and then make it clear what it doesn't do. This language will prevent any school district which has a policy of prohibiting voluntary student-initiated prayer in the schools from receiving any Federal funds authorized by this act or any other act. In other words, it simply forbids school districts from setting up official policies or procedures with the intent and purpose of prohibiting individuals from voluntarily saying prayers at school.

This language does not mandate school prayer or require schools to write any particular prayer. Under this language, a school is not required to do anything in favor of voluntary prayer. It simply must refrain from instituting policies prohibiting voluntary student prayer.

The Founding Fathers intended religion to provide a moral anchor for our democracy. Wouldn't they be puzzled to return to modern-day America and find, among elite circles in academia and the media, a scorn for the public expression of religious values. I find it ironic that while taxpayers' dollars are being used by bureaucrats to distribute condoms in our public schools across America, our children are prohibited from reading the Bible. This sends a powerful message to our children—and it is the wrong message.

One of the many liberties our forefathers founded this great Nation upon was freedom of religion; a freedom to pray to the God we want, when we want, and where we want. Unfortunately, this freedom has been eroded by the Supreme Court over the last few decades. I firmly believe that no one should be forced to pray, especially if a certain prayer is contrary to an individual's beliefs. But, there can be no question that every American citizen has the right to pray voluntarily whenever and wherever he or she chooses, and that includes children in public schools. This is protected under the first amendment; "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." It is that second part that I ask you to pay special attention to today.

As President Reagan so eloquently stated in 1982, "the first amendment of the Constitution was not written to protect the people of this country from religious values; it was written to protect religious values from government tyranny." I urge you to vote for the motion to instruct conferees.

Mr. DUNCAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma [Mr. INHOFE].

Mr. INHOFE. Mr. Speaker, I thank the gentleman from Tennessee for his foresight in seizing upon this opportunity to address the 1963 Supreme Court decision that attempted to extract God from our public school system.

This 1963 travesty may have gone unnoticed by many of the American people, but it did not go unnoticed by God.

We have a very famous young Oklahoman by the name of Charles David Barton. David has written a number of books on the behavioral history of Americans. He is a Ph.D. an intellectual type, and, although he is a stray Christian himself, his message is not so much for Christians and believers as it is for non-believers and agnostics. His books, one of which is "America: To Pray or Not To Pray," are filled with charts and graphs. He traces the behavioral history of Americans in such areas as teenage pregnancy, drug addictions, violent crimes, divorce, suicide, and other perversions. You do not have to accept his conclusions by faith, but by logic. These perversions chart horizontal for 200 years until 1963 when they shot up and off the charts. Can it be just a coincidence that 1963 was the year that the U.S. Supreme Court made their decision on school prayer?

We spend a lot of time around here attempting to legislate youth morality. What Mr. Duncan is attempting to do is go back to the source. For our children's sake and for God's sake, support the Duncan amendment.

Mr. DUNCAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Speaker, I rise today in support of the motion to instruct conferees to accept the Senate provisions to H.R. 6 supporting constitutionally protected school prayer.

This language passed the Senate by a margin of 77-25 and is similar to language that passed the House by a vote of 269-135 in 1989. It would apply only to voluntary prayer and would expressly prohibit any State or local education agency from requiring any person to participate in or influence the form or content of these prayers.

Every day, both Houses of this Congress open with a prayer. No Member is compelled to participate against his or her will, but the opportunity to take a moment for spiritual reflection is valued by many of us. However, for those students in our public schools who seek to pray voluntarily at landmark events such as high school graduation or who want the opportunity to take a moment for silent reflection at the beginning of their school day, this right is under constant attack.

For too long, our constitutionally protected right of freedom of religion has been misinterpreted and distorted into a Government-mandated denial of the right to exercise religion.

Even as a wide variety of interest groups seek to require positive portrayals of their lifestyles as part of our public school curriculum, the right to acknowledge the common values that have shaped this Nation's spiritual character is denied.

Many Americans cannot understand how we have become a Nation where condoms are distributed at the school, but the Golden Rule cannot be posted on a classroom wall.

Mr. Speaker, I believe this Nation headed down the wrong path when we began to deny the right of voluntary religious expression as part of our civic life, especially in the classroom. It is very fashionable these days to speak about the crisis of values in America, especially among our young people.

I personally believe that the key moment in the beginning of this crisis of values occurred when open acknowledgment of religion was removed from our schools.

We simply cannot, on one hand, deny our children the right to acknowledge their spirituality at the civic institution where they have the greatest daily contact—the schools—and expect them to absorb lessons on the virtuous way to live.

We should never fool ourselves into thinking that we can provide our children with a "value neutral" education. There simply is no such thing. Rather, what we have seen over the last 30 years is an interpretation of the law that is fundamentally hostile to any religious expression.

The Duncan-Emerson-Solomon-Stearns amendment would restore some balance to this greatly unbalanced situation.

It is very limited in scope and only affects those types of religious speech that the Supreme Court has ruled are not coercive or represent any form of establishment of religion.

This is the view of religion that our Founding Fathers had in mind. I would like to close today by quoting two of the greatest heroes of this Nation on the subject—Benjamin Franklin and Thomas Jefferson.

With regard to the beginning of a session of Congress with a prayer, Franklin stated,

I have lived, Sir, a long time, and the longer I live, the more convincing proofs I see of this truth—that God governs in the affairs of men. And if a sparrow cannot fall to the ground without his notice, is it probable that an empire can rise without his aid?

And on the Jefferson Memorial, we can read the role of religion as Thomas Jefferson saw it,

All men shall be free to profess and by argument maintain, their opinions on matters of religion. I know of but one code of morality for men whether acting singly or collectively.

The Duncan-Emerson-Solomon-Stearns motion returns the proper balance between our civic lives and our spiritual lives. It returns freedom to the children of America that they can acknowledge, in their own way and without coercion, the God in which they believe. I ask your support for this motion, and I yield back the balance of my time.

Mr. DUNCAN. Mr. Speaker, this is a very simple motion to instruct offered by myself, Mr. EMERSON from Missouri and the ranking member of the Rules Committee, Mr. SOLOMON, both very hardworking and diligent Members of the House.

Mr. Speaker, this motion simply instructs the conferees on the Goals 2000 bill, H.R. 1804, to agree to the Senate language concerning prayer in school, which, just a few weeks ago, the other body overwhelmingly passed by a vote of 75-22, including a substantial majority of both parties. In addition, the House passed very similar language in 1989 by a huge margin, 269-135, almost 2 to 1.

Mr. Speaker, every day when both bodies of this Congress begin a session, we have a prayer. Although our students cannot pray, we do in the Congress. And these prayers are led by priests, rabbis, and ministers from many different religions. But our students cannot pray in schools or at graduation ceremonies.

We tell our children that it is OK to pass out condoms at school, but we tell them that they cannot pray. And we wonder what is happening to our children and why our Nation's moral values have declined.

Mr. Speaker, let me read exactly the language this motion to instruct would have us agree to.

No funds made available through the Department of Education under this act, or any other act, shall be available to any State or local educational agency which has a policy of denying, or which effectively prevents participation in constitutionally protected prayer in public schools by individuals on a voluntary basis.

Neither the United States nor any State nor any local educational agency shall require any person to participate in prayer or influence the form or content of any constitutionally protected prayer in such public schools.

This language is intended to deny Federal funds to school districts which have an active prohibition—written, verbal, or simply an “understanding”—or which “effectively prevent” constitutional student-initiated prayer in public schools.

Our Founding Fathers came to this country to get freedom of religion, not freedom from religion.

This language simply codifies language which would prohibit schools from receiving Federal funds if they prevent students from engaging in student-led, student-initiated prayer.

This is a well-meaning and innocuous amendment.

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

Mr. FORD of Michigan. Mr. Speaker, I move the previous question on the motion to instruct.

The previous question was ordered. The SPEAKER pro tempore (Mr. LEWIS of Georgia). The question is on the motion to instruct offered by the gentleman from Tennessee [Mr. DUNCAN].

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 367, nays 55, not voting 11, as follows:

[Roll No. 30]

YEAS—367

- | | | |
|--------------|----------------|---------------|
| Allard | Emerson | Klug |
| Andrews (NJ) | Engel | Knollenberg |
| Applegate | English | Kolbe |
| Archer | Evans | Kreidler |
| Arney | Everett | Kyl |
| Bacchus (FL) | Ewing | LaFalce |
| Bachus (AL) | Farr | Lambert |
| Baesler | Fawell | Lancaster |
| Baker (CA) | Fazio | LaRocco |
| Baker (LA) | Fields (LA) | Laughlin |
| Ballenger | Fields (TX) | Lazio |
| Barca | Fingerhut | Leach |
| Barcia | Fish | Lehman |
| Barlow | Foglietta | Levin |
| Barrett (NE) | Ford (TN) | Levy |
| Barrett (WI) | Fowler | Lewis (CA) |
| Bartlett | Franks (CT) | Lewis (FL) |
| Barton | Franks (NJ) | Lewis (GA) |
| Bateman | Frost | Lightfoot |
| Bentley | Furse | Linder |
| Bereuter | Gallegly | Lipinski |
| Bevill | Gallo | Livingston |
| Bilbray | Gekas | Lloyd |
| Bilirakis | Gephardt | Long |
| Bishop | Geren | Lowey |
| Blackwell | Gibbons | Machtley |
| Bliley | Gilchrest | Maloney |
| Blute | Gillmor | Mann |
| Boehkert | Gilman | Manton |
| Boehner | Gingrich | Manzullo |
| Bonilla | Glickman | Margolies- |
| Bonior | Goodlatte | Mezvinsky |
| Borski | Gordon | Markey |
| Boucher | Goss | Martinez |
| Brooks | Grams | Matsui |
| Browder | Grandy | Mazzoli |
| Brown (CA) | Green | McCandless |
| Brown (FL) | Greenwood | McCloskey |
| Brown (OH) | Gunderson | McCollum |
| Bryant | Gutierrez | McCrery |
| Bunning | Hall (OH) | McCurdy |
| Burton | Hall (TX) | McDade |
| Buyer | Hamilton | McHale |
| Byrne | Hancock | McHugh |
| Callahan | Hansen | McInnis |
| Calvert | Harman | McKeon |
| Camp | Hastert | McKinney |
| Canady | Hayes | McMillan |
| Cantwell | Hefley | McNulty |
| Carr | Hefner | Meehan |
| Castle | Herger | Meek |
| Chapman | Hinches | Menendez |
| Clayton | Hoagland | Meyers |
| Clement | Hobson | Mica |
| Clinger | Hochbrueckner | Michel |
| Clyburn | Hoekstra | Miller (FL) |
| Coble | Hoke | Minge |
| Coleman | Holden | Moakley |
| Collins (GA) | Horn | Mollinari |
| Combest | Houghton | Mollohan |
| Condit | Hoyer | Montgomery |
| Cooper | Huffington | Moorhead |
| Costello | Hughes | Moran |
| Cox | Hunter | Morella |
| Cramer | Hutchinson | Murphy |
| Crane | Hutto | Murtha |
| Crapo | Hyde | Myers |
| Cunningham | Inglis | Natcher |
| Danner | Inhofe | Neal (MA) |
| Darden | Inslee | Neal (NC) |
| Deal | Istook | Nussle |
| DeFazio | Jacobs | Oberstar |
| DeLauro | Jefferson | Obey |
| DeLay | Johnson (CT) | Ortiz |
| Derrick | Johnson (GA) | Orton |
| Deutsch | Johnson (SD) | Oxley |
| Diaz-Balart | Johnson, E. B. | Packard |
| Dickey | Johnson, Sam | Pallone |
| Dicks | Kanjorski | Parker |
| Dixon | Kaptur | Pastor |
| Dooley | Kasich | Paxon |
| Doillittle | Kennelly | Payne (VA) |
| Dornan | Kildee | Penny |
| Dreier | Kim | Peterson (FL) |
| Duncan | King | Peterson (MN) |
| Dunn | Kingston | Petri |
| Edwards (TX) | Klein | Pickett |
| Ehlers | Klink | Pickle |

- | | | |
|--------------|---------------|-------------|
| Pombo | Schenk | Tauzin |
| Pomeroy | Schiff | Taylor (MS) |
| Porter | Schroeder | Taylor (NC) |
| Portman | Schumer | Tejeda |
| Poshard | Sensenbrenner | Thomas (CA) |
| Price (NC) | Sharp | Thomas (WY) |
| Pryce (OH) | Shaw | Thompson |
| Quillen | Shays | Thornton |
| Quinn | Shepherd | Thurman |
| Rahall | Shuster | Torkildsen |
| Ramstad | Sisisky | Torres |
| Ravenel | Skaggs | Torricelli |
| Reed | Skeen | Trafficant |
| Regula | Skelton | Tucker |
| Reynolds | Slattery | Upton |
| Richardson | Slaughter | Valentine |
| Ridge | Smith (IA) | Visclosky |
| Roberts | Smith (MI) | Volker |
| Roemer | Smith (NJ) | Vucanovich |
| Rogers | Smith (TX) | Walker |
| Rohrabacher | Snowe | Walsh |
| Ros-Lehtinen | Solomon | Weldon |
| Rose | Spence | Wheat |
| Roth | Spratt | Whitten |
| Roukema | Stark | Williams |
| Rowland | Stearns | Wise |
| Royce | Stenholm | Wolf |
| Rush | Strickland | Woolsey |
| Sanders | Studds | Wyden |
| Sangmeister | Stump | Wynn |
| Santorum | Stupak | Young (AK) |
| Sarpaluis | Sundquist | Young (FL) |
| Sawyer | Swett | Zeliff |
| Saxton | Talent | Zimmer |
| Schaefer | Tanner | |

NAYS—55

- | | | |
|--------------|-------------|---------------|
| Abercrombie | Ford (MI) | Rostenkowski |
| Ackerman | Frank (MA) | Roybal-Allard |
| Andrews (ME) | Gejdenson | Sabo |
| Becerra | Gonzalez | Scott |
| Beilenson | Hamburg | Serrano |
| Berman | Johnston | Stokes |
| Cardin | Klecza | Swift |
| Clay | Kopetski | Synar |
| Collins (IL) | Lantos | Towns |
| Collins (MI) | McDermott | Unsoeld |
| Conyers | Mfume | Velazquez |
| Coppersmith | Miller (CA) | Vento |
| Coyne | Mineta | Washington |
| Dellums | Mink | Waters |
| Dingell | Nadler | Watt |
| Durbin | Olver | Waxman |
| Edwards (CA) | Owens | Yates |
| Eshoo | Payne (NJ) | |
| Filner | Pelosi | |

NOT VOTING—11

- | | | |
|--------------|----------|------------|
| Andrews (TX) | Goodling | Rangel |
| Brewster | Hastings | Smith (OR) |
| de la Garza | Hilliard | Wilson |
| Flake | Kennedy | |

□ 1642

Mr. ABERCROMBIE, Mr. ANDREWS of Maine, Ms. VELÁZQUEZ, and Mr. SERRANO changed their vote from “yea” to “nay.”

Ms. EDDIE BERNICE JOHNSON of Texas and Mrs. MALONEY changed their vote from “nay” to “yea.”

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mrs. CLAYTON). Without objection, the Chair appoints the following conferees for consideration of all provisions of H.R. 1804 and the Senate amendment thereto, except for title II of H.R. 1804 and sections 901-14 of the Senate amendment: Messrs. FORD of Michigan, KILDEE, MILLER of California, SAWYER, and OWENS, Mrs. UNSOELD, Mr. REED, Mr. ROEMER, Mrs. MINK of Hawaii, Messrs. ENGEL, BECERRA, and GENE GREEN of Texas, Ms. WOOLSEY, Ms. ENGLISH of Arizona, Messrs. STRICKLAND, PAYNE of

New Jersey, ROMERO-BARCELÓ, GOODLING, GUNDERSON, MCKEON, and PETRI, Ms. MOLINARI, Mr. CUNNINGHAM, Mr. MILLER of Florida, Mrs. ROUKEMA, and Mr. BOEHNER.

For consideration of title II of H.R. 1804 and sections 901-14 of the Senate amendment, the Chair appoints the following conferees: Messrs. FORD of Michigan, OWENS, PAYNE of New Jersey, SCOTT, SAWYER, GOODLING, BALLENGER, BARRETT of Nebraska, and FAWELL.

There was no objection.

PERSONAL EXPLANATION

Mr. GOODLING. Mr. Speaker, I regret that I was not present on Wednesday, February 23, 1994, to vote on roll call vote Nos. 28, 29, and 30. I was attending the funeral of a close friend. Had I been present I would have voted the following:

No. 28, On approving the Journal—No.

No. 29, House Resolution 343, Condemning Nation of Islam Leader Kahlid Abdul Muhammad—Yes.

No. 30, H.R. 1804, Motion to instruct conferees to agree to the Helms Amendment—Yes.

HOOR OF MEETING ON TOMORROW

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourn today, it adjourn to meet at 10 a.m. tomorrow.

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

There was no objection.

FURTHER PLANS OF THE COMMITTEE ON RULES REGARDING H.R. 6, IMPROVING AMERICA'S SCHOOLS ACT OF 1994

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

Mr. MOAKLEY. Madam Speaker, I would like to inform members about the Rules Committee's further plans regarding H.R. 6, the "Improving America's Schools Act of 1994." On February 17, a Dear Colleague letter was circulated by the Rules Committee and on Tuesday, February 22, a floor statement was made by Mr. GORDON informing Members that amendments to H.R. 6 should be printed in the CONGRESSIONAL RECORD prior to consideration. At that time it was recommended that amendments be printed in the RECORD on Tuesday, February 22, or Wednesday, February 23.

I would like to inform Members that the Rules Committee met today at 2 p.m. and has recommended an open rule that will require that any amendments to H.R. 6 be printed in the CONGRESSIONAL RECORD no later than Thursday, February 24. This will give Members an extra day to prepare their amendments.

Members should be aware, however, that the floor schedule indicates that consideration of this bill will begin tomorrow and will be considered by title. Therefore, if Members have amendments to the first several titles of the bill, they need to get those amendments printed in the CONGRESSIONAL RECORD today to ensure consideration tomorrow.

Amendments should be drafted to H.R. 6 as reported from the Committee on Education and Labor. This bill is available in the document room. The rule provides that the bill be read by title except for title I. Title I, which is the actual reauthorization of the Elementary and Secondary Education Act, will be read by the individual titles within that act. Amendments should be titled "Submitted for printing under clause 6 of rule XXIII" and submitted at the Speaker's table. Amendments do not need to be submitted to the Rules Committee.

Mr. SOLOMON. Madam Speaker, will the gentleman yield?

Mr. MOAKLEY. I am glad to yield to the gentleman from New York.

Mr. SOLOMON. Madam Speaker, I just want to say to the gentleman that he has been speaking about H.R. 6, and that is a bill that so many people have been calling and writing in concerning for the last several days. It deals with home schooling and with the private and parochial schools.

Mr. MOAKLEY. The gentleman is correct.

Mr. SOLOMON. If the gentleman will yield further, just so that the Members will know, the Members who are concerned about this, we will be debating the amendment tomorrow, the so-called Army amendment, which will relieve many of the concerns that many home schoolers and private schoolers have had. That debate will take place on this floor tomorrow, and I commend the gentleman from Massachusetts [Mr. MOAKLEY] for helping to bring this to the floor under an open rule, which would allow this House to work its will. I thank the gentleman from Massachusetts.

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON] for his cooperation in the Committee on Rules in putting this matter together.

□ 1650

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 6, ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1993

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-426) on the resolution (H. Res. 366) providing for consideration 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 certain other purposes, which was referred to the House Calendar and ordered to be printed.

FIRE SAFE CIGARETTE ACT OF 1994

The SPEAKER. Under a previous order of the House, the gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 5 minutes.

Mr. MOAKLEY. Madam Speaker, today, I introduced the Fire Safe Cigarette Act of 1994, which would significantly reduce the number of fires caused by carelessly discarded cigarettes. This legislation would give the Consumer Product Safety Commission regulatory authority to develop a standard for a firesafe cigarette. Cigarette manufacturers would then have 1 year to comply with the standard.

I became involved with this issue back in 1979 when a family of seven perished in a cigarette related fire in my congressional district. Five young children—all under the age of 10—were needlessly killed. This fire could have been prevented if a firesafe cigarette was available.

I first started working on this issue 15 years ago. Since that time more than 20,000 people have been killed by cigarette related fires—many of them innocent children. The fact that cigarettes have escaped fire safety regulations for the past 15 years is particularly disturbing to me. The Consumer Product Safety Commission banned lawn darts after 3 children were killed, but they have been remiss in promulgating regulations for cigarettes even though more than 100 children die each year from cigarette related fires. This is unacceptable.

There is no legitimate reason for further delays. Quite simply, firesafe cigarettes are already in the marketplace. Past studies proved that it is technically and economically feasible to develop a firesafe cigarette and the cigarette manufacturers have proven that it is commercially feasible. No more children should have to suffer such a horrid death as those young children in my congressional district did back in 1979.

Many people I have talked to over the years do not realize that cigarette-related fires are the leading cause of fire deaths. In fact, if you asked someone walking down the street that question, they probably would say electric space heaters cause more fires. But in 1990 alone, there were 44,000 cigarette-related fires that resulted in 1,200 deaths and 3,360 injuries. How many more innocent children have to be killed, maimed, or permanently disabled before responsible action is taken?

These fires take a considerable toll on society. A recent study concluded

that the direct cost of cigarette-ignited fire deaths, injuries, and property damage was \$4 billion a year. A mandatory firesafe cigarette standard would significantly reduce these costs to society. In terms of health care costs alone the savings would be enormous. Treatment for burn injuries is the most expensive type of medical care today. And these fires disproportionately impact low-income families—those who have no means of paying the hospital bill. This legislation would significantly reduce the number of fires and thus reduce health care costs—particularly Medicare and Medicaid.

In conclusion, cigarette-related fires have been a drain on our Nation's resources. We can no longer afford to ignore this insidious problem. The studies and the technical work needed to set a performance standard have been completed. There are five firesafe cigarettes already in the marketplace. Congress now needs to act responsibly and pass the Fire Safe Cigarette Act of 1994.

FEDERAL RESERVE RISE IN INTEREST RATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 5 minutes.

Mr. GONZALEZ. Madam Speaker, the Federal Reserve's ability to befuddle observers and manipulate the press is clear. Yesterday, Federal Reserve Chairman Alan Greenspan's monetary policy statement provided no meaningful clue of our Nation's policy and perpetuated the Fed Chairman's reputation as "the master of ambiguity." The Fed's message is always "Trust us to do the right thing and don't ask why."

As usual, Chairman Greenspan provided no rationale for raising interest rates for an inflation no one can see. He asks us to rely on concepts that have shown little or no relationship to inflation, such as the low level of the real Federal funds rate. This is simply more Fed-speak, that says little and forces everyone to guess what the Fed is really doing and why.

Even though the Fed's record of monetary policy is a long series of mistakes and miscalculations, the Fed enjoys the status ordinarily reserved for demigods. Critics are few and far between.

More often than not, the Federal Reserve receives positive press for bad policy—and there may be a reason for this. The Fed carefully nurtures its public image by cultivating friends in the media and bludgeoning critics. I have found evidence of this in former Federal Reserve Chairman Arthur Burns' papers in the Gerald Ford Presidential Library in Ann Arbor, MI.

The paper from which I will quote reveals a plan to use the office of one of the most powerful positions in our

Government, Federal Reserve Chairman, to retaliate against a reporter who was critical of the Federal Reserve by appealing to the publisher of the Washington, DC, newspaper where he was employed.

Nicholas von Hoffman, who had appeared regularly as a commentator on CBS and today is a writer for the New York Observer, was a columnist for the Washington Post in 1974. He had the temerity to write a number of columns that were critical of the Federal Reserve.

The criticism undoubtedly provoked a note from Joseph Coyne—a Federal Reserve official who still handles press relations for the Federal Reserve—to Federal Reserve Chairman Arthur Burns on December 6, 1974. I quote from the note:

Concerning our conversation yesterday about Nicholas von Hoffman, Bart Rowan [Washington Post columnist] thinks it would be an excellent idea for you to discuss the matter with Katherine Graham [the owner of the Washington Post]. He said he has discussed von Hoffman on several occasions with Ben Bradlee, the Post's executive editor. He is certain that Mrs. Graham would approach Bradlee on the question if you discussed it with her.

There are, of course, certain dangers in this approach. Bart, of course favors it strongly because you would be supporting his view against von Hoffman. Additionally, Ben Bradlee's reaction to an approach of this nature might be: "Washington officialdom is squirming: keep up the good work, von Hoffman."

This kind of manipulation of the press certainly is not an isolated incident. The Fed, to this day, feeds valuable morsels to its friends and freezes out its critics to ensure positive coverage.

At the October 19, 1993, hearing before the Banking Committee, substantial evidence was presented that the Federal Open Market Committee that manages the Nation's money supply, frequently leaked its so-called super-secret policy changes.

The Federal Reserve officials at the hearings all said they knew nothing about leaks even though the Banking Committee found that the president of the St. Louis Federal Reserve Bank had cancelled publication of an article after receiving my invitation to testify, because the article contained extensive information about leaks from FOMC meetings.

At this Banking Committee hearing, Cleveland Federal Reserve President Jerry Jordan testified in rather strident tones, "We are the central bank. Central Banks don't leak." But at the same hearing, Chairman Alan Greenspan was not singing from the same sheet of music when he said the "problem of leaks is behind us."

Chairman Greenspan and colleagues of the pristine monetary temple, please explain the article in the Saturday, February 12, 1994, Washington Post by John Berry that describes your last

FOMC meeting which he said he obtained from "Fed and administration sources." One the first day of the FOMC meetings, Thursday, February 3, 1994, according to that story, the members of the FOMC "adjourned that evening without formally taking up the question of rates but with a consensus forming."

Did Mr. Berry receive some psychic waves from the Fed building at 20th and Constitution or did one of the monks who knew nothing about leaks again break the code of silence?

I ask my colleagues to support my bill, the Federal Reserve System Accountability Act of 1993 (H.R. 28) which would require prompt release of monetary policy changes, timely release of a detailed record of FOMC meetings, and allow the General Accounting Office [GAO] to examine substantial parts of Federal Reserve operations which are now restricted from inspection. This is not legislation aimed at political interference of short-run monetary policy; it is legislation that provides for individual accountability for powerful Government officials whose decisions affect the economic well-being of all Americans.

[From the New York Observer, Feb. 28, 1994]
GREENSPAN GLASNOST: FED SPRINGS A LEAK—GONZALEZ UNEARTH'S TRANSCRIPTS; DONALDSON QUAFFS ROOFTOP BEERS

(By Nicholas von Hoffman)

If Indiana Jones had been clued in, he wouldn't have traveled halfway around the world to the Temple of Doom to test his skills at wresting treasure from formidable places. In Washington, there is a castle keep they call the Temple of Money, from which no word nor whisper ever escapes. It is the Federal Reserve Board, dwelling opaquely behind the bronze doors of an inhospitable, Art Deco, marble sanctuary built near the Lincoln Memorial in 1937—an organization famous inside the Beltway as the one leakfree institution in the national capital. Now, for the first time, there is hope that the musty files and fabled secrets of the Fed will see the light of day.

While fact, blabber, gossip and rumor pour forth from the C.I.A. and the National Security Agency, only silence has ever emanated from the Fed, the complex Government entity charged with controlling inflation and carrying out other important if MEGO-causing activities (MEGO being, as you may already know, an acronym for the expression "mine eyes glaze over," as yours surely will should they fall on the contents of the warehouses full of statistical information contained in the Fed's files). The Fed, because it decides how much money will be in circulation, what interest rates shall be and whether the mightiest financial institutions stand or fall, also has a decisive influence on whether we have boom times or bad times, or which ones of us can buy a home and which ones of us cannot. It was the Fed's refusal, until only a few months ago, to act on discrimination in mortgage lending that prevented countless thousands of blacks and other minorities from becoming home owners.

A recent attempt by Paul Starobin of the National Journal to use the Freedom of Information Act to obtain the minutes of a meeting of the Fed's central decision-mak-

ing organ, the Open Market Committee, earned him a stack of the blacked-out, censored pages familiar to frustrated investigative reporters. But whoever redacted the minutes failed to ink out one line from the committee's proceedings, which quoted Federal Reserve Chairman Alan Greenspan adjuring his colleagues on Dec. 22, 1992: "Let's be very careful about sneezing in this room!"

In an institution where even the allergies are classified, it's small wonder that the world outside the Fed has had no knowledge of the Open Market Committee's decisions, aside from whatever can be gleaned from the brief and delphically incomprehensible statements issued monthly by the priests of the temple.

The battle to find out what's going on behind the temple doors and why—mostly waged by a succession of frustrated House Banking Committee chairmen—has been going on for decades. Even powerful legislators have been at a disadvantage, though, because the Fed doesn't have to go to Congress for appropriations. It lives off the profits of the hundreds of billions of dollars in Government securities it trades every year, setting its own budgets and living, rather like the late, not completely great Nicolae Ceausescu of Romania, a happy, unaudited and unsupervised existence. At \$161,000 a year, members of the senior professional staff at the Fed make \$13,000 a year more than anyone in President Clinton's cabinet.

GONZALEZ GETS KNIFE INTO CLAM

Only now does it appear that the tip of the knife has been successfully inserted into the clam. Representative Henry B. Gonzalez of Texas, the Banking Committee's current chairman, has scored a lucky hit comparable to the discovery of the Nixon tapes during Watergate. He has brought to light the existence of verbatim transcripts of the Open Market Committee's meetings dating back to 1976. Only some of the contents of those transcripts have yet seen the light of day, but enough is now in the open to offer a picture of how the people in what may be our most important government organization hang on to power by controlling information.

Here we have the late Arthur Burns, then chairman of the Fed, reacting in 1976 to a Freedom of Information suit demanding the minutes of the Open Market Committee: "I can see that the document [the minutes] is not going to stay with the plaintiff. It'll be on Capitol Hill before long and I can [imagine] the derogatory statements that might be made *** They [the House Banking Committee] sit around, and they talk and what they know and the number of facts they consider is very scanty. It's a talking committee and that would cause some mischief *** I see also the very real possibility that after all is done, there'll be individual statements that will be picked up by members of Congress or the press or both, that will cause us additional work and, what is worse than that, embarrassment."

'WE'D LOOK VERY BAD'

A year later, Burns, a massively fawned-over and deferred-to public figure throughout his career, was warning his colleagues about the consequences if the public got wind of how much money the Fed spends on itself: "You see, this question about Federal Reserve budgets disturbs me *** All right now, you have an open meeting [about the Fed budget] and there may be some newspaper fellows there and *** Common Cause and *** Ralph Nader's crowd and whatnot. Here, let us say we take up a budget coming to \$600 million plus, and we do that within an

hour, and, well, we'd look very bad. Therefore *** I would consider it my duty to just stretch it out over a day. Well, that's terrible *** Now there must be an answer to that. Well, we have enough ingenuity in this room, I think, to find the answer ***"

The answer was a practiced use of force and favors to control criticism not unlike the strategy used by J. Edgar Hoover during his long reign at the F.B.I. For instance, the Banking Committee staff unearthed a 1974 memo to Burns from Joe Coyne, now the Fed's head flack, offering suggestions about how to deal with me when I was writing unflattering articles about the temple for *The Washington Post*.

"Concerning our conversation yesterday about Nicholas von Hoffman, Bart Rowen [a Post financial writer] thinks it would be an excellent idea for you to discuss the matter with Katherine Graham." The memo goes on to ponder the dangers of also approaching Ben Bradlee, the now-retired legendary Post editor. Was there any chance of getting him to silence this critic? Or would "Bradlee's reaction to an approach of this nature *** be [that] Washington officialdom is squirming, keep up the good work."

Another memo from Mr. Coyne in the same period, dated Dec. 22, 1976, indicates that, like Hoover's, the Fed press policy has been to cultivate certain favorites with flattery and scoops. This teacher's pet system apparently continues in place. John Berry of the *Washington Post* is one of those smiled upon by Mr. Greenspan, who also makes hospitable gestures such as inviting ABC's Sam Donaldson and PBS's Judy Woodruff to drink beer and watch the Fourth of July fireworks on the roof of the Fed's well-situated building on the Capitol mall.

There are other goodies to be had for good will. In the 30 months ending last June, the Fed stuffed almost \$3 million in consultant fees into the pockets of 290 academic economists. For other members of "Club Fed," as Mr. Starobin refers to the place, there are winter golfing sprees in Florida paid for under the heading of "conferences." Under the circumstances, it is amazing that any criticism of the Fed ever appears—although, under Mr. Greenspan, its record is by no means all negative.

In an era when bean counters and pathological algorithmics get to the top, it is fitting that Mr. Greenspan, who comes across as a remote numeroholic, should gain great power. He is a speaker of such unalleviated dullness that even short exposure to the anesthetic vapors exhaled with his words causes instant narcosis. But history talks to whoever answers the phone, and on Oct. 19, 1987, it rang in Mr. Greenspan's Dallas, Tex., hotel room. The stock market had crashed 500 points and seemed poised to crash 500 more, burying half the major banking and brokering institutions of the nation in a trillion dollars' worth of bankruptcies and losses. Mr. Greenspan became the man of the moment, staying on the phone through the night, arranging for mountains of money to save Wall Street and the securities industry.

The next morning, the nation's financial institutions opened for business with cash in the drawer, ready to meet all demands and obligations. Annuities, pension funds, insurance policies remained solvent, paying out to the millions who depend upon them. The same wearying qualities that make Mr. Greenspan less than a barrel of chuckles stood him in good stead when the crisis came.

Since that time, it's been suspected that, thanks to a certain unannounced policy decli-

sion, Wall Street can't crash past a certain point because the Fed will sustain the market. The Fed's critics think that such momentous policies, good or bad, should not be decided in secret. The problem is not that Mr. Greenspan himself is afflicted with agoraphobia, this is a man who's performed in public since he was a kid, a man long since accustomed to the searching eyes of strangers.

DID GREENSPAN INHALE?

Before he threw himself into the turgidities of economics at New York University and Columbia, he studied at Juilliard and became, by most accounts, an excellent saxophone player. As a musician, he swung both ways, classical and jazz, and was good enough to play bebop professionally with Henry Jerome's band in the 40's at the long-since-closed Childs' restaurant.

Many years afterward, Jerome recalled those days for jazz historian Bill Crow that Dorothy Kilgallen's column had once run a blind item about his ensemble, asking, "What name bandleader had his whole bank smoking marijuana in phone booths?" If that other political saxophonist, Bill Clinton, had been playing with Jerome, he probably would have been holding his breath so he wouldn't have to inhale, but Mr. Greenspan never got that close. While his fellow bank members were getting high during the breaks, he was downstairs doing the payroll.

Appointed to the Fed chairmanship by Ronald Reagan in 1987 after a career of faithful Republican Party hackery dating back to the 1960's, this transparent personality has been around for decades. "Alan Greenspan has probably been a key player in more Republican Presidential campaigns and Republican Party platforms and Republican administrations than any other economist in the country," according to Mr. Reagan's domestic policy adviser, Martin Anderson.

But the Fed chief has always had his wild side. Years ago, Mr. Greenspan took up goldbuggery under the influence of Ayn Rand, the wild-eyed anti-Communist Russian émigrée, who wrote *The Fountainhead* and *Atlas Shrugged* and founded a political cult best described as a mélange of Nietzsche and Adam Smith. When she died in 1982, Mr. Greenspan came to the funeral, where he found his guru resting in her coffin under a large dollar sign.

His gold-loving, inflation-fighting dedication to the sound dollar endures, as his recent ratcheting up of interest rates shows, but Mr. Greenspan at least has opened the temple door a crack. In the last few weeks, he has said more about Open Market Committee goings-on than any chairman in memory, but there are still plenty of mystical secrets within the Fed for Indiana Jones to make off with—if he can only figure out how to get his hands on the booty.

□ 1700

INTRODUCING THE 1995 SPECIAL OLYMPICS WORLD SUMMER GAMES COMMEMORATIVE COIN ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Ms. DELAURO) is recognized for 5 minutes.

Ms. DELAURO. Mr. Speaker, while many Americans watch with pride as our talented athletes compete in the World Olympic Games in Lillehammer,

there are a great number of athletes here and around the world that are still in training. For all athletes, the rigors of training are universal: hard work, long hours, and true dedication. So are the payoffs: self-confidence, pride in achievement, and friendships that last a lifetime. Around the world and across our Nation each year, athletes with mental retardation train for Special Olympic competitions. Each holds the ultimate hope of qualifying for the World Games.

In July 1995, New Haven, West Haven, and Hamden, CT will host the 1995 Special Olympics World Summer Games. We are honored and excited to have 6,500 athletes travel to Connecticut from over 120 countries to participate in the ninth Special Olympics World Summer Games. It is for these athletes that I rise today to introduce the 1995 Special World Summer Games Commemorative Coin Act.

The bill authorizes the issuance of 800,000 limited-edition one dollar silver coins, which will be emblematic of the 1995 Special Olympic World Games. Funds raised through the sale of the coins will be used to provide a world-class sporting event for athletes with mental retardation; to demonstrate to a global audience the extraordinary talents, dedication and courage of persons with mental retardation; and to underwrite part of the cost of staging the 1995 Special Olympics World Games.

Thousands of athletes from every State in the Union, and from almost every nation in the world, will come to Connecticut to demonstrate that they have the desire, courage, and the skills to compete in world class competition. The half-million spectators who come to watch will enjoy one of the most exciting and inspiring experiences of a lifetime. They will see outstanding athletic competition in the true Olympic spirit.

The 1995 Special Olympics World Games—the largest sporting event in the world in that year—will be held in first-class athletic venues in the Greater New Haven area. Five prominent academic institutions—Albertus Magnus College, the University of New Haven, Quinnipiac College, Southern Connecticut State University, and Yale University—will host the event.

There will be extraordinary events displaying the splendor of world class sports with the raw power of courageous competitors overcoming stigma to achieve their personal best. Tens of millions of people will view the worldwide television coverage of this event. The Opening Ceremonies alone will have an audience of 90,000 persons. We are estimating that several Heads of State and First Ladies, as well as 20-30 Ambassadors will be present as President Clinton officially opens the Games.

Mr. Speaker, just last week we were notified that the President himself has

agreed to serve as the honorary chairman of the 1995 Special Olympics World Games. This is a rare honor for any organization and unprecedented in the 25-year history of the Special Olympics. Moreover, the President has included the 1995 Special Olympics World Games as a member of a Task Force, chaired by Vice President GORE, to oversee Federal assistance to the 1994 World Cup activities in the United States and to the 1996 Olympic Games in Atlanta. In so doing, the President has recognized that the athletic accomplishments of Special Olympics athletes are as hard won and as courageous as those of non-disabled athletes. I am personally very grateful to President Clinton for his support, his vision, and his commitment to persons with mental retardation worldwide.

Mr. Speaker, an event of this magnitude requires substantial organization and planning. Like World Cup USA 1994 and the Atlanta Committee for the Olympics Games, the 1995 Special Olympics World Games Organizing Committee is looking to the collective wisdom and experience of the Federal Government as an invaluable resource. One such resource is the issuance of a commemorative coin honoring the Games. The cost-neutral bill which I am introducing today will raise up to \$8 million to help underwrite the cost of staging the 1995 Special Olympics World Games.

I remind my colleagues that Special Olympics is a charity—a 501(c)(3) organization. There are no agents, no endorsements, no multi-million dollar contracts waiting at the end of the finish line for these athletes. Instead, there are thousands of athletes who train week after week for years to experience the sheer joy of competing and for the love of the sport. They deserve the opportunity to compete in New Haven. The funds raised by the issuance of this coin will help make their dreams a reality.

Please join me and over 60 other original cosponsors in supporting the 1995 Special Olympics World Games Commemorative Coin Act and honor Special Olympics athletes worldwide.

COMMUNICATION FROM THE HONORABLE JERROLD NADLER, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mrs. CLAYTON) laid before the House the following communication from the Honorable JERROLD NADLER, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 15, 1994.

Hon. THOMAS S. FOLEY,
Speaker of the House,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by the Civil Court of the City of New York.

After consultation with the General Counsel to the House, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

JERROLD NADLER,
Member of Congress.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON HOUSE ADMINISTRATION

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on House Administration:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC, February 16, 1994.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L of the Rules of the House that the Committee on House Administration has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the House, I have determined that compliance with the subpoena is not inconsistent with the privileges and precedents of the House.

Sincerely,

CHARLIE ROSE,
Chairman.

□ 1710

COMMUNICATION FROM THE HONORABLE F. JAMES SENSENBRENNER, JR., MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable F. JAMES SENSENBRENNER, Jr., Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 10, 1994.

Hon. THOMAS S. FOLEY,
Speaker of the House,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by the United States District Court for the Western District of Wisconsin.

After consultation with the General Counsel to the House, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

F. JAMES SENSENBRENNER, Jr.,
Member of Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. CLAYTON). Pursuant to the Speaker's announced policy of February 11, 1994, the gentleman from Ohio [Mr. STOKES] is recognized for 1 hour as the majority leader's designee.

BLACK HISTORY MONTH

Mr. STOKES. Madam Speaker, I want to express my appreciation to my colleagues who are joining me in the Chamber this evening for our special order in observance of Black History Month. We take special pride in this opportunity to highlight and pay tribute to the notable accomplishments of African-Americans who have contributed so much to this great Nation. I am pleased to also recognize the efforts of our colleague, KWEISI MFUME, the distinguished chairman of the Congressional Black Caucus, who joins me in sponsoring this special order.

Madam Speaker, as we gather to commemorate Black History Month, we recognize the contributions of African-Americans to every facet of American history. Indeed, African-Americans have a rich and magnificent history; a history which is inextricably woven into the economic, social, and political fabric of the Nation.

In 1926, the late Dr. Carter G. Woodson understood that black Americans were not receiving recognition in history for their contributions. Therefore, he proposed setting aside 1 week during the month of February to commemorate the achievements of black Americans. In 1976 the observance was changed to Black History Month.

The Association for the Study of Afro-American Life and History, which Dr. Woodson founded, has selected the theme, "Empowering Afro-Americans Organizations: Present and Future," for the 1994 observance of Black History Month.

Madam Speaker, in his published work entitled, "Black Politics: A Theoretical and Structural Analysis," the author, Hanes Walton, Jr., notes the influence of black organizations or black pressure groups. He says,

The principal tactic of black pressure groups, and one that serves to distinguish them from most other groups, is their appeal to the conscience of the people against the denial of justice in the broadest sense. The chief concern of black groups has been the attainment of rights that can only be had either through force, concern, or morality.

As we celebrate Black History Month, let us pause to pay tribute to Afro-American organizations whose founding and, more importantly, whose perseverance, has proven instrumental in the struggle for civil rights and economic justice here in America, and around the globe.

Madam Speaker, perhaps the best-known organization associated with black America and the struggle for civil rights is the National Association for the Advancement of Colored People [NAACP]. The NAACP came into being on February 12, 1909—the 100th anniversary of the birth of President Abraham Lincoln. The organization was founded in New York City by liberal whites and intellectual blacks, largely in response to the increasing outrages against

blacks in the South during the early 1900's.

The NAACP set out to acquire for all black citizens the rights and privileges enumerated in the Constitution. The organization relied chiefly upon legal proceedings, legislative action, and educational means to bring about social change. Leaders of the NAACP spoke out when poll taxes kept blacks from voting in the South. The organization appealed to the supreme court to outlaw segregation in the schools. Members of the NAACP sat at segregated lunch counters and marched to end Jim Crow laws in the South. Throughout its history, the organization has remained steadfast in its commitment to the struggle for equality.

Just recently, Dr. Benjamin Hooks retired as executive director of the NAACP. During Black History Month, we pause to recognize his leadership and historic contributions. I also take great pride in saluting the new president of this distinguished organization, Dr. Benjamin Chavis. I am proud to note that Dr. Chavis was an outspoken and celebrated leader in my congressional district of Cleveland prior to assuming this post.

Madam Speaker, similar to the NAACP, the National Urban League was also founded by blacks and whites in New York. The league was actually born as a coalition of three social agencies in New York City—the committee for improving the industrial conditions of Negroes in New York City; the League for the Protection of Colored Women; and the Committee on Urban Conditions among Negroes. In 1911, the organizations merged to become the National League of Urban Conditions Among Negroes, later abbreviated to the National Urban League.

The National Urban League began as an organization to help black migrants to New York City find suitable employment and make as smooth as possible a transition from rural southern to urban Northern life. A major goal of the league and its affiliates was to broaden economic opportunities for blacks by using the techniques of persuasion and conciliation to open up doors that had been closed before.

In the 1960's with the election of Whitney Young as its new president, the League emerged as a force in the struggle for civil rights. We recognize the tireless efforts of the leaders of this distinguished organization including Whitney Young, Vernon L. Jordan, and the organization's current president, John Jacob.

As we celebrate Black History Month, we recall that many of our Afro-American organizations came into being in the 1950's just as the civil rights movement in America was about to explode. One such organization is the Southern Christian Leadership Conference [SCLC] which was born out of the Montgomery bus boycott. It was

in January 1957 that representatives from 10 Southern States, consisting mainly of black ministers, gathered at Atlanta's Ebenezer Baptist Church to establish an organization committed to the achievement of civil rights for black Americans.

The Southern Christian Leadership Conference chose as its president a gifted young black minister, Dr. Martin Luther King, Jr., who as president of the Montgomery Improvement Association, was successful in desegregating a bus system in a city that was known for its harsh racial tactics.

Under the leadership of Dr. King, SCLC became one of the most influential and effective civil rights groups. The organization espoused a doctrine of nonviolent protest and passive resistance in its assault on segregation and discrimination.

Those who have followed Dr. King at the helm of this great organization, including Rev. Ralph Abernathy and the current president, Joseph Lowery, have continued to battle injustice and inequality.

Madam Speaker, the principles embraced by the founders of the NAACP, the National Urban League, and the SCLC continue to provide the framework for combating political, social, and economic racism. During Black History Month, let us pay tribute to other Afro-American organizations who share these same goals.

We recognize the efforts of the Congress of Racial Equality [CORE]. We salute Rev. Jesse Jackson and acknowledge the numerous contributions of Operation Push and the National Rainbow Coalition. We also pay special tribute to Dorothy Height whose leadership over the years has been instrumental to the National Council of Negro Women.

Madam Speaker, I believe that each of us in this Chamber needs look only in our congressional districts to identify Afro-American organizations who have had a tremendous impact in the quest for empowerment. In my congressional district, I am proud to applaud the National Black Nurses Association, the Phillis Wheatley Association, the Black Professionals Association, and an organization of significant political clout which I founded, the Black Elected Democrats of Cleveland, Ohio [BEDCO].

This evening I also take special pride in recognizing the enormous contributions of the Congressional Black Caucus. This political empowering organization of which I am proud to be a founding member, has been instrumental in articulating the concerns of the African-American community. From the founding 13 to the present 40, we have grown not only in size, but also in significance, shaping the way America views the black community.

This special order in celebration of Black History Month provides just a

glimpse of the historical contributions of African-American leaders and organizations to our Nation. However, we must recognize the larger picture; that not only in February, but in every month and, indeed, every day, African-American men and women are contributing to the building, shaping, and preservation of this great democracy. Our history is America's history.

Madam Speaker, I thank my colleagues for joining me in this special observance of Black History Month.

Madam Speaker, I yield to the gentleman from California [Mr. TUCKER].

Mr. TUCKER. I thank the gentleman for yielding to me.

Madam Speaker, I appreciate this opportunity to address this House and indeed the Nation on the question of Black History Month and certainly recognition of so many role models and so much prominent history.

This month has been called Black History Month, African-American History Month, and even, Madam Speaker, more recently African Heritage Month. Indeed, that underscores the need to look back into the heritage of persons of African-American descent in this country and remind ourselves of the rich heritage and indeed the rich history and the rich legacy which we have inherited.

Of course, you will hear many speeches over the next few minutes, or hours, alluding to so many different role models that we have had, and the list goes on and on and on.

I think that indeed points out the most important thing about black history, that black history is ongoing, it cannot be relegated to just February, it must not be something that is just educable for just a month, but it must be something that we must continue to educate ourselves on for a lifetime.

Indeed, not only must African-Americans learn and understand about African-American history but indeed this entire Nation must learn about African-American history. For if we are to better understand ourselves as Americans, where people do not continually say, "Why do you all want to be called African-Americans? Why not just be called Americans?"

Certainly this is a pluralistic society, and there are various aspects of America and Americans. But I think because it is a pluralistic society, that prospect does not make it mutually exclusive with the recognition and specifically the commemoration of the unique contributions and unique history of African-Americans in this society.

We are proud to be Americans here, but we also take some very specific pride in our unique history and the contributions of our ancestors. I do not think anyone who appreciates their own ethnicity or background would have any qualm or have any conflict with that.

Going back to the African-American history, it is so interesting that there

is something new to learn every moment on this. I was reminded during this month by various programs on television—and I would encourage Americans to look at those programs—of a bit of information that I was not aware of. I was aware that certainly Martin Luther King gained great distinction as a Nobel Prize Winner. Last year we had the first Nobel Peace Prize Winner in literary, an African-American woman. But the question arose of who was the first black American, or back in those days, Negro, to win the Nobel Peace Prize for Peace? I thought it was Martin Luther King, but I was reminded it was Ralph Bunche. That certainly points to the fact, Madam Speaker, that here some 40 years ago a gentleman who became the first African-American to reach the high position, in fact the top position, in the United Nations at the time, Undersecretary General. Here was a time even before the civil rights movement, before Martin Luther King, before Stokeley Carmichael, before Angela Davis, before it was even popular to call yourself black, and this gentleman was able to move up into the higher ranks of the United Nations. Indeed, when his superior was unable to fulfill his commitment in the Middle East, certainly Ralph Bunche took on the leadership of negotiating peace in the Middle East between the Arabs and the Jews.

□ 1720

My point, Madam Speaker, is that our history is replete with the evidence of men and women who were ahead of their time and who braved all the adversities that faced them, and it seems to me that the message in black history needs to be that we need to be reminding our young people, and our families, of just how much we did achieve in the past while facing all kinds of adversities. And here we are with young people with an opportunity to be educated, and to have access to education, to training in the jobs, even though we know unemployment is higher disproportionately in our community, but there are those who are dropping out and are not taking advantage of the opportunities we have. Certainly we, as a community, have to pull together, and we have to create more Ralph Bunches, and more Martin Luther King, Juniors, and more Mary Barrys and more Harriet Tubmans.

Our history is today. We can make history new each and every day, Madam Speaker, and so I want to encourage us to follow that adage from the old African proverb that says that it takes a whole village to raise one child. That certainly is more important now than ever, as I conclude with my remarks, because the statistics show us today that the African-American community has, unfortunately, a unique aspect to it, and that is that 68

percent of all African-American families are headed by single parents, and those single parents are generally black women. So it is important that we, in light of that statistic, do all that we can as a community, particularly with the churches being a forefront of our community, to surround these women, young women, with the support they need to raise our young men in a way that we will not be able to say any longer that we have more black men in jail than we do in college.

Madam Speaker, this is a time where we not only need to revel in our history, but draw back from our history and to not have some of the unfortunate consequences of our social development repeated so.

So I thank the gentleman from Ohio [Mr. STOKES] again for this time. I want to encourage his leadership and encourage the leadership of our chairman, the gentleman from Maryland [Mr. MFUME], and encourage all of us to work together with the Black Caucus and other African-American leaders to make sure that we can continue to see history made anew each and every day. And I salute the gentleman from Ohio [Mr. STOKES] for his leadership because he has been a hero of mine, a role model of mine and for so many other young African-American men and women not only who espouse to the U.S. Congress, but who espouse to do great things, not only to contribute to African-American history, but to America as well. I say to the gentleman, My hat is off to you, and God bless you.

Mr. STOKES. Madam Speaker, I thank my friend and colleague for his very warm and kind remarks, and I appreciate his contributions to this special order.

I am pleased to yield at this time to the gentlewoman from Florida [Mrs. MEEK], our distinguished colleague who is a member of the Committee on Appropriations of the House and, in her own right, is a very distinguished Member.

Mrs. MEEK of Florida. Madam Speaker, I am honored to stand before you today, balancing on the strong shoulders of those who have preceded us and those who today tell us by word and deed that we are a proud, strong race of people. In fact, we are much like the old jack-in-the-box. Yes, the jack-in-the-box. You can push us down, clamp the lid shut, but when we hear the sweet refrain of the collective love and support of our black brothers and sisters, up we pop.

Throughout history there have been black men and women who, although oppressed and suppressed, have risen up to inspire and uplift us. There are so many—men like Frederick Douglas, Marcus Garvey, Dr. Martin Luther King, Malcolm X, and Nelson Mandela—women like Harriett Tubman, Rosa Parks, Mary McLeod Be-

thune and Dr. Dorothy Height. I could go on and on. We have been kings and queens, slaves, farmers, educators, poets, scientists, entertainers, preachers, businesspeople, cabinet members, Congress men and women and Senators. We have come far by the sweat of our brow through perseverance and dogged determination and, yes, definitely, through suffering. And while black people as a whole struggled mightily, a section of us have had an added obstacle to overcome—that of being a woman. So now you had to deal with being black and therefore thought not to be as good as a white man, and being a woman, therefore known not to be as good as any man. We were given no rights as blacks and didn't need any as women.

Then one day there came a 6-foot tall, thin, dark-skinned woman. She was an abolitionist, lecturer-preacher with a deep voice and a Dutch accent. After having lived half her life, this former slave had a revelation. It was necessary that everyone who would listen know that black people had rights and deserved to vote and that women were equal to men and deserved equal rights and dignity. This orator was born into slavery as Isabella Baumfree in 1797. Although technically "freed" in 1827 by New York's Emancipation Act, it was at age 46 that she felt a rebirth—a need to help her people. With that rebirth she gave herself a new name. Because she would travel up and down the land to bring her message—she took the name Sojourner. Because she was going to speak the truth to any who would listen—she took the name Truth. Yes, Sojourner Truth—a genuine inspiration to me in my life.

She never learned to read and write, yet she mesmerized people with her thorough understanding of the slave mentality and little-mindedness that was intent on keeping blacks and women downtrodden. She was stoned and beaten to keep her from speaking the truth in public, but nothing could keep her down, just like that jack-in-the-box I mentioned earlier. Throughout her long life of 80-plus years, Sojourner Truth never stopped. When she could no longer travel she taught freedwomen in Washington, DC, and crusaded for black settlements on western public lands.

And so, Sojourner Truth, here I am today, on my journey. You taught me to stand up and speak the truth. You taught me that as a black woman I had an almost impossible road to travel, but with God's help I could make it through. You taught me that no matter how far I had to travel, it was my duty to embrace my people—men and women, boys and girls—and lift them up.

Oh, there are so, so many wonderful black men and women who have inspired me in my life and continue to do so. But, you see, this lady is special to

me because she was a woman. In an address to the Ohio Women's Rights Convention in 1851, Sojourner Truth addressed the issue of women's rights plainly and oh, so, magnificently when she said in her speech entitled "And Ain't I a Woman?":

That man over there says that women need to be helped into carriages and lifted over ditches, and to have the best place everywhere. Nobody ever helps me into carriages, or over mud-puddles, or gives me any best place! And ain't I a woman? Look at me! Look at my arm. I have ploughed and planted, and gathered into barns, and no man could head me! And ain't I a woman? I could work as much and eat as much as a man—when I could get it—and bear the lash as well! And ain't I a woman? I have borne thirteen children, and seen them most all sold off to slavery, and when I cried out with my mother's grief, none but Jesus heard me! And ain't I a woman? * * * If the first woman God ever made was strong enough to turn the world upside down all alone, these women together ought to be able to turn it back, and get it right side up again! * * * Obligated to you for hearing me, and now old Sojourner ain't got nothing more to say.

Well, my friends, thanks to great black men and women like Sojourner Truth, we not only have a lot more to say, but many forums in which to say it. Imagine, here I stand in the well of the House of Representatives, a little black girl from Tallahassee, FL, not only celebrating but living black history. Thank you, Sojourner Truth, and all the many other great blacks, past and present. I intend to make you proud.

[From the Columbian Orator]

SOJOURNER TRUTH: ADDRESS TO THE OHIO WOMEN'S RIGHTS CONVENTION, "AND AIN'T I A WOMAN?" AKRON, OH, 1851
WELL, CHILDREN,

Where there is so much racket there must be something out of kilter. I think that twixt the Negroes of the South and the women at the North, all talking about rights, the white men will be in a fix pretty soon. But what's all this here talking about?

That man over there says that women need to be helped into carriages and lifted over ditches, and to have the best place everywhere. Nobody ever helps me into carriages, or over mud-puddles, or gives me any best place! And ain't I a woman? Look at my arm. I have ploughed and planted, and gathered into barns, and no man could head me! And ain't I a woman? I could work as much and eat as much as a man—when I could get it—and bear the lash as well! And ain't I a woman? I have borne thirteen children, and seen them most all sold off to slavery, and when I cried out with my mother's grief, none but Jesus heard me! And ain't I a woman?

Then they talk about this thing in the head; what's this they call it? [Intellect, someone whispers.] That's it, honey. What's that got to do with women's rights or Negro's rights? If my cup won't hold but a pint, and yours holds a quart, wouldn't you be mean not to let me have my little half-measure full?

Then that little man in black there, he says women can't have as much rights as men, 'cause Christ wasn't a woman! Where did your Christ come from? From God and a woman! Man had nothing to do with Him.

If the first woman God ever made was strong enough to turn the world upside down all alone, these women together ought to be able to turn it back, and get it right side up again! And now they is asking to do it, the men better let them.

Obligated to you for hearing me, and now old Sojourner ain't got nothing more to say.

□ 1730

Madam Speaker, I say to the gentleman from Ohio [Mr. STOKES], I would say where he has led us here in the Congress, we are so proud of the role that he has created for us. It is merely now a matter of following in the footsteps of the senior Members who planted the seed before we got here, because they have done what God would have each of us do. And that is to give service, for service is a price we pay for the space which God let us occupy.

Mr. STOKES. Madam Speaker, I thank my distinguished friend and colleague from Florida for her very eloquent statement on this floor and her very kind remarks to the gentleman in the well.

I am now pleased to yield to a friend and colleague, the gentleman from Florida [Mr. HUTTO].

Mr. HUTTO. Madam Speaker, I thank the gentleman for yielding to me. Madam Speaker, I rise today in observance of Black History Month to pay tribute to three outstanding people from Pensacola, FL, in my congressional district.

These individuals were honored at the first annual Chappie James Award Banquet on February 12 for their continuous community service and their determination to be the very best. My wife Nancy and I were honored to attend.

Before I talk about the three awardees, I want to say a few words about the namesake of the event, Gen. Chappie James. A native of Pensacola, Chappie made us all proud of his service to his country. He was a decorated U.S. Air Force pilot in the Vietnam conflict and later became the first black officer to attain the rank of four-star general in the Air Force.

As a member of the Florida Legislature in the 1970's, it was great to see that body honor General James in a special ceremony. I remember vividly what an imposing figure he was and what a dynamic, patriotic speech he delivered to the legislature. General James made us all truly proud to be Americans.

At the recent banquet in his memory, it was good to see members of Chappie's family present, including his sister Mrs. Lillie James Frazier, an outstanding educator and citizen of Pensacola.

The recipients of the first annual Daniel "Chappie" James Humanitarian Awards were Emmitt Smith, Roy Jones Junior and Sue Straughn.

Madam Speaker, in contrast to some star athletes today, Emmitt Smith

wants to be a role model and he has stated that plainly. He wants young people to follow his leadership. Before becoming the most valuable player in the National Football League and in the Super Bowl, Emmitt was a star at Escambia High School and then at the University of Florida. Emmitt has always been a hard worker and a true competitor. In a game against the New York Giants this season, Emmitt injured his shoulder but gallantly stayed in the game, and rushed the Dallas Cowboys to a win. He later led the Cowboys convincingly through the playoffs and to a second consecutive Super Bowl victory. All the while, Emmitt has credited his family and Pensacola upbringing for his success.

When asked how he avoided trouble as a youngster, Emmitt explained, "It never occurred to me then, and I would never dishonor myself or my family." Emmitt Smith, a true role model.

Madam Speaker, Pensacola is also home to the next superstar of boxing, Roy Jones, Jr. Roy is IBF World's Middleweight Champ. Fast and flashy, Roy definitely has a style people remember.

Roy represented the United States in the 1988 Olympics, winning a silver medal and the Val Barker Trophy as the outstanding boxer of the games. Many remember the bad decision that deprived him of a gold medal. But Roy plodded on to great things.

Roy is a good citizen and a good example for all of us. He often speaks to young people about the perils of drugs and the value of education and he is currently furthering his own education at Pensacola Junior College.

Madam Speaker, Sue Straughn is not only a local celebrity, but an inspiration and example to all of Pensacola. Sue is the senior anchor at WEAR-TV in Pensacola. Her 21 years at the station has made Sue a familiar face and a household name. Many stars just lend their name to charity letterheads. Sue does so much more than that. She is the founder and—for 14 years—has been the organizer of the Communities Caring at Christmas Campaign. She is the creator, producer and host of the annual Spotlight on Youth Talent Competition and Telethon.

Sue has displayed an unmatched level of caring for the young people of Pensacola. She is an arbitrator of the Juvenile Justice System working to straighten out young lives. She is active in the Big Brothers and Big Sisters of Escambia County and is a Classroom Facilitator for Junior Achievement. She also works with the United Way, the West Florida Regional Medical Center, the Pensacola Symphony, the chamber of commerce, and many other organizations.

It would take much longer than the time I have here, Madam Speaker, to list the number of Pensacola service organizations that have named Sue Straughn citizen of the year. It is an

understatement to say Sue is well thought of by her fellow citizens.

Madam Speaker, It is a pleasure for me to recognize three great Americans, three great African-Americans today. The accomplishments of Emmitt, Roy, and Sue are an inspiration to northwest Floridians of all races as excellent role models. Their contributions have made our home town of Pensacola even better and have made us all very proud.

Mr. STOKES. Madam Speaker, I thank the gentleman for his contribution to this special order.

I am now pleased to yield to my distinguished colleague, the gentleman from South Carolina [Mr. CLYBURN].

Mr. CLYBURN. Madam Speaker, I thank the gentleman for yielding to me.

Madam Speaker, I am pleased to join with my colleagues, the gentlewoman from Texas [Ms. EDDIE BERNICE JOHNSON], the gentlewoman from Florida [Mrs. MEEK], the gentleman from Florida [Mr. HUTTO], the gentleman from Mississippi [Mr. THOMPSON], and the gentleman from New Jersey [Mr. PAYNE], as we call attention to the great contributions made to the overall growth and development of this great Nation by men and women of African-American descent.

Two weeks ago, on February 11, 1994, a space shuttle returned to Earth which included a Russian cosmonaut as a mission specialist, marking the first joint United States-Russian human space flight since the Apollo test project in 1975. In view of our celebration of Black History Month, I believe it appropriate to highlight the fact that the commander of that shuttle, Col. Charles F. Bolden, Jr., is an African-American from Columbia, SC, and grew up in what is now the Sixth Congressional District of South Carolina, which I am proud to represent.

Eight years ago, on January 28, 1986, we all watched in horror as the space shuttle *Challenger* exploded, 1 minute and 13 seconds after launch, with seven men and women aboard. One of the men, Dr. Ronald E. McNair, was an African-American.

Dr. McNair grew up in Lake City, SC, where I spent this past Monday, which is now in the Sixth Congressional District of South Carolina.

□ 1740

Before Charles Bolden and Ron McNair were even born, Ernest Henderson became the first black man from the State of South Carolina to have a commercial pilot's license and hold ground instructor, flight instructor, and instrument ratings. At the Tuskegee flight school Mr. Henderson taught and trained an average of 20 cadets a year, who entered the famous 99th Pursuit Squadron which made history in World War II.

Madam Speaker, I point these three incidents out at this time because I

think it is important for us to reflect upon a continuing custom among so many of our citizens to perpetuate policies and practices that limit the participation of certain segments of our society on account of ethnicity, socioeconomic background, and religious beliefs.

Not long ago, in October 1925, the Army War College prepared a report titled, "The Use of Negro Manpower in War." This report concluded that blacks were fair laborers but inferior technicians and fighters. It also stated that the cranial cavity of the Negro was much smaller than the white's, and that a Negro's brain weighed 35 ounces versus 45 ounces for whites.

Other studies concluded that blacks lacked patriotism, were untruthful, were difficult to discipline and train, and ran off in times of danger.

I believe, Madam Speaker, that the success of Charles Bolden, the tremendous sacrifice of Dr. Ronald McNair, the pioneering spirit of Ernest Henderson, and all of the other work by people like Dr. Mae Jemison, Dr. Bernard Harris, and many other people of color who are a part of our space shuttle program, point out the fallacy and viciousness of the 1925 report. I believe that it is high time for us to move to incorporate as one of our national education goals the true depiction of African-Americans for their historical and continued contributions to the overall development and growth of our Nation.

Madam Speaker, I would like to close my part in this program by recalling the words written by Martin Luther King, Jr., as he sat in the Birmingham City Jail after being arrested for calling attention to the problems of segregation in that city. Dr. King, as we may recall, wrote a letter in response to a letter that he had received from eight white clergymen asking him to leave Birmingham because they thought that he was a disruptive force in that community.

Dr. King read that letter, and the letter had something very interesting in it. They said to Dr. King, "Dr. King, we want you to understand that we know that your cause is right. We just feel that your timing is wrong." In his letter, Dr. King wrote about the neutrality of time. He responded that, "Time is neutral. It is never right and it is never wrong. Time is only what we make it."

Dr. King penned these words, which I want to share with our audience here today. Dr. King said, "I am beginning to believe that the people of ill will in our society make a much, much better use of time than the people of good will."

I believe that the time has come, Madam Speaker, for the people of good will in our society to make a much better use of time, and in so doing, help right the wrongs that are existing in so many of our textbooks.

Mr. STOKES. Madam Speaker, I thank my friend and colleague, the gentleman from South Carolina, for his excellent statement.

Madam Speaker, I am pleased now to yield to my friend and colleague, the distinguished gentleman from Mississippi [Mr. THOMPSON].

Mr. THOMPSON. Madam Speaker, I stand today to pay tribute to a slain civil rights leader, the late Medgar Wiley Evers. After graduating from the public schools in Decatur, MS, he enlisted in the U.S. Army where he served in World War II. Upon returning from the Army, he then enrolled in Alcorn State University in Lorman, MS, where he earned a bachelor of science degree in business administration.

Medgar began his career as an insurance agent with the Magnolia Mutual Insurance Co. in Mound Bayou, MS. Thereafter, he moved to Jackson, MS, and became active with the Mississippi chapter of the National Association for the Advancement of Colored People. In 1954, he was appointed field secretary of the Mississippi NAACP. Under Medgar's leadership, the NAACP advocated desegregation of public schools throughout Mississippi. In fact, he served as a plaintiff on behalf of his three children to desegregate the Jackson, MS, School System. In addition, he worked closely with NAACP lawyers in getting the first black student admitted to the University of Mississippi in 1962.

As the only full-time staff member of the Mississippi NAACP, Medgar devoted his life to fighting the injustices that plagued blacks in the State. He was actively involved in every major mass movement for social change in Mississippi from 1954 until his assassination in 1963.

I might add, Madam Speaker, that I had personal recollection of Medgar as an impressionable college student attending many of the mass meetings held by Medgar, and was really inspired by his love of humanity, the fact that not only did he serve his country in the military, but he also talked about the constitutional rights and privileges that should be guaranteed to all, regardless of race, creed, or color. It was in that spirit that, as a college student at Tusculum College, I recommitted myself to getting involved in the political process at an early age, and have continued ever since.

Medgar was instrumental in encouraging and registering blacks to vote. He also encouraged black customers to boycott merchants who perpetuated segregation. Even though Medgar strongly opposed racial violence, he was assassinated on a hot summer night in June 1963. This was a turning point in the civil rights movement, because it encouraged citizens and the Federal Government to increase their efforts in the area of human rights.

I might add, Madam Speaker, also that for 14 years I represented the community that Medgar lived in in Hinds County, MS, and I serve on the board of trustees of Tusculum College, who is the custodian of the Medgar Evers home now, which is now a landmark for African-Americans to visit when they come to Jackson, MS. I think 2 weeks ago we sort of put a close to this very bad chapter in Mississippi's history. After 30 years and two mistrials, a third trial was held this year and a jury convicted the murderer of this husband, father, statesman, hero, and leader, Medgar Wiley Evers. I might add that many of us saw for the past 30 years how the person convicted bragged on the fact that he had deprived this wife of a husband and children of a father, and we complimented the prosecutors in producing that very convincing argument.

Last, in the spirit of Medgar Wiley Evers, we have filed a bill to name the post office in Jackson, MS, in his memory, and we look forward to an expeditious consideration of the naming of that facility.

Mr. STOKES. Madam Speaker, I certainly thank the gentleman for the great tribute he has paid to Medgar Evers. Also we might say that his wife, Myrlie Evers, has certainly been a great inspiration to all of us in this country.

I am pleased at this time to yield to the gentleman from Texas, Ms. EDDIE BERNICE JOHNSON, a distinguished colleague and friend.

□ 1750

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I thank the gentleman for yielding and for taking this time.

Some organizations easily be recalled as forefront organizations that have played overt and well known roles in the battle for equality for Black Americans. However, there are others that play sufficient roles that have been organized by Black American Women. Three of them I'd like to cite tonight are Links, Inc., Alpha Kappa Alpha Sorority, Inc. and Jack and Jill, Inc.

As we celebrate Black History Month, we are called to reflect upon those people, places, and events which played a significant role in shaping the past, present, and future of black Americans in this country. An integral part of this history are the activities and dedication of black civic organizations such as Links, Inc., Jack and Jill, and Alpha Kappa Alpha Sorority, Inc. The late Reverend Dr. Martin Luther King once said, "Power is the ability to achieve purposes." Contained within the purposes of these organizations are the improvement of the status of the race, the charge to improve the quality of life and provide hope for disadvantaged Af-

rican-American citizens, and to ensure equal opportunities and advantages for all children. Each of these organizations are well grounded in their purposes. Each of these organizations have played key roles in the past and by purpose will continue to do so in the future. Jack and Jill, Inc. and Jack and Jill Foundation was founded in 1938 in Philadelphia by a group of black women. Jack and Jill today boasts a membership of over 37,000 men, women, and children. Ms. Ella Louis Hudson, Dallas chapter founder with 220 chapters nationwide, Jack and Jill strives to create positive communities for young black children. It is charged with a multifaceted task of teaching our young children about who they are and who they can be, and also Jack and Jill is tasked with instilling the idea of responsibility and civic duty in the next generation of black leaders.

Alpha Kappa Alpha sorority has a membership of 140,000 of this Nation's brightest and talented young women. Mrs. Theresa Hicks and Mrs. Florence Harlee Phelps were the first golden girls. Alpha Kappa Alpha is dedicated to working to enhance the gifts of its individual members as well as improving their surrounding communities. The original black sorority with a long history of involvement in the suffrage and civil rights movements, AKA's have shaped the world in which we live with a gracious cast of caring and commitment.

In 1946, a group of black women united to form one of the leading black civic organizations, Links, Inc. in Dallas, Mrs. Fannie Smith founded the Dallas Chapter. A small group, numbering slightly over 8,000, Links have toiled tirelessly in their communities to make opportunities available to blacks of all income levels. In 1954, the Links integrated children's theater audiences which were segregated right here in Washington, DC. Their commitment to social change remains alive today, in fundraising activities to benefit the United Negro College Fund, homeless people and projects to prevent drug abuse and teenage pregnancy.

There are 185,000 individuals dedicated to service and community. These networks have been the backbone of our communities uniting individuals from very different backgrounds for the purpose of making a better world. In 1994, we turn to these organizations because of their strategic positions within our communities make them uniquely qualified to address the state of siege we are under as black Americans.

Although 67 percent of blacks are not poor, we are disproportionately represented among the poor. One in four black children is born into poverty; 64 percent of our children are born out of wedlock. For the first time we are pro-

ducing fewer Ph.D.'s than in previous years. Too many of our children are growing up with limited horizons—believing that if they live to 25 they are lucky. Our communities are besieged by crime, yet the only solutions being proposed are more prisons to lock black children away for life.

What small victories we won during the civil rights movement are being stripped away from us as we speak. Individuals who claim that their rights are being infringed upon because they are represented in the U.S. Congress by black Americans are ignoring the 300-year history in which blacks were not even considered full human beings in this country much less entitled to the right of representation.

Black America is under siege and must mobilize all of its resources to deflect the multitude of attacks from within and without. Now is the time for us to work at the grassroots levels to say what we want to be the defining characteristics of our communities. We must work at the grassroots level to protect the hard fought gains of the civil rights movement. We must work to pull our children and the children of those less fortunate away from the forces which seek to stifle our brightest young minds. We must commit ourselves to maintaining the economic and political advances we made during the 1980's.

In 1940, A. Philip Randolph once said during a speech at the March on Washington Movement in Detroit, MI, "No organization can do everything. Every organization can do something and each organization is charged with the social responsibility to do that which it can, it is built to do."

Jack and Jill, AKA's, and Links are charged by their charters to bring people together to work for the betterment of the world in which we live. We are at a critical point in our history as black Americans, there is much work to be done. These organizations must be our sounding boards for problems and test-beds for solutions. If the full force of these organizations is mobilized to address just one of the many issues facing our communities today, we would see a notable change for the better in all of our communities and this Nation.

Mr. STOKES. Madam Speaker, I thank the distinguished gentlewoman from Texas for her contribution to this special order.

I am pleased to yield to the distinguished gentleman from New York [Mr. GILMAN], our friend and colleague who always participates each year in this special order.

Mr. GILMAN. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I am pleased to rise to join my colleagues in commemorating Black History Month for 1994 and I thank the distinguished gentleman from Ohio [Mr. STOKES] for arranging the time for this special order.

As I have previously pointed out in this Chamber, the great Scottish/historian Thomas Carlyle wrote that "The history of the world is but the biography of great men." Black History Month is an appropriate time to commemorate the outstanding black men and women who have contributed so much to our Nation and to their own people throughout the years.

It is an appropriate time to remind our Nation's students about some of our early black heroes and leaders—that the first American to fall in defense of our independence in freedom, at the Boston Massacre which proved to be the opening skirmish in our Revolutionary War, was Crispus Attucks, a free black man. Another valiant hero of the Battle of Bunker Hill was Peter Salem, who killed the British commander in the action.

It is also an appropriate time to remind our young students that our beautiful Capital City of Washington, DC, was laid out by a black man, Benjamin Banneker, who was one of the most learned astronomers and mathematicians of his generation. Jean Baptiste Point du Sable, a black pioneer trader and trapper, was the first settler in what is now known as Chicago, IL. Another early black pioneer was James P. Beckworth, who explored northern California when that area was still an unknown wilderness.

The struggle to end slavery in our Nation is the story of many courageous men and women: Harriet Tubman and Sojourner Truth, who helped found and run the underground railroad; Frederick Douglass, an escaped slave who was perhaps the most articulate orator of his time; and the thousands upon thousands of Afro-Americans who fought and in many cases sacrificed their lives in the Civil War. We should also remind our Nation of the numerous brilliant black people who have made the American way of life better in so many ways: Jan Matzeliger, who invented the machinery which revolutionized the shoe industry; Henry Blair, who invented corn and cotton planting machinery; and Granville T. Woods, who invented the third rail used to power subway cars, and many safety devices which commuters use to travel on our subways and railways today.

And let us not overlook the significant contributions of Dr. Mary McLeod Bethune, Frederick D. Patterson, and Benjamin Mays, who were outstanding educators who inspired not only their own students, but generations of students to come. A. Philip Randolph was one of our Nation's outstanding labor leaders, who worked with Bayard Rustin in organizing the marches on Washington in 1941 and 1963 which raised the consciousness of all Americans. Outstanding African-Americans who made their mark in the world of literature include Toni Morris-

son, last year's Nobel literature prize winner; Langston Hughes, Alice Walker, James Baldwin, Charles Fuller, Lorraine Hansberry, Paul Dunbar, Charles Gordone, and so many others.

And I have not even begun to list the many black Americans who made an impact in the fields of sports, entertainment, music, politics, the graphic arts, and so many other spheres of human endeavor. Black History Month is an appropriate time for us to note that the contributions of blacks to our culture and our society are truly overwhelming. It is a time to note that our world would truly be different today were it not for the contributions of so many vital, giving men and women. Madam Speaker, African-Americans have contributed to every facet of American life. It is extremely appropriate therefore that we join together in calling these significant accomplishments to the attention of all citizens of our Nation, both young and old.

Mr. STOKES. I thank my distinguished friend and colleague for his contribution to this special order.

Madam Speaker, I am pleased to yield to the gentlewoman from Florida [Ms. BROWN].

Ms. BROWN. Madam Speaker, I rise today in honor of the life and work of Eric O. Simpson, founder and editor of the Florida Star, one of the oldest and largest black newspapers in Florida.

Mr. Simpson, born in 1914, was 79 years old when he died in Jacksonville, FL, last month. Mr. Simpson founded the weekly newspaper in April 1951 to report on news and developments of blacks in northeast Florida when other newspapers failed to report about blacks. When Simpson started the Florida Star, blacks were largely invisible; according to a recent news article, the only black faces were found in Ripley's Believe It Or Not.

In the 1950's, Simpson was heavily involved in registering blacks to vote. Simpson's paper featured stories attacking job discrimination, police brutality, segregation by the local bus company, and firefighters. Simpson alerted readers in northeast Florida to boycotts and sit-ins, including the 1960 Jacksonville Woolworth boycott where he was the only journalist present because white papers blacked out news of the event.

Mr. Simpson was a champion of civil rights and a pioneer of the black press in Florida; he was an advocate on behalf of people who suffered civil and social injustices. As we celebrate Black History Month, let's not forget the contributions of Eric O. Simpson, a real trailblazer.

Mr. STOKES. Madam Speaker, I thank the gentlewoman from Florida for her statement on this special order.

I am pleased now to yield to the gentleman from New Jersey [Mr. PAYNE], our distinguished friend.

Mr. PAYNE of New Jersey. Madam Speaker, I join my colleagues in this celebration of Black History Month, a time when we, as African-Americans, remember our past and look with hope toward our future.

The African-American community has been blessed, in the past and the present, with countless men and women whose courage and fortitude has guided us through the most difficult of times.

We pause to honor heroes like the abolitionists Frederick Douglass and Harriet Tubman; the famous educator Booker T. Washington; Supreme Court Justice Thurgood Marshall, and of course, Dr. Martin Luther King, Jr. whose message of nonviolent change remains as relevant today as it was during his lifetime.

In addition to these legendary figures, there are unsung heroes and heroines working every day in our communities to bring positive change and hope to black Americans.

As we focus on our theme "Empowering Afro-American Organizations: Present and Future," I would like to take a moment to pay tribute to some of the leaders of organizations in my home State of New Jersey who are giving their time and talents to help empower their membership.

One of the foremost organizations of our time, the NAACP, grew out of the Niagara Movement in 1909. This movement was a coalition of African-American intellectuals who pressed for full citizenship rights.

During my youth, I had the privilege of being a member of the NAACP Youth Council and College Chapters of the Oranges and Maplewood. In 1957 I had the honor of being elected as the New Jersey president of the NAACP Youth Council and College Chapters of New Jersey. As State president, I had the good fortune of meeting Dr. Martin Luther King, Jr., at the national convention of the NAACP in Detroit, MI, in 1957. Also, a great woman, Mrs. Madeline Williams, served as the adviser to the youth council and was a real leader for many of the youth, along with Mrs. Eloise Jett of Jersey City and Mrs. Pickney of Newark.

In New Jersey today, we are fortunate to have outstanding leadership at all levels of the NAACP as the organization works to meet the daunting challenges of the 1990's. Please join me in honoring our State president, Elaine Harrington; First Vice President Wandra Williams; Second Vice President Kabili Tayari; and our local presidents: Jacqueline Lawrence of Newark; Reverend Lyman Hines of Elizabeth; William Rutherford of Irvington; William Perkins of Jersey City; Morris Thomas of Maplewood and the Oranges; Albertus Jenkins of Montclair; John

Robinson of Rahway; and in Linden, First Vice President and Former Councilman William Motley.

Another organization of great importance to the African-American community is the Urban League, which was founded in 1910. The league continues to pursue vigorously the goal of full and equal opportunities for all Americans, recognizing the crucial link between education and empowerment.

We have outstanding leadership in the Urban League of New Jersey: Lydia Barrett Davis in Essex County; Elnora Watson in Hudson County; and Ella Teal in Union County.

These dedicated individuals are working to improve economic opportunities and promote a better quality of life in our local communities.

Mr. Speaker, I would also like to draw attention to the accomplishments of African-American law enforcement officers in my home State. Just a few decades ago, African-Americans were drastically underrepresented in the police force. There was bias in testing which prevented promising young people from being fairly considered for these positions. Many black communities were patrolled by an all-white police force with little attention to community relations.

In 1959, in response to this problem, a group of black police officers in Newark formed an organization called the Bronze Shields. Their first president was Floyd Bostick. They have worked to promote professionalism among African-American law enforcement officers and have also focused on community issues. Today, under the leadership of Detective Sheila Fitts, the group is continuing to make a positive contribution.

We also have a statewide group of law enforcement officers which was formed in the early 1950's. Known as the Batons, the group was originally composed of a coalition of African-American civil service workers in uniform, including postal employees. Today, under the guidance of their president, Ken Patterson, the organization works to promote the interests of New Jersey's African-American law enforcement officers and strives to better the communities they serve.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in saluting these outstanding representatives of African-American organizations who are working diligently each and every day to make a difference. As we celebrate Black History Month, I am glad to have this opportunity to thank all of them for a job well done and to tell them how proud I am of their accomplishments.

Mr. STOKES. I thank the gentleman for his contribution to the special order.

Madam Speaker, I yield to my distinguished colleague, the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman for allowing me to say that I want to lift up the name of one person and one organization.

I want to lift up the name of Floyd B. McKissick, in terms of economic development, and we certainly will tell more in the RECORD, because we recognize the limited time.

Also, I want to recognize the untiring efforts in economic development of community development corporations in my district who are beginning to emerge as the new frontier for human services and for economic parity within the black community.

Both of those, I think, in terms of the individual and the organization should be expounded on, and I congratulate them both.

Mr. STOKES. Madam Speaker, I yield to the gentleman from North Carolina [Mr. WATT].

Mr. WATT. Madam Speaker, I am delighted to be here and participate in the Black History Month celebration and take this opportunity to do something that I have wanted to do for a long time.

I thought it would be fitting today to read some of the words of George H. White, our last Representative in the last century from North Carolina. This is from his final speech, January 29, 1901, and I wish I had the opportunity to read it all. I keep threatening to do my own special order to come to read the entire speech, but I would not dare try to even do that tonight. But I do want to read two particular parts which seem to have particular bearing on where we are today.

One has to do with the commitment of black people to move forward.

□ 1810

George H. White had these words to say on June 29, 1901:

You may tie us, and then taunt us for a lack of bravery, but one day we will break the bonds. You may use our labor for two and a half centuries and then taunt us for our poverty, but let me remind you that we will not always remain poor. You may withhold even the knowledge of how to read God's word and learn the way from earth to glory and then taunt us for our ignorance, but we would remind you that there is plenty of room at the top, and we are climbing.

Then finally, as he bid farewell to this body, the Congress, as the last black Representative in Congress at that time, and to be the last black Representative for over 30 years thereafter, he made this prediction, which rings true today:

This, Mr. Chairman, is perhaps the negroes' temporary farewell to the American Congress; but let me say, Phoenix-like he will rise up some day and come again. These parting words are in behalf of an outraged, heart-broken, bruised, and bleeding, but God-fearing people, faithful, industrious, loyal people—rising people, full of potential.

With those words, he parted from this Congress, and I find it very appro-

appropriate that I would be here saying those words as one of the two replacements of George H. White after more than 90 years. And also that presiding over this Chamber would be my fellow colleague, the gentlewoman from North Carolina [Mrs. CLAYTON], both of whom having joined this body as replacements for George H. White.

Mr. MFUME. Madam Speaker, Black History Month was created to acknowledge the achievements of great African-American individuals and institutions and their role in the history of the United States.

Today, we honor America's Afro-American organizations and we ask the question: How can we empower these organizations now and in the future.

We have a long history of empowering organizations in the African-American community and the success of many of these groups has paralleled the progress our community has made in achieving civil rights and liberation.

Whether it's the NAACP, the Urban League, the Rainbow Coalition, or the Southern Christian Leadership Conference, the African-American community has often looked to these organizations for strength and leadership during the numerous battles we have fought for equality and dignity. The voice of the community has often been articulated through our national and local organizations and we have looked to them to lift us up as a people.

While the battle for civil rights is hardly over, the African-American community is now faced with a larger battle for survival. While the needs of our people have grown, the Government's response has weakened, thus leaving our community organizations to pick up the pieces and bear new and daunting burdens.

The state of the black community is indeed critical. While hope is high the challenges and threats are dangerous. The scourge of AIDS, crack, and crime continue to tear at the rich fabric of our culture and threaten the black male with annihilation.

Racism, bigotry, and violence lie terribly close to the surface of our Nation's consciousness threatening to erupt at any moment. The Rodney King riots demonstrated that justice denied or tensions ignored only compound the crisis.

We need leadership from the White House to counter the forces of ignorance. We need a Marshall Plan in the African-American community to pull our resources and find solutions. We need the support of all Americans of good conscience to join us and work together in understanding and appreciation of our cultural differences and similarities.

Ultimately it is our African-American organizations that we will look to now and in the future for the solutions we seek. It is in our national, State, local, and neighborhood groups that the real agenda for black America will be melded and refined.

We must provide these groups with the resources, time, energy, muscle, and prayer that will revitalize our community. We cannot count on the fair-weather friendship of governments, political parties, or programs. However, we can rely on ourselves and our community institutions.

For it is in ourselves that we will find our destiny and strength to build a new tomorrow.

It is in ourselves that we will discover our richness and wealth as individuals, as a community, and as a people. And it is in ourselves that we will find a way to stop the fighting and start the healing.

So today as a people, as a community, as a race, and as Americans we rededicate our energy to the community organizations that seek to root out racism, facilitate black liberation, heal our community, and build the foundations of the future.

Today we lift these organizations up with our words, works and gifts and look to them for guidance and leadership for the next millennium.

Mr. FAZIO. Madam Speaker, I am pleased to join my colleagues once again to honor the historical contributions of Black America and to commemorate Black History Month.

The celebration of Black History Month began in 1926, when Dr. Carter G. Woodson first conceived the idea of a week dedicated to the observation of black history. The celebration of Black History Month is fostered by the valuable contributions that African-Americans have made and continue to make to this country. Black History Month allows us all to recognize the importance of our heritage and understand that much more work has yet to be done.

Madam Speaker, because the 1994 theme of Black History Month is Empowering African-American Organizations, I cannot help but cite the outstanding job that Mr. Kevin Johnson, all-star guard for the Phoenix Suns, has done in Sacramento with the creation of his St. Hope Academy for young people. I believe that St. Hope represents the very essence of community empowerment. St. Hope is an after school facility located in the middle of a predominantly African-American neighborhood which is plagued by high crime, high unemployment, and a high dropout rate. St. Hope is a safe place where young children and teenagers can go after school and on the weekends to study and learn new skills. It is a place that is equipped with new computers, tutors, and counselors to guide and discuss issues that are important to the young people. More importantly though, the academy helps provide self confidence, a sense of self esteem, and leadership to the children of this neighborhood. The efforts and contributions by Kevin Johnson to the African-American community embody exactly what is right with America and how empowered organizations can benefit our communities.

The history and culture of black America have always played an important role in the development of the United States and I am honored to participate once again in the observation of Black History Month. I also would like to commend the distinguished gentleman from Maryland, Mr. MFUME, chairman of the Congressional Black Caucus; and the distinguished gentleman from Ohio, Mr. STOKES, for calling this special order, and I thank them both for including me in this effort.

Mr. ENGEL. Madam Speaker, I rise today to honor the innumerable achievements and contributions of African-Americans in the history and in the development of our Nation. African-American businesses and organizations, both past and present, have laid the groundwork for many innovative and essential institutions.

My home State of New York has long been an academic and cultural center, due in large part to the talents of its diverse community. African-American doctors, lawyers, judges, educators, entertainers, politicians, and many others have helped empower individuals and provided leadership to the whole Nation.

The 17th District, which I represent in Congress, includes several African-American organizations and businesses that are vital to communities in the Bronx, Yonkers, Mount Vernon, New Rochelle, and Pelham. They provide essential services that ensure fair housing opportunities, provide medical and counseling services, educate our youth, and care for the elderly and infirmed. Most of the organizations had meager beginnings, starting as volunteer organizations under the leadership of one or two exceptional African-Americans.

These organizations have and continue to play a paramount role in providing role models and employment opportunities where they may not have existed before.

I would also be remiss if I did not mention my friends and colleagues in the Congressional Black Caucus, who work so hard to promote issues of concerns to the African-American community. I am proud to find myself standing side-by-side with the caucus when it comes time to fight for progressive and innovative policies.

So at the same time we celebrate the historic figures in African-American History, we should also pay tribute to the local heroes who contribute so much to the day-to-day successes taking place throughout the Nation. In particular, I want to extend my appreciation to the organizations and businesses in the Bronx and Westchester County that draw on the diversity of our communities as a source of strength. They give us reason to believe that the future will be filled with many more of the inspirational moments we celebrate during Black History Month.

Mr. LAZIO. Madam Speaker, it is with great pleasure that I rise today to commemorate February as Black History Month. For the last 18 years, February has been the official observance of Black History Month which helps all Americans appreciate the numerous significant accomplishments that African-Americans have made in all aspects of American life.

America would not be the great country it is today without the contributions of African-Americans. From communications to politics, from science to sports African-Americans have excelled to the pinnacle of their chosen fields.

Many accomplished African-Americans are from, or strongly associated with my home State of New York. Time does not permit me to mention all of them, but I would like to highlight the careers of three such individuals.

Lewis H. Latimer, a noted inventor, scientist, and resident of Long Island, invented and patented an incandescent light bulb with a carbon filament in 1881. Later, while working for the Edison Co., he supervised the installation of the electric light system in New York, Philadelphia, Montreal, and London. Mr. Latimer also made patented drawings of the first telephone for Alexander Graham Bell.

Another New Yorker, Isabel Baumfree, later known as Sojourner Truth, is well known for her speeches against slavery and in favor of women's rights. Born a slave in 1797, and

after being freed by the New York State Emancipation Act of 1843, she became the first African-American woman to speak publicly against slavery. After being freed she crossed the country speaking out at abolition rallies.

In 1947, when he joined the Brooklyn Dodgers, Jackie Robinson became the first African-American to play major-league baseball. Jackie distinguished himself as one of baseball's all-time greats by compiling a long list of accomplishments including: Rookie of the Year in 1947, Most Valuable Player in the National League in 1949, and a lifetime .311 batting average. Most importantly, his entrance into the game paved the way for other African-American players to play major league baseball. In 1962, he was inducted into the Baseball Hall of Fame.

As we celebrate the accomplishments of African-Americans this month it is important to realize that what African-Americans have accomplished should not solely be heralded in relation to race. This celebration should not only highlight accomplishments of African-Americans, it should make clear the vital importance that these accomplishments have made to American society as a whole.

In a time when the basic American family structure is in decline and violence is a part of everyday life, our Nation's youth need role models to follow. Children need to look no further than the names I have just mentioned to find great American role models who have defined the American spirit by beating the odds and standing up for what they believe.

Mr. PRICE of North Carolina. Madam Speaker, Black History Month is a time to highlight the many contributions African-Americans have made and are making to our great Nation. I appreciate Mr. STOKES' and Mr. Mfume's organizing of this special order to pay particular tribute to Afro-American organizations. Groups at work in my district in North Carolina—such as the NAACP, the Raleigh-Wake Citizens Association, and the Martin Luther King Celebration Committee—continue to make a major contribution to our community.

Tonight I want to take special notice of a unique organization in my district: Strengthening the Black Family, Inc. Initially organized in 1980 as the Black Family Conference, Strengthening the Black Family, Inc. is a non-profit coalition of local groups working to help families and neighborhoods help themselves. It holds an annual conference to increase awareness of community issues affecting all families with a special emphasis on African-American families. The conference includes workshops on topics such as leadership development, health promotion, youth development, and organizational support. For the record I will include a complete list of the 32 sponsoring organizations for 1993.

Strengthening the Black Family, Inc. also helps provide community service through projects like the Teens Against AIDS Project and the Southeast Raleigh Center for Community Health and Development, a cooperative effort with the Wake County Health Department, the UNC-Chapel Hill School of Public Health, and other local health organizations to develop a community-operated center in southeast Raleigh to meet a range of health needs.

Mr. Speaker, the diversity and shared commitment of its sponsoring organizations gives

Strengthening the Black Family its vigor. This organization and many others like it across the Nation are making a major contribution to an improved quality of life for many of our citizens. I salute the work of Strengthening the Black Families, Inc. and related groups in my district, and I encourage my colleagues to recognize those in their own areas who work similarly for community betterment.

STRENGTHENING THE BLACK FAMILY, INC. 1993
SPONSORS

Alpha Kappa Alpha Sorority, Incorporated, Alpha Theta Omega Chapter, Alpha Kappa Alpha Sorority, Incorporated, Sigma Tau Omega Chapter, Alpha Phi Alpha Fraternity, Incorporated, Phi Lambda Chapter, Auxiliary to L. A. Scruggs Medical Society, Black Child Development Institute, Triangle Affiliate, Chums, Incorporated, Raleigh Chapter, Cosmetologist, Raleigh Chapter #41, Delta Sigma Theta Sorority, Incorporated, Raleigh Alumnae Chapter, Eagles Retired Teachers' Association, First Baptist Church, Gay Matrons, Raleigh Chapter, Hampton University Alumni Association, Raleigh Chapter, Jack and Jill of America, Incorporated, Raleigh Chapter, Kappa Alpha Psi Fraternity, Raleigh Alumni Chapter, and, Laodicea United Church of Christ.

Lions Club, Raleigh Southeast, North Carolina Association of Minority Political Women, National Epicureans, Raleigh Chapter, Omega Psi Phi Fraternity, Incorporated, Iota Iota Chapter, Phi Beta Sigma Fraternity, Incorporated, Eta Sigma Chapter, Raleigh Interdenominational Ministerial Union, Raleigh/Wake Citizens Association, Rush Metropolitan AME Zion Church, Saint Ambrose Episcopal Church, Saint Augustine's College, Sigma Pi Phi Fraternity, Gamma Sigma Boule, South Central Wake County NAACP, The Links, Incorporated, Raleigh Chapter, The Women's Center, Top Ladies of Distinction, Raleigh Chapter, Wake County Area Health Education Center, and, Wake County Department of Health.

Ms. FURSE. Madam Speaker, the message has come from around the Nation; it has been delivered loud and clear from African-Americans who know. The message is that it's vital that young African-American men have role models, mentors, and leaders in their own community. They need to see that there is hope for their future, and that there are alternatives to guns, gangs, violence, and drugs. It is only then that we can hope to stem the violence, destruction, and disillusion of so many people's lives.

I'm pleased to stand here today and honor Portland Police Chief Charles Moose, the first African-American police chief for the city of Portland. He is a strong advocate of programs that highlight youths, gang prevention, education, and community policing. He is known by name by many people in the community. He is a man who still walks the beat and stays in touch with people in their neighborhoods.

But Chief Moose is more than just head of a large metropolitan police force in my home district. He also leads by example. When he was promoted to the top slot at the bureau, he could have moved to the suburbs and avoided problems that often plague cities, like decay, hopelessness, violence, and crime. But Chief Moose made a commitment to the city and to the people of Portland. He moved into the heart of the African-American community. He wanted to send the message loud and clear

that people, especially young African-American men, could rise above their surroundings and accomplish great things. Despite the heavy demands of the police bureau, he found time to complete his masters and his doctorate degrees.

Chief Moose is a man worthy of honor, and we all benefit from the role he serves in our community. And while he leads by example, I call upon other African-Americans in my home district in Oregon to stand up and become a mentor for a young man—just help one man grow to stand taller in our community. There is no greater reward or gift than giving hope to a young person. And I believe that being a mentor should extend beyond Black History Month. Chief Moose delivers the message effectively that our children deserve year-round attention.

Miss COLLINS of Michigan. Madam Speaker, as we commemorate Black History Month, I want to recognize the millions of African-Americans who never make the headlines. Their hard work and perseverance are displayed every day.

It can be seen in the single black mother, struggling against unprecedented odds to raise her children without a husband. It can be seen in the black business executive, striving to overcome overt and covert racism. And it can be seen in the life of the black teenager, who wants to succeed in school in the face of drugs, violence, and racism.

I want to discuss the lessons we can learn from the struggles of two African-Americans who had all the cards stacked against them, yet persevered for the betterment of themselves, the betterment of all African-Americans, and the betterment of our Nation.

Harriet Tubman was born a slave in 1820. But Harriet Tubman enjoyed what was considered a privilege for blacks of her time, and is again increasingly rare today: An intact and functioning family. While she and her family were subject to the orders of their owner and hired out to neighboring farmers, they were a family unit in which care and support was given and received and in which religion and folklore were shared. She learned to trust herself, God, and Divine Providence, in that order.

It is difficult today to understand the forces aligned against Harriet Tubman. She was an enslaved African-American. She was a woman living in a man's world. And after receiving a malicious blow to her head by an overseer, she suffered a form of sleeping sickness, often falling asleep involuntarily. This meant that literacy, respect, and even common courtesy were denied her. And yet this remarkable woman came to understand the social order that enslaved her. In 1849, she escaped to freedom in Pennsylvania alone and unaided.

She began supporting herself, vowing to free her relatives. Becoming associated with another great African-American, William Still, Harriet Tubman began her legendary career as a conductor on the Underground Railroad, where she was fearless and willing to endure any hardship. It is said that Harriet Tubman carried a revolver on her side and made the slaves pledge that they would not turn back once they began the journey on the Underground Railroad.

She took the sanctification of this Nation upon her narrow shoulders, becoming involved

with abolitionists, feminists, and political and military leaders. She worked with people who shared her goal of the emancipation of blacks, regardless of the boundaries of gender, color, and socioeconomic status.

When the Civil War broke out, Tubman served 3 years in South Carolina under Union Gen. David Hunter first as a nurse, later as a scout and spy. And when her lifelong goal of legal emancipation was finally realized, Harriet Tubman did not even look up. She continued to fight for true emancipation by raising funds for schools for former slaves and struggled on in the suffragist movement.

Harriet Tubman is an inspiration for us all. She fought against what she knew to be wrong, even when the forces that she fought must have seemed unbeatable. Yet in the true American spirit, she had a vision and fought the good fight.

For another African-American hero, we Detroiters need look no further than former Mayor Coleman Young. A man who always stood for principle, even in the face of overwhelming resistance and opposition, Coleman Young always persevered.

While Coleman Young had the good fortune to learn the value of hard work and organization at his father's knee, racial discrimination marred Young's childhood. When he graduated from high school, his color closed the door to financial aid at the University of Michigan and other colleges despite his exceptional academic record. Later, he was passed over for a job with an automobile company because of his race.

Despite these obstacles, like Harriet Tubman, Coleman Young decided to take on the unjust system. He began to organize labor in the automobile industry, fighting for the rights of black workers.

As a second lieutenant and a bombardier-navigator in World War II, he remained an adamant defender of the rights of African-Americans. Near the end of the war he and about 100 other black officers were arrested for demanding service in a segregated officers' club in Indiana.

Coleman Young's work on behalf of blacks brought him to the attention of the infamous House Un-American Activities Committee. Called to testify before that committee in 1952 as a leader of the National Negro Labor Council, he refused to answer the chairman's questions and temporarily withdrew from organizing labor, telling the committee, "You have mixed me up with a stool pigeon." Coleman Young was displaying the independence and stubbornness that came to typify his struggle for racial equity.

Coleman Young then entered politics, and seeing a system badly in need of fixing in the wake of the devastating 1967 Detroit riots, Coleman Young emerged from a crowded field of candidates to become Detroit's first black mayor in 1973.

At that point, the challenges facing Coleman Young were staggering: Racial disharmony in Detroit was high, the police force had become a brutal occupying army, and the city was on the verge of becoming an economic wasteland.

Coleman Young served as mayor for 20 years, dismantling the walls of exclusion brick by brick. He made city hall accessible to peo-

ple who were not welcome there before—African-Americans, the working class, and women. Not merely granting access to members of these disenfranchised groups, Coleman Young elevated them to high positions in his administration. For the first time, ability determined how far careers could go, not race, gender, or station in life.

Meanwhile, he strived to revitalize a city that had been given up for dead. By forging a working partnership with businesses, he endeavored to revitalize the waterfront with the jewel of Detroit, the Renaissance Center. Constantly battling budget deficits and Federal neglect, Coleman Young kept Detroit running on eight cylinders for 20 years.

As African-Americans, we should look to the unflinching perseverance and courage shown by these two African-Americans as models.

We can also learn valuable lessons from their lives—the need for family, the value of self-reliance, the importance of persistence, and the rich rewards of hard work. As I look across America today, I can see the new Harriet Tubmans, the new Coleman Youngs, in the face of every African-American who struggles to succeed in a society which, despite our best efforts, is still weighted against them. So during this Black History Month, I stand here to honor all African-Americans, those in the headlines and those in the breadlines.

Mr. DE LUGO. Madam Speaker, February is the month we set aside to commemorate Black History, when we celebrate the accomplishments of a few well-known men and women, recognize the achievements of others who are less well-known, and observe the extraordinary chronicle of all African-Americans, past and present.

Today, I want to particularly acknowledge some of the remarkable successes and lasting legacies of the people of the Virgin Islands, men and women whom I have been proud to represent in this House for almost 20 years, people who have made many important contributions to the West Indian, American, and African-American experiences.

The Virgin Islands people have achieved a number of firsts in black history.

Fifteen years before President Abraham Lincoln's Emancipation Proclamation in 1863 that led to the abolition of slavery in the United States, that terrible institution at last came to an end in the Virgin Islands.

On March 26, 1937, William H. Hastie was confirmed as judge of the Federal District Court of the Virgin Islands and became the first African-American to be appointed to the Federal bench in the United States.

On May 18, 1946, Judge Hastie became the first African-American Governor of the Virgin Islands and, therefore, the first African-American Governor in American history.

Governor Hastie initiated an active campaign to increase self-government in the Virgin Islands. As my colleagues know, increased self-government for the people of the Virgin Islands and all the insular areas has been one of my foremost goals during my tenure in the House.

In September 1950, the Virgin Islands Legislative Assembly strengthened its Antidiscrimination Act and adopted one of the strongest civil rights bills under the American flag.

In November 1970, Melvin H. Evans was chosen the first elected Governor of the Virgin

Islands and thereby became the first elected African-American Governor under the American flag.

In January 1981, Senator Ruby Margaret Rouss was elected President of the Virgin Islands Legislature and became the first African-American woman to be elected president of the executive branch of government in the United States.

Madam Speaker, these accomplishments are significant events in African-American history, and they are important contributions to the history of the United States. They are illustrations of the tremendous talent and ability that springs from the Virgin Islands and its people, people who have written important chapters in the annals of black history.

Mr. MANN. Madam Speaker, when I thought about this year's theme for the special order on Black History Month, "Empowering African-American Organizations: Present and Future," I could not help but think of all of the men and women who have paved the way for many African-Americans of the present. This year, I would like to pay tribute to 20 members of the First District of Ohio. Their accomplishments and contributions were recently honored by the Urban League of Greater Cincinnati's First Heritage Award. This year's theme "Glorifying the Lion," is taken from the African proverb "Until the lions have their own historians, tales of hunting will always glorify the hunter." This year's lions are.

Dorothy Cunningham Bailey, Theodore M. Berry, Sr., John Blanton, L. Venchael Booth, Edmund Casey, Virginia Coffey, Vera Edwards, Tecumseh X. Graham, Bruce Green, Joseph A. Hall.

Lawrence Hawkins, William Lawless Jones, Alleno Renfro, Marjorie Parham, Fred Shuttlesworth, Donald A. Spencer, Marian A. Spencer, Emily T. Spicer, Fred Suggs, Ernie Waits.

For many of these Cincinnati seniors this honor is long overdue. Each of the lions has contributed over 30 years of service to Cincinnati's communities. The word "lion" symbolizes characteristics like strength, nobility, greatness, and fearlessness. These lions have demonstrated all of these qualities during the course of their lives and have served as leaders during times that were not always easy. Many honored have had a career of firsts; the first black doctors, the first black lawyers, the first black educators, entrepreneurs, publishers, and politicians. Others were social workers, engineers, and religious leaders. All worked to improve human relations and fought for civil rights. Empowering African-American organizations has been a major part of their life's work, as well as contributing to our communities on a whole; and for that, I would like to congratulate and thank them. We can not look to African-Americans of the present and future without first looking to those who, through their distinguished service, have laid a strong foundation, and because of their efforts have improved the quality of life for all citizens of the First District of Ohio and throughout the United States.

Mr. HOYER. Madam Speaker, I am proud to join my colleagues today to commemorate Black History Month. Particularly, Madam Speaker, I would like to thank the gentleman from Ohio, Mr. LOUIS STOKES, for requesting

this special order today. Black History Month is a time of reflection and honor.

During Black History Month, we recall and pay tribute to the towering achievements and inspiring contributions that African-Americans have made to this country. This month provides us with the opportunity to intertwine the notable accomplishments of African-Americans into this Nation's fabric.

Madam Speaker, this is the time when, we honor those men and women who influenced, shaped, and altered American life, culture, and politics—those who believed in a democracy that would not tolerate prejudice and discrimination, those who fought brutal injustice with the power of mortal truth. These brave soldiers I speak of are Frederick Douglas, born a slave on Maryland's Eastern Shore, who became one of America's most influential diplomats and journalists during the 19th century.

Harriet Tubman, born in Dorchester County in 1820, who escaped slavery to become the Moses of her people and delivered hundreds of men, women, and children from bondage.

Justice Thurgood Marshall, raised in Baltimore, who became the first African-American Associate Justice to the U.S. Supreme Court after a career as a brilliant trial attorney, director of the National Association for the Advancement of Colored People Legal Defense and Educational Fund, and solicitor General for the United States.

Madam Speaker, we must also thank W.E.B. DuBois, Booker T. Washington, Gwendolyn Brooks, Maya Angelou, Langston Hughes, and John Baldwin who through their writings and teachings have enabled all of America to appreciate the African-American legacy, past struggles and present dreams. We pay tribute to America's sport's heroes such as Arthur Ashe, the great activist and renowned humanitarian, who inspired all with his courage. We honor the scientists and educators, who labored so hard to overcome the racial barriers in our society and proved that America could not afford to squander the talent and knowledge of African-Americans. We recall the words of some of our Nation's most revered ministers and theologians, such as Dr. Martin Luther King, Jr. who braved the wrath of society, to change that society to fit the principles it espoused but did not practice.

Madam Speaker, the struggles which were overcome and the accomplishments achieved by African-Americans in the past have paved the way for present African-American leadership and involvement.

Today, there is a record number of African-Americans serving at all levels of government.

My former colleague, Mike Espy is the first African-American Secretary of Agriculture, Hazel O'Leary is the first African-American woman to serve as the Secretary of Energy, Ron Brown, the first black chairman of the Democratic National Committee became the Secretary of Commerce, and the Department of Veterans' Affairs is under the leadership of Jesse Brown.

Last year, the American voters elected 16 African-Americans to the U.S. House of Representatives.

Moreover, the voters of Illinois made CAROL MOSELEY-BRAUN, the first African-American woman to be elected to the U.S. Senate.

Madam Speaker, Black History Month has a broader significance. It is a critical prism

through which to view America's history overall. Our examination of this history is both painful and shameful, but is also essential.

Only in this way can we appreciate the importance of this country's ability to redress past injustices.

Only with awareness of past wrongs can we define our future as one in which the right to live with dignity and free from persecution will be accorded by all Americans.

Madam Speaker, only with the knowledge of our heritage and the conviction that we are indeed a nation of people endowed by their creator with certain inalienable rights, can we practice the teachings of those whose legacy we remember today.

Madam Speaker, again, I want to thank Congressman LOUIS STOKES for allowing me to participate in this special order.

Mr. MAZZOLI. Madam Speaker, in honor of Black History Month I am pleased to commend two outstanding persons, Ms. Aminah Hazelwood and Mr. Walter Barnes who live and work in the third district which I am privileged to represent. They are perfect examples and positive role models for all to emulate.

The YMCA Black Achievers Organization had its beginnings in Harlem back in 1971. The program is designed to put African-American youths in touch with adult mentors so that they can have a ready resource for educational, career, and life choices. Since the program came to Louisville and Jefferson County in 1980 over 15,000 youths have moved through the program. Currently, 1,100 are involved.

Aminah Hazelwood is a senior at Louisville Male High School in Louisville, KY. She was honored recently by the YMCA's black achievers as the Youth Achiever of the Year. And, to those who know her well, this accomplishment comes as no surprise.

Aminah's mother, Karen Hazelwood, has been involved in the Black Achievers Program for several years, and set an excellent example for her daughter, who followed that example by becoming president of the junior Black Achievers.

For Aminah, involvement with the junior group gave her a matchless chance to learn more about her culture, to gain pride and self-esteem as well. Using these characteristics and skills, Aminah ran for and won the post of student president at Male High School. She is the first female African-American senate president.

The Black Achievers' Adult Achiever of the Year is Walter Barnes. He has been the heart and soul of the Chestnut Branch of the YMCA for many years and a man to whom the young people who use the Y's facilities turn to for advice, counsel and, at times, consolation. Walter has been heavily involved in the Black Achievers Program from its start in Louisville in 1980.

Mr. Barnes is committed to giving kids all the chances and opportunities they need to succeed. He is serving in his 40th year with the YMCA's Chestnut Street Branch. Throughout this time, he has stressed the need for inner-city kids to work on their whole person in order to have a real shot at life.

I ask my colleagues to join me in offering congratulations to Aminah Hazelwood and Walter Barnes for their achievements and for being examples to us all.

Mr. TOWNS. Madam Speaker, today, I rise to join my colleagues in our annual salute to Black History Month. In our celebration of the contributions and achievements of African-Americans, we recognize the overlooked, applaud those pushed aside, and hear the accounts of our people that history has chosen to ignore; because on this day we salute the achievements of African-Americans.

I want to take the opportunity to thank my colleague from Ohio for creating a historical precedent by assuring that each year this distinguished body sets aside some time to seriously consider the many and varied contributions and achievements of African-Americans. I am pleased that our focus this year is on black groups and organizations. It is particularly appropriate because the only black groups that the media seems to recognize are gangs and singing groups. But we know that the black community has developed strong, vital, positive professional and social organizations which serve to inspire, develop, and propel the improvement of the community and the Nation.

One such group, which I am here to speak about today, is the National Council of Negro Women. Founded in 1935, by educator and human rights activist Mary McLeod Bethune, the National Council of Negro Women is the Nations' most broad-based organization of African-American women. Founded with the idea of harnessing the great power of a million women into a force for constructive action, this non-profit voluntary service organization has 34 national affiliated organizations and 250 community-based sections. Through this impressive network, the council touches issues and raises the concerns of over 4 million women.

As an organization of organizations the council is much more than a clearinghouse. It has managed to translate its mission of assistance, advocacy, and action into an agenda of national programs which disseminate information about social, political, and economic issues which affect the well-being of African-American women and their families including: Promoting healthy lifestyles through projects on healthy behaviors and disease prevention; developing community empowerment and self-help programs; and fostering programs on self-sufficiency, economic development, and entrepreneurship.

Most Americans are familiar with the council through its annual Black Family Reunion. Beginning in 1986, the council has held the reunion in seven cities. More than an opportunity to picnic, the Black Family Reunion is a celebration of traditional African-American values. An example of those values of love, hope, faith, harmony, education, dignity, and confidence was engraved on the base of a statue honoring the council's founder, the late Mary McLeod Bethune statue. Through its books and seminars, the council distributes and reiterates this message every year to millions of black Americans.

This important weekend devoted to restating the traditional values of African-Americans was the brainchild of Dr. Dorothy Height, current president of the National Council of Negro Women.

Trained as a social worker, Dr. Height began her career in social service and govern-

ment while a caseworker for the New York welfare department. In that capacity, she was the first black American named to deal with the Harlem riots of 1935 and became a leader of the national youth movement. During this time, Height, the social worker became Height the civil rights advocate. She worked to prevent lynching, desegregate and Armed Forces, reform the criminal justice system, and open public accommodations to all people.

This early experience of caring and working laid a firm foundation for the woman who would become fourth president of the National Council of Negro Women. With Dr. Height at the mantle, the National Council of Negro Women has achieved tax-exempt status, developed model national programs, and opened a new era of historical scholarship focusing on the achievements of black women. On this day, I rise to recognize Dr. Dorothy Height and the National Council of Negro Women.

Mr. FILNER. Madam Speaker, and my colleagues, I am pleased to join you today in honoring the African-American community and its rich history through the observance of Black History Month. Throughout this month, we hail the numerous achievements of African-Americans within American society—and in doing so we counter the pervasive stereotypes that pull at our Nation's fabric.

In 1961, I served a jail sentence in the Mississippi State Penitentiary for my commitment to the principle of equality. As a foot soldier in the civil rights movement, I know the value of education—and that's what Black History Month is all about. During this month, we celebrate the intellectual and technical contributions that this Nation has gained from its African-American citizens.

Through Black History Month, many people will learn of the strides that African-Americans have made toward equality. We applaud this continual struggle toward the principles set forth in our Constitution that "all men (and women) are created equal, that they are endowed by their Creator with certain inalienable rights, that among them are life, liberty and the pursuit of happiness." Although we have struggled with making this a reality for all Americans, we must continue to work together to make the American Dream available to all.

This month praises the work of many distinguished African-Americans that we all know, such as the Rev. Martin Luther King, Jr., Rosa Parks, George Washington Carver, and Benjamin Banneker.

But this month also recognizes other African-Americans, whose contributions are equally heroic, but whose names may not be as well known. Let me give you one example: Dr. Shirley Weber, a member of the board of education in my home of San Diego, CA.

Twenty years ago, she helped to develop a black studies department at San Diego State University and has spent 9 years as the chair of that department. Dr. Weber continues her fight for better education for all students as a member of the San Diego School Board—which sets policy for the sixth biggest school system in the Nation. Over the past 5 years, the dropout rate has been reduced by 50 percent in San Diego schools, largely due to the efforts of Dr. Shirley Weber. The daughter of a sharecropper, she has enriched the lives of thousands of our young people.

Black History Month commemorates the struggles of all the Dr. Shirley Webers to break through racial intolerance and social and economic barriers, and their perseverance in making a better life for ourselves and our children.

I am also privileged to have a special African art exhibit in my district this month, entitled "Songs of My People." This display, which has traveled nationwide, is an inspirational self-portrait of the African-American community. I am proud to have the honor of hosting such an important presentation at the San Diego Museum of Art—and I am thrilled that Congressman KWEISI MFUME, chairman of the Congressional Black Caucus, will be helping us kick off this important exhibit.

But this month is only symbolic. We must continue to fight for equal rights and opportunities for all Americans, no matter what the month. We must keep on keeping on.

Mr. CLAY. Madam Speaker as we observe Black History Month, black Americans should take particular pride in their race, their culture, and their contributions to the development of humankind. Too many black Americans don't realize the importance and significance of recalling past struggles and achievements and relating those efforts to present day conditions. Pausing to assess our role in society and to remember our contributions to its development are as valid today as they were in 1926 when Carter G. Woodson, a renowned historian, first introduced Negro History Week. Many remember that this was a week beginning on February 12, the birthday of the "great emancipator," Abraham Lincoln, and ending on the birthday of the "great abolitionist," Frederick Douglass. The underlying purpose was then, and is now, to make known the important contributions black Americans have made to the advancement of this Nation.

When the subject of why we celebrate Black History Month arises, some ask—Are we not all Americans? Are not black people a part of American history? Why do we need a day to honor Dr. Martin L. King or a month to highlight the contributions of blacks to America? Those usually asking these questions are the same individuals who have no problem engaging in festivities extolling their own ethnic heritage and cultural background.

It took members of the Congressional Black Caucus 15 years to convince a majority of the Congress to set aside a day of honor for Dr. Martin Luther King, Jr., Nobel Peace Prize winner, crusader for human decency and racial equality—the greatest champion for social justice in the history of this Nation. Somehow many in Congress felt that naming a holiday for Dr. Martin Luther King, Jr., would be an affront to their sense of shared values and democratic principles.

Racist individuals and attitudes made the advent of black history celebrations absolutely essential. One of the primary reasons that racism is so pervasive, so ingrained, and so readily embraced by many people is that they lack sufficient knowledge about the struggles, the sacrifices, the efforts of blacks to become an integral part of American society. Consciously or subconsciously, black Americans are victims of those historians, theologians, educators, entrepreneurs, and others who distorted or ignored the role played by enterpris-

ing courageous blacks in the development of this great country.

The omissions and distortions were deliberate, calculated and widespread and were part of a massive conspiracy engaged in by public officials, religious leaders, scholars, teachers, publishers, and writers. Their mission was to justify one of the cruelest forms of human slavery in the history of mankind. Black people suffered the indignities of debilitating de facto human slavery for 200 years and another 100 years of legally imposed racial separation. In order for false Christians to soothe their consciences and keep faith with the teachings of the Holy Bible, it was necessary to provide moral justification for these perverse and abominable human practices.

Simply put, the so-called moral justification which hypocritical Christians used to enslave blacks was that black folk had no souls and were not candidates for conversion and had no rights or privileges Christians needed to respect.

It has only been within the last 30 years that anything vaguely resembling the truth has surfaced to challenge and replace the mythology which is passed off as American history. However, despite slavery, despite lynchings, despite illiteracy, and despite poverty, black Americans have come a long way.

And yet as we proclaim victory over bondage and legal oppression we know that much remains to be done. Conditions of homelessness, joblessness, teenage pregnancy, absent fathers, high infant mortality, kids killing kids, and mental and physical illness abound.

In responding to these challenges, we must instill in our people a proper appreciation for engagement in the affairs of the community. We must dispel the notion held by many young people that gives glorification to negative forces in society. We must also teach our children an appreciation for the virtues and the values that enabled their forebearers to endure the debilitating hardships of slavery and yet be able to meet the challenges of their day.

In so doing, let us not join the chorus of those who would denigrate and disparage us and others. Above all, let us discard the myths about black Americans which only serve to limit upward mobility. Let us instead strive to move to higher ground. One way to do this is to constantly remind ourselves and others of the great contributions blacks have made and continue to make to this Nation.

Mr. FALCOMA. Madam Speaker, thank you for the opportunity this afternoon to speak in support of this year's congressional recognition of Black History Month.

I frequently hear complaints from citizens who indicate that ceremonies and other forms of cultural recognition such as those which honor the proud heritage of today's African-Americans, Hispanic-Americans, or Native Americans are a waste of time and money. In response, I want to reiterate the importance of traditional activities of the nature of this special order, and other activities taking place this month throughout the Nation.

For too long the history taught in this country was very one-sided. Students read, studied and talked about a group of individuals now referred to by some as "dead white males." While this educational system worked well for

the vast majority Americans, it subconsciously diminished the role and value of a large segment of other Americans who did not share that same cultural heritage.

Today, through ceremonies in Federal, State, and local governments, as well as in the private sector, the month of February provides a common time during which we can all be reminded of the contributions and achievements of African-Americans.

I think many times our citizens are familiar with individual sporting achievements such as those of Willie Mays, Wilt Chamberlain, Michael Jordan, and Jackie Joyner-Kersey, but they tend to say "oh that's just the separate achievement of a few, and then only in the area of sports." In fact, the contributions of African-Americans to U.S. culture have been significant, and it is only through knowledge of the whole that the broader accomplishments and contributions can be seen.

To this end, I support recent changes in school curricula to include the significant contributions of African-Americans to the economic, political, and scientific advancement of the United States. It is through programs of this nature, introduced to students at an early age, that I believe we stand our best chance of making this great Nation of ours a racially unbiased society.

Mr. Speaker, Dr. Martin Luther King was one of the many who contributed immensely to our society by organizing sufficient force to implement the civil rights guarantees included in our Constitution 170 years before, but never implemented. His work has helped not only African-Americans but also women and others considered in a minority status.

Dr. King's "I Have a Dream" speech on the steps of the Lincoln memorial in 1963 spoke of the dreams of African-Americans more eloquently than any has since, and I want to quote portions of this speech:

WASHINGTON, DC, August 28, 1963.—Five score years ago, a great American, in whose symbolic shadow we stand, signed the Emancipation Proclamation. This momentous decree came as a great beacon light of hope to millions of Negro slaves who had been seared in the flames of withering injustice. It came as a joyous daybreak to end the long night of captivity.

But one hundred years later, we must face the tragic fact that the Negro is still not free. One hundred years later, the life of the Negro is still sadly crippled by the manacles of segregation and the chains of discrimination. One hundred years later, the Negro lives on a lonely island of poverty in the midst of a vast ocean of material prosperity. One hundred years later, the Negro is still languished in the corners of American society and finds himself an exile in his own land. So we have come here today to dramatize an appalling condition.

In a sense we have come to our nation's Capital to cash a check. When the architects of our republic wrote magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir. This note was a promise that all men would be guaranteed the unalienable rights of life, liberty, and the pursuit of happiness.

It is obvious today that America has defaulted on this promissory note insofar as her citizens of color are concerned. Instead of honoring this sacred obligation, America

has given the Negro people a bad check; a check which has come back marked "insufficient funds." But we refuse to believe that the bank of justice is bankrupt. We refuse to believe that there are insufficient funds in the great vaults of opportunity of this nation. So we have come to cash this check—a check that will give us upon demand the riches of freedom and the security of justice. We have also come to this hallowed spot to remind America of the fierce urgency of now. This is no time to engage in the luxury of cooling off or to take the tranquilizing drug of gradualism. Now is the time to make real the promises of Democracy. Now is the time to rise from the dark and desolate valley of segregation to the sunlit path of racial justice. Now is the time to open the doors of opportunity to all of God's children. Now is the time to lift our nation from the quicksands of racial injustice to the solid rock of brotherhood.

It would be fatal for the nation to overlook the urgency of the moment and to underestimate the determination of the Negro. This sweltering summer of the Negro's legitimate discontent will not pass until there is an invigorating autumn of freedom and equality. 1963 is not an end, but a beginning. Those who hope that the Negro needed to blow off steam and will now be content will have a rude awakening if the nation returns to business as usual. There will be neither rest nor tranquility in America until the Negro is granted his citizenship rights. The whirlwinds of revolt will continue to shake the foundations of our nation until the bright day of justice emerges.

But there is something that I must say to my people who stand on the warm threshold which leads into the palace of justice. In the process of gaining our rightful place we must not be guilty of wrongful deeds. Let us not seek to satisfy our thirst for freedom by drinking from the cup of bitterness and hatred. We must forever conduct our struggle on the high plane of dignity and discipline. We must not allow our creative protest to degenerate into physical violence. Again and again we must rise to the majestic heights of meeting physical force with soul force. The marvelous new militancy which has engulfed the Negro community must not lead us to a distrust of all white people, for many of our white brothers, as evidenced by their presence here today, have come to realize that their destiny is tied up with our destiny and their freedom is inextricably bound to our freedom. We cannot walk alone.

And as we walk, we must make the pledge that we shall march ahead. We cannot turn back. There are those who are asking the devotees of civil rights, "When will you be satisfied?" We can never be satisfied as long as the Negro is the victim of the unspeakable horrors of police brutality. We can never be satisfied as long as our bodies, heavy with the fatigue of travel, cannot gain lodging in the motels of the highways and the hotels of the cities. We cannot be satisfied as long as the Negro's basic mobility is from a smaller ghetto to a larger one. We can never be satisfied as long as a Negro in Mississippi cannot vote and a Negro in New York believes he has nothing for which to vote. No, no, we are not satisfied, and we will not be satisfied until justice rolls down like waters and righteousness like a mighty stream.

I am not unmindful that some of you have come here out of great trials and tribulations. Some of you have come fresh from narrow jail cells. Some of you have come from areas where your quest for freedom left you battered by the storms of persecution

and staggered by the winds of police brutality. You have been the veterans of creative suffering. Continue to work with the faith that unearned suffering is redemptive.

Go back to Mississippi, go back to Alabama, go back to South Carolina, go back to Georgia, go back to Louisiana, go back to the slums and ghettos of our northern cities, knowing that somehow this situation can and will be changed. Let us not wallow in the valley of despair.

I say to you today, my friends, that in spite of the difficulties and frustrations of the moment I still have a dream. It is a dream deeply rooted in the American dream.

I have a dream that one day this nation will rise up and live out the true meaning of its creed: "We hold these truths to be self-evident; that all men are created equal."

I have a dream that one day on the red hills of Georgia the sons of former slaves and the sons of former slaveowners will be able to sit down together at the table of brotherhood.

I have a dream that one day even the state of Mississippi, a desert state sweltering with the heat of injustice and oppression, will be transformed into an oasis of freedom and justice.

I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character.

I have a dream today.

I have a dream that one day every valley shall be exalted, every hill and mountain shall be made low, the rough places will be made plain, and the crooked places will be made straight, and the glory of the Lord shall be revealed, and all flesh shall see it together.

This is our hope. This is the faith with which I return to the South. With this faith we will be able to hew out of the mountain of despair a stone of hope. With this faith we will be able to transform the jangling discords of our nation into a beautiful symphony of brotherhood. With this faith we will be able to work together, to pray together, to struggle together, to go to jail together, to stand up for freedom together, knowing that we will be free one day.

And if America is to be a great nation this must become true. So let freedom ring from the prodigious hilltops of New Hampshire. Let freedom ring from the mighty mountains of New York. Let freedom ring from the heightening Alleghenies of Pennsylvania!

Let freedom ring from the snowcapped Rockies of Colorado!

Let freedom ring from the curvaceous peaks of California!

But not only that; let freedom ring from Stone Mountain of Georgia!

Let freedom ring from Lookout Mountain of Tennessee!

Let freedom ring from every hill and molehill of Mississippi. From every mountain-side, let freedom ring.

When we let freedom ring, when we let it ring from every village and every hamlet, from every state and every city, we will be able to speed up that day when all of God's children, black men and white men, Jews and Gentiles, Protestants and Catholics, will be able to join hands and sing in the words of the old Negro spiritual, "Free at last! free at last! thank God almighty, we are free at last!"

Mr. Speaker, I want to commend the leadership and the Congressional Black Caucus for organizing this special order today, and I want particularly to thank the chairman of the Caucus, Congressman KWEISE MFUME, and Con-

gressman LOUIS STOKES for their leadership roles.

Ms. PELOSI. Madam Speaker, I thank my distinguished colleague from Ohio [Mr. STOKES] for calling this special order on Black History Month and choosing this year's appropriate theme, "Empowering Afro-American Organizations: Present and Future."

African-American organizations, such as the NAACP, National Urban League, and the Southern Christian Leadership Conference have worked together with the primary goals of achieving social and economic equality. During the 1960's these groups attempted to reach these goals by removing the legal structure that supported racial discrimination and segregation, and by developing the unanimously accepted view that overt acts of racism are not morally tolerable in American society. Even after these monumental achievements, African-Americans did not gain social and economic equality.

Today, the goals of achieving social and economic equality remain the same, only the scope has been expanded. African-American organizations now unite to address critical social conditions such as drug abuse, crime, poverty, health care, and education. In addition to working through legislation and litigation, they also focus on self-help approaches through education, drug rehabilitation, and job training programs.

I am fortunate to represent California's Eighth Congressional District, in which local African-American organizations actively work to improve conditions of African-Americans in the community. I would like to take this opportunity to commend a few of the many at work in our San Francisco community, including:

First, Father Jim Goode, pastor of St. Paul of the Shipwreck for founding the National Day of Prayer for the African-American family, the first Sunday of February;

Second, Lefty Gordon, executive director of the Ella Hill Hutch Community Center, for inaugurating the second year of midnight basketball, an education and recreation program working to bring young African-American men off the streets and into the classroom; and

Third, Enola Maxwell, of the Potrero Hill neighborhood house, for continuing to house the nationally recognized Omega Boys Club as well as other community programs dedicated to the youth of Potrero Hill.

I thank these groups, Glide Memorial Church, the Washington Senators, and the many other civic organizations and leaders for their time and commitment to racial equality. With their help and continued service, the stature of African-Americans within our community will continue to be enriched.

In 1984, Benjamin Hooks, Jr., stated as he addressed a large group of African-American organizations one decade ago, that African-American organizations "must involve society as a whole in combating conditions adversely affecting all American families and impacting on black families in a very disproportionate manner." While local organizations work at the community level, and national organizations focus efforts to serve the African-American population through education, job training, and drug abuse programs, we the members of the 103d Congress and the administration must work to support their efforts.

We must remember that the fight for equal access to opportunities despite socioeconomic differences is a daily challenge. Society through the efforts of our community and national leaders can meet this important challenge—not only during Black History Month—but also during every month and every single day.

Ms. LAMBERT. Mr. Speaker, as we celebrate Black History Month and observe the many accomplishments and contributions of African-Americans to the rich history of our country, we need look no further than the Delta region of Arkansas' First Congressional District. African-American history and the Delta cannot be separated. African-Americans made an impression everywhere they settled in this country. Nowhere is this impression so firmly imprinted, so interwoven to the very fabric of the local economy, culture, and community as it is in the Delta.

Under the climate of many hardships of the past and present and as the Delta region began shifting from an agricultural to a manufacturing economy, African-Americans have made and continue to make numerous contributions in music, the arts, education, and the sciences. The Fargo Agricultural School was founded to give blacks an opportunity to get an education and have career guidance. The rich musical history of blues grew and developed in many a Delta town. African-Americans became landowners and businessmen. African-American architects and craftsmen designed and built the Centennial Baptist Church in Helena, AR, now on the National Register of Historic Places. This persistence of the spirit is evident today in the number of African-Americans from the region who have assumed positions of prominence in every field of endeavor. There is no longer one black doctor, one black lawyer, one black educator, or one black elected official. Their numbers swell with the pride of their accomplishments. Just as significant, however, are the lessons these African-Americans impart to us about the importance of such things as education, integrity, and belief in oneself.

In my personal reflections on Black History Month, visions of my fifth grade teacher Muriel Wilkins dance before me. They say in the life of a child, teachers are second only to parents in a child's upbringing. Mrs. Wilkins shaped my life by teaching me not only reading, writing, and arithmetic, but compassion for my fellow man and responsibility for my actions. I will be forever grateful for her powerful influence on my life.

Fortunately, America is blessed with an abundance of human talent. If we are to continue our unique role in world affairs, we must rededicate ourselves to providing the opportunities for all Americans to reach their full potential. Paying tribute to African-American history during the month of February is indeed a moving testimony to the greatness of our Nation—and to the individuals who help to make it so.

Mr. VISCLOSKEY. Mr. Speaker, as we all know, February is Black History Month. All across the United States, people are honoring the great many contributions of African-Americans to the history of our Nation. Throughout our Nation's history there have been many individual black Americans who have made im-

portant contributions, which have made our country great.

I would like to remark on the 1994 theme for Black History Month, "Empowering Afro-American Organizations: Present and Future," with a specific focus on the vital role of African-American churches. The church has always been more than just a place of worship. From its beginnings in the late 18th century the African-American church has been a very important institution. The church is a rock solid foundation of community values and leadership.

At various times, it has been a place where children have been educated, a place where political activity has started, and a place where a righting of social wrongs was initiated.

One of the church's first leaders was Richard Allen. He was born a slave and bought his own freedom. In 1786, he worked as a lay minister among black members of Philadelphia's St. George Methodist Episcopal Church. Because of his work, and the work of Absalom Jones, the African-American membership of the church grew 10 times larger. Tragically, this led to the segregation of the African-American worshippers.

Ultimately, Allen and Jones were physically removed from the church while praying and the other African-American members left en masse. Thereafter, Allen and Jones organized the Free African Society. In 1791, it became the African Church, and in 1816 Allen founded the African Methodist Episcopal [AME] Church.

The AME Church is one of the largest and oldest African-American churches in existence. It has grown into an international denomination with a membership of more than 1 million. It operates 11 colleges and schools of religion and its business and social service entities include housing developments, homes, and programs for senior citizens, a hospital and a camping facility. It is these and other activities that have made the church an important part of our country's social fabric.

Additionally, we must remember the large role the church played in shaping the life and accomplishments of Rev. Martin Luther King, Jr. We cannot forget that he became leader of the civil rights movement as a leader of his church. Rev. Martin Luther King, Jr., and his work are the best examples of why we should recognize and honor Black History Month and the contributions of Afro-American organizations to our Nation's past, present, and future.

Mr. DIXON. Mr. Speaker, it is with great pleasure that I rise to participate in today's special order in recognition of Black History Month.

First celebrated as Negro History Week in 1926, Black History Month is the brainchild of the father of black history, historian Dr. Carter G. Woodson. Dr. Woodson understood clearly the importance of preserving a thorough and accurate record of our past for future generations. A people whose history and accomplishments go unrecorded, Dr. Woodson warned, "becomes a negligible factor in the thought of the world and stands the danger of being exterminated." Thus, Dr. Woodson set out to document the experience of black men and women in Africa and the New World and to record the tremendous contributions of African-Americans to the Nation in which they

toiled for three centuries in forced servitude. Our history in this Nation is unique.

During Black History Month, it is customary to celebrate the contributions and achievements of African-Americans throughout our Nation's history.

This year, we reserve our highest esteem for those outstanding organizations that continue to serve as the driving economic and social forces behind the strength of the African-American community. The way in which these organizations have conducted business while masterfully serving the community is praiseworthy, and deserving of national recognition. I believe it is critically important to take note of the ongoing contributions of our African-American organizations. I would like to call attention to two organizations from my congressional district in Los Angeles whose service, achievements, and deeds merit recognition and praise.

The Los Angeles Sentinel, originally founded under the name "Eastside Shopper" in 1933, remains one of the most respected newspapers in California. Leon H. Washington, Jr., was 23 years old when he came to Los Angeles in 1930 to begin his career as an advertising salesman for the California Eagle—at the time the largest and oldest black-owned newspaper in the West. A natural leader and independent thinker, he decided in 1933, to quit working for the California Eagle and started his own newspaper. Mr. Washington founded the Eastside Shopper in his home. As the publication began to grow, the Colonel—as he was called by most who knew him—established an office on Vernon Avenue, and subsequently renamed the paper the Sentinel.

In 1933, discrimination ran rampant against people of color in the jobs market, in both the public and private sectors. Leon Washington was concerned about the employment plight of African-American Angelenos at that time, and and it was his fight against discrimination in employment which brought him to prominence as a publisher in Los Angeles and inspired others to suggest that he convert from a free-circulation shopper to a paid-circulation standardized newspaper. Through his paper, the Colonel launched a fight against discriminatory merchants who made most of their money by selling goods to African-American customers, but refused to hire them as workers.

The Sentinel has been honored for its coverage of the Watts disturbance, its publication of special editions, the work of individual writers and departmental editors, and for its fighting editorials.

After the death of the beloved Colonel in 1974, his widow, Mrs. Ruth Washington, garnered the reins of control at the paper and assumed the position of business manager at the Los Angeles Sentinel. When Mrs. Washington assumed the position at the death of her husband, she had to take a crash course in newspaper operations. She was not, however, inexperienced in business. In fact, from an early age she had been fascinated with business. In preparation for her new role, she majored in business at the Emily Griffith Opportunity School in Denver. After she moved to Los Angeles, she continued her studies at the Metropolitan Trade School. Mrs. Washington created a climate at the newspaper; one of

fairness, consideration, compassion, and understanding—all of which led the Sentinel to its unparalleled success.

Today, the Sentinel continues to excel under the outstanding leadership of its publisher, Attorney Kenneth R. Thomas. The Los Angeles Sentinel is an exemplary example of an empowering African-American organization providing for the very community which has benefited from its existence for over 60 years.

Mr. Speaker, the second organization that I am proud to acknowledge is Crossroads National Education and Arts Center [Crossroads NEAC], an unique organization that affects the healing, growth, and quality of life enhancement in the inner city of Los Angeles. Established in 1981, Crossroads is dedicated to preserving and expanding the African-American culture through the arts to create avenues for education, economic development, and self-sufficiency while providing a legacy for current and successive generations. Crossroads NEAC was cofounded by Angela Mills, producer-director-writer, and Marla Gibbs, noted actress, entrepreneur, and community activist, in response to an overwhelming need to provide viable arts and educational programs in the inner city. Located in the Crenshaw-Leimert Park community—Crossroads NEAC is at the heart of its constituency.

With support from a number of individuals, corporations, and other funding organizations, Crossroads NEAC has provided scholarships for students from low-income households. It has helped to launch the careers of several of its students in theatre, television, and movies. Based upon its established reputation, the center has attracted the attention of industry agents and producers as a source of talent.

As Crossroads NEAC continues to grow, its potential to utilize the arts as an instrument of peace, healing, and understanding—as well as a vehicle for jobs and economic growth—also grows.

Crossroads NEAC's commitment to excellence has earned numerous awards, including the New York Audelco Theatre Award, 12 NAACP Image Awards, and several community achievement awards. In addition, the popular television program "227" was developed and launched at Crossroads NEAC, while other plays have gone on to Broadway, such as "Checkmates" and "The Meeting."

The Crossroads National Education and Arts Center—housed within the Vision Complex—has served as a catalyst for true economic revitalization in the inner community of Los Angeles, with an impact on the greater Los Angeles community and beyond. As the largest multidisciplinary arts organization in the inner community of Los Angeles, Crossroads NEAC is uniquely and strategically positioned to embrace and be embraced by numerous underserved populations in our city. It gives me great pleasure to nationally recognize this most outstanding organization.

Please join me, Mr. Speaker, in applauding these contemporary African-American organizations for their significant accomplishments and contributions to the African-American community. By highlighting the wide range of achievements of these organizations, we are assured of a greater understanding and appreciation of the vast contributions African-Americans have made to our society.

Ms. WATERS. Mr. Speaker, I am pleased to join my colleagues this evening in marking February as "Black History Month."

There's an old saying that "if you don't know where you came from, you don't know where you are going." As African-Americans, we know where we've come from. That's something we just can't forget. We are reminded of it each and every day.

When our Constitution guaranteed this country's citizens "life, liberty, and the pursuit of happiness" African-Americans—and women—were pointedly excluded from freedom's blessings. For purposes of representation in this Congress, slaves were counted as three-fifths of a person.

A bloody Civil War set us free, but mere force of arms couldn't make us equal. One hundred twenty-eight years after the end of the Civil War, the struggle for political and economic equality continues.

This struggle has yielded a rich pantheon of heroes—businesspeople and politicians, preachers and inventors, writers and musicians, and sports figures. Some of these brothers' and sisters' names are household words—George Washington Carver or Martin Luther King or Billie Holiday. Others are less known, if no less valued—homerun king Josh Gibson, educator Mary Macleod Bethune, and Harlem's Mother Hale. And, of course, some of our biggest heroes are ordinary people who confronted injustice, overcame obstacles, and moved our struggle forward. I'm talking about Rosa Parks refusing to move to the back of the bus, Medgar Evers facing down the Klan in Mississippi, and Sojourner Truth "following the drinking gourd" North to freedom.

In these often difficult times, it is good to think of heroes as we chart our future course. Our community suffers the pain of violence and crime. We watch many of our children drop out of school and out of the mainstream. Economic opportunities dwindle, the result of 12 years of neglect by the Federal Government and the export of jobs to low-wage countries. Teen pregnancy is a major obstacle to our young women realizing their full, God-given potential.

Now, more than ever before, we need to remember that we are inheritors of a legacy of struggle. Nothing worth having comes easy. We struggle with the pain and frustration and hopelessness in our communities. Too many of our sons and daughters are unskilled, undereducated, and scarred by substance abuse and violence. We are frustrated by the lack of resources we have with which to tackle these problems. We are even more frustrated by the lack of sufficient political will.

We need to strengthen our families because families have seen us through the hardest of times. We need to bring capital for our businesspeople and homeowners, quality education for our kids, and job opportunities for our working people.

The genius and energies of our African-American heroes have carried us to where we are today. We stand on the shoulders of giants. We have to understand the power we have if we take heart and inspiration from the examples set by the Shirley Chisholms and the Jackie Robinsons, the Malcolm X's and the Fanny Lou Hamers.

We can never give up. We can never give in. By lifting ourselves up we can make our

lives better and build an America that, at long last, lives up to its noble words and ideals.

Mr. ROEMER. Mr. Speaker, I rise today, during Black History Month, to honor an African-American whose contribution to education lives far beyond her lifetime. Her outstanding achievements have influenced the culture, richness, and diversity of every American school today.

Mary McLeod Bethune was an educator, lecturer, and executive who dedicated her adult life to the education of African-Americans. She overcame obstacles thought insurmountable in her quest to achieve her goals. Her perseverance and dedication to educating African-Americans of all ages gave her the courage to challenge those obstacles, and her own education and intelligence gave her the tools to defeat them.

Mary struggled to gain her own education. Born in 1875 to a newly freed slave family, her early years were spent working on the small family farm. When she was 9, the first free school opened 5 miles from her home. And she walked those 10 miles every day to and from school then returned home to teach what she had learned to her family.

By the age of 15, she had learned the entire curriculum of the small school but had no opportunity to move on to a higher education. Her family had already mortgaged their farm, and after buying the family's food, clothing, and shelter, there was no money left. Mary did finally acquire the resources necessary to fund her continued education. A donation was made to the school that she was attending in order to fund one student's higher education, and the teachers in the school chose Mary for that honor. She traveled to the Scotia Seminary located in Concord, NC, and there her plan to educate herself transformed into a desire to help others build a stronger future for themselves and their families through literacy and knowledge.

She opened a school, very much like the one she attended 5 miles from her home, in Daytona Beach, FL. With no money for books, pencils, or even lamps, she begged and scavenged what she and her students needed to survive and learn. When the school opened, there were only eight students. But in just 2 years that number grew to more than 250. In 1923, the original school merged with a men's college to become the Bethune-Cookman College with more than 600 students, 14 modern buildings on a campus encompassing 32 acres.

From teaching, Mary was launched into administration on a national level. She served in such posts as director of the Division of Negro Affairs of the National Youth Administration, vice president of the Commission on Interracial Cooperation of the National Urban League and president of the National Council of Negro Women, an organization she founded in 1937. She was also honored by being awarded the Spingarn Medal and the Francis A. Drexel Award for distinguished service to her race.

Today, the legacy of Mary McLeod Bethune lives in the diversity of our schools and the expanded opportunities that African-Americans now have in our educational system. Her strength as a teacher, and as a person, gives us hope that we can continue to improve the

educational system and the environment in which our children, of all races, learn and grow so that we may give them the opportunity to seek out the excellence in themselves that Mary McLeod Bethune found in her own life.

GENERAL LEAVE

Mr. STOKES. Madam Speaker, I ask that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order tonight.

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

There was no objection.

NATIONAL SECURITY, IMMIGRATION AND HEALTH CARE

The SPEAKER pro tempore (Mrs. CLAYTON). Pursuant to the Speaker's announced policy of February 11, 1994, the gentleman from California [Mr. HUNTER] is recognized for 30 minutes as the minority leader's designee.

Mr. HUNTER. I thank the Speaker. Under an agreement, although we are constrained for time under this new arrangement, there is always still time for comity and some friendship in the House. I would like to yield to the gentleman from Oregon so that they may complete their time requests and hope that they would reciprocate when we have need in the future. I am happy to yield to the gentleman from Oregon.

BLACK HISTORY MONTH

Mr. KOPETSKI. I thank the gentleman for his friendship and allowing me these brief moments to add to this evening's special order organized by the distinguished gentleman from Ohio [Mr. STOKES] on Black History Month.

Madam Speaker, this is my last contribution to this important effort that we do in the House every year. This is my last year in the Congress. In previous years I have spoken about the importance of black Americans in Oregon history, my home State, and do so tonight as well.

At this point I place in the RECORD two articles on the role black Americans have played in Oregon's history. One is from the Statesman Journal of January 23, 1994, by Rick Harmon, editor of the Oregon Historical Quarterly. Mr. Harmon contributed this work from the Statesman Journal. I commend him for his effort, and I recognize the Statesman Journal for participating in this commemoration and highlighting of Black Americans Month.

The second article, contributed to the Oregon Statesman Journal by Hank Arends. This article references a new book entitled "Northwest Black Pioneers: A Centennial Tribute," coauthored by Mr. Joe Franklin.

But tonight, Madam Speaker, I want to remind my colleagues that history

is important and critical and it is important to recognize African-Americans as part of our chronicle of American history. Also, it is important to recognize African-Americans today who today are making history.

The person I want to highlight is a good friend of mine, a comrade-in-arms, Mr. Ron Hearndon.

Let me take a few moments to highlight Ron's career thus far. He comes to Oregon from Kansas, he is a graduate of Reed College in Oregon, he did graduate study at the University of Liberia. He also attended the UCLA Graduate School of Business. His professional experience: He has gone from teacher to director of the black educational center to executive director of the National Association of Schools of Excellence, Director of the National Head Start Program. He was elected in 1988 to the National Head Start Directors Association and in 1991 elected vice president of the National Head Start Association.

I am proud to say that in 1993 he was elected president of the National Head Start Association, representing 700,000 Head Start children and families and over 100,000 Head Start staff members. He received numerous awards and honors for his efforts today. I will not go into those.

Finally, I do want to say that Ron is making history today for what he is doing for the children of Oregon, African-American and non-African-American as well, and for the children of America, again African-American and non-African-American as well. Ron Hearndon has made the lives of countless children in Oregon and in America better. He has dedicated his life, his experience, his education, to make life better for children throughout this land. It is an honor to have him as a friend, a tribute to his heritage that he has dedicated his life to where we all should put an emphasis, as he is, and that is for our children.

Madam Speaker, I thank you and I thank the gentleman from California [Mr. HUNTER].

The articles referred to by Mr. KOPETSKI are as follows:

[From the Statesman Journal, Jan. 23, 1994]

DON'T FORGET THE EFFORTS OF BLACK PIONEERS IN OREGON

(By Rick Harmon)

Who were Oregon's African-American "pioneers," and what can we say about their contribution to the state's history?

The "pioneer period," so far as the state of Oregon is concerned, traditionally has been situated in the two decades between 1840 and 1860.

During that time, because of the large-scale migration of white Americans to the Willamette Valley, the foundation was laid for the conquest and subjugation of the American Indians who had occupied the Oregon Country for centuries.

That conquest, euphemistically called "settlement" by earlier historians and by various cultural mythmakers even in our own time, was largely a white enterprise.

But African-Americans, and other nonwhite people, did play a role.

From the seventeenth to the nineteenth centuries, black Africans and their genes were carried en masse to the Americas via the slave trade. Before that, Africans of various shades had appeared sporadically for centuries throughout the Western world.

During these years, and especially during the period of the slave-trade diaspora, African genes mixed widely with the genes of Caucasians as well as with those of other nonwhite peoples.

When Europeans and Americans began aggressively to explore the Pacific Northwest coast and interior in the eighteenth and nineteenth centuries, individuals with genes of recent African origin unquestionably took part.

A few, such as the slave York, who journeyed with Meriwether Lewis and William Clark on their overland expedition in 1805-06, were indisputably African American.

Others, such as Marcus Lopez, cabin boy of the *Lady Washington* when it anchored on the Oregon coast in 1788, and Moses "Black" Harris, an Oregon Country trapper and guide in the 1830s and 1840s, were more racially ambiguous.

One thing is certain, though: York, Lopez, Harris and most likely dozens of others who helped conquer the Oregon Country, would have felt the sting of the post-Civil War "Jim Crow" laws of the South.

In that sense, at least, we can consider them African-Americans and acknowledge their contribution.

What distinguished nineteenth-century African-American pioneers in Oregon Country from their white counterparts? As far as the indigenous population was concerned, little distinguished them.

They were interlopers, one and all. However, for most of the nineteenth-century white immigrant population, the difference between white and black was the difference between Oregon as an imagined Eden and Oregon as just another vexatious extension of the great dispute about slavery that racked the states.

Thus, though early Oregonians were divided in their loyalties and sympathies between North and South, they were nearly unanimous in their racist hostility to African-Americans.

Between 1840 and 1870, the classical pioneer and state-founding years of Oregon history, the citizens of Oregon enacted a variety of racist laws designed, in the first instance, to discourage African-Americans from coming to Oregon, and, in the second instance, to punish them or limit their civil rights if they did come.

The year 1993 marked the sesquicentennial of the so-called Great Migration of 1843. Public officials, journalists, entrepreneurs and various hucksters spent more than a year encouraging Oregonians and tourists to celebrate the achievement of the largely white overland pioneers (and to buy a variety of products fraudulently linked to a historical episode).

Indeed, the 53,000 or so people who came to Oregon along the Oregon Trail by 1860 were a tough and determined bunch.

But if our purpose is to recognize extraordinary courage and fortitude (not properly the business of historians, in any case), let's not forget the couple hundred African American pioneers who had settled in Oregon by 1880.

These pioneers not only withstood the rigors of the journey and the resistance of the native inhabitants, but they survived as well

the enmity and ingratitude of their fellow conquerors.

[From the Statesman Journal, Jan. 23, 1994]

BLACK PIONEERS: OREGON ROOTS

(By Hank Arends)

The colorful settling of the West depicted in film includes many figures of Caucasian cowboys and wagon train pioneers, regal Americans Indians and a few Hispanics.

The role of the black Americans often is neglected. But their struggle for a better life echoes through to the peace and justice efforts of the 1990s.

With black slavery a way of life for part of the United States in the 1800s, hundreds of blacks chased a dream of freedom toward the "Golden West."

They often found that enduring the hardships of travel across the country only subjected them to further affliction at the end of the trail. Yet they persevered to carve lives of hope and substance for their families.

The first blacks to visit Oregon accompanied the explorers of the late 18th and early 19th centuries. Marcus Lopez was the first black to arrive, coming aboard the ship *Lady Washington* with Capt. Robert Gray.

Lopez was killed in a property dispute with Americans Indians, making him the first black to die in the territory. A man named York was thought to be the second black in the area, spending the winter of 1804 near what is now Astoria with the Lewis and Clark expedition.

The era of the explorers, the mountain men and trappers, and early missionaries lasted for the first four decades of the 1800s.

The wagon trains of the 1840s led to a population explosion in the Oregon Territory. There also were many blacks who hitched their hopes for a brighter future with the west-heading wagons.

The Oregon census of 1850 listed 207 people who were identified as being black or mulatto. About two-thirds of these are thought to have been Hawaiians or mixed-breed Native Americans because the Caucasian census takers lumped the races into a single category.

The count came at the end of the decade, when those seeking the dream of freedom saw it eroded by the restrictive antiblack residence and property laws approved by the early government. The Bureau of Census reported 1,107 blacks in Oregon by the 1900 count.

The laws of the early Oregon territory forbid the permanent residence of blacks. The only known legal application of the restriction came in 1851 against Jacob Vanderpool. He operated a saloon and boarding house across the street from the Oregon Statesman newspaper, then in Oregon City.

Despite his lawyer arguing that the law was unconstitutional, the judge found him guilty of the misdemeanor and ordered him out of the territory within 30 days. An exclusionary clause would remain an unenforced part of the Oregon Constitution until 1926.

The question of owning slaves was the other major piece of legislation affecting blacks that was debated in Oregon for years. The constitutional convention of 1857 was looking toward statehood and left the matter to a vote of the people. Slavery was rejected by a vote of 7,727 to 2,645.

Even with the overwhelming margin of the vote, life wasn't all sweetness for blacks in the state. A.E. Flowers described Portland in the 1860s:

"When I arrived in Portland there was only one Negro church in the whole town, the

'People's Church,' which was an independent organization. It was organized in 1862.

"At this time, colored people were not allowed to own any property. They were not allowed to go into any kind of business and they were not allowed to vote. Every Negro had to pay a \$10 head tax. The colored people had no civil rights. It was very difficult to get jobs except as a menial."

Despite legislation, the 1860 census showed a few of the 128 blacks in the state as slaves. Others were servants to white families and most were living independently. They earned their living as farmers, cooks, blacksmiths and in other service occupations.

They were the people who helped lay the foundations for the Oregon of today.

Joe Franklin, a Portland educator and historian, has written many articles on the black experience in the Northwest. He is co-author of the book *Northwest Black Pioneers*, a Centennial Tribute. He was tapped as the chairman of the Northwest African American Writers' Workshop.

Franklin said the study of the black pioneers was relevant for all races in 1994.

"Some of the lessons that we should learn is that we all share our human experience and its ups and downs and peculiarities," he said.

"Through all of the trials and tribulations that the human spirit endures—be it black, white, red, or yellow—prevails the humanity of all these people.

"As we get to know each other better and understand the life that we all live—the common life—we grow to have more appreciation for each other. That engenders more cooperation and more respect, which produces a better citizen for America.

"That gives us all a higher standard of life, because we are looking for the best in people. It is always easy to find the worse, if we look in the news. We are looking for the best and for an avenue for people to grow."

Mr. HUNTER. I am happy to give time to our friend, and I want to thank him for his great service to the House.

I yield to the gentleman from Maryland, Madam Speaker.

Mr. MFUME. I thank the gentleman from California very much. I will attempt to be brief.

The gentleman has been kind enough to wait in order, and I do not want to delay the business before this House which the gentleman seeks to address.

However, Madam Speaker, as the chairman of the Congressional Black Caucus, I do want to express my thanks to Members of this body, black, white, Jew, gentile, Hispanic, Asian, and of course the women of this Congress, who have come forth either this evening or who have submitted for the official RECORD their own remarks highlighting and underscoring not just the need but the purpose of Black History Month; why, as Dr. Carter G. Woodson thought many years ago that it was important for us to take pause as a nation to reflect on the contributions of our citizens and, even more importantly in this month, on those of African ancestry.

My thanks on behalf of the caucus to all of those who have come and who will come in future days to do the same. I would also ask that I be allowed to submit formal remarks for the RECORD.

Mr. HUNTER. Madam Speaker, I yield to the gentlewoman from Georgia [Ms. MCKINNEY].

Ms. MCKINNEY. I thank the gentleman for yielding.

On this occasion, as it is my father's birthday, I would like to lift his name up and to say to him that I appreciate all of the things he has done to help me.

During this time of Black History Month, I would like to say that my father taught me my pride, taught me history and to know myself and instilled in me a readiness and a commitment to my community, a readiness to serve my community. He has given me the single-minded purposefulness to serve the people of Georgia and my State.

I thank the gentleman.

The SPEAKER pro tempore. The gentleman from California [Mr. HUNTER] may resume his time. I may say it was very kind of the gentleman to extend his time.

Mr. HUNTER. Madam Speaker, listen, it is my pleasure, and I am sure that that is the position everyone will take on this side, and we may have to remind our friends when we run short that they would yield.

The SPEAKER pro tempore. And this Member will help the gentleman from California to remind them.

Mr. HUNTER. I thank the Speaker.

Madam Speaker, I want to address three areas tonight that are very important not only to the Republican Members of the House of Representatives but, we know, to the other side of the aisle, to the Democrat Representatives and also the American people.

I want to talk a little bit about national security, the first and most primary responsibility of the Federal Government to its people. I want to talk a little bit about immigration, about that subject that is on everyone's mind and is very much a concern of the taxpayers, and I want to talk a little bit about health care.

□ 1820

Let me start off, Madam Speaker, addressing the national defense question because the explosions in the Balkans that are now so well illustrated on national television every night, the ongoing problems in the Middle East, the continuing development of nuclear weapons on the Korean Peninsula by the Northern Koreans, and other trouble spots around the world, continue to remind the American people that it is not a safe world yet and that this most important obligation to the American people that this House maintains is to defend our people and to protect them, and that there is some question as to whether or not we are cutting our defenses too fast and too deeply.

Now, Madam Speaker, we have now a very cerebral Secretary of Defense, Mr. Perry. He is a man who is a studious

man, an analyst. He knows weapons systems forward and backward, and his job is to try to take dwindling dollars, massive defense cuts, if my colleagues will, and render our military smaller, but no less ready than the military that maintained America's power projection and defenses through the 1980's, and no less effective than that military. I think we have some problems, Madam Speaker.

President Bill Clinton took the Bush defense budget, which President Bush cut after consulting with Secretary Cheney and the Chairman of the Joint Chiefs, Colin Powell, by \$50 billion over his 5-year plan. So, in 1992, Madam Speaker, George Bush had a defense budget from which he had slashed \$50 billion. Let us use that as a baseline.

President Clinton, after achieving office, decided to cut defense an additional \$127 billion. I think that cut is too deep, too serious and leaves our forces too vulnerable, and in later years, 1996, 1997, 1998, it will lead to the same problems that we saw in the Carter years.

When I came into office in 1980, when, as a new Congressman from San Diego I was confronted with a military that involved about 1,000 petty officers in the Navy, those were the people that really knew how to make the ships run—leaving the Navy—1,000 people every month leaving the Navy, young men and women in the Armed Forces on food stamps being told by memos that were circulated by the command, "Don't be ashamed to take food stamps even though you're wearing the uniform,"—by an air fleet, aircraft, jet aircraft, attack aircraft, that were less than 50 percent fully mission capable because so many of them had been cannibalized for the spare parts to make the remaining aircraft run. We had, after extensive analysis, a hollow Army, an Army in which we had fewer people than we had ever had in our history who had high school degrees, and these people were expected to operate high-technology equipment.

We had to rebuild national security and national defense in the 1980's and I think everyone in the United States would agree that that investment in strength was worthwhile.

Madam Speaker, it was worthwhile because by showing strength to the Soviet Union when they emplaced SS-20 missiles in Europe to move our cruise missile program into Europe by moving Pershing II's into Europe, and, when we started to do that, lo and behold the Russians told us they wanted to come to the bargaining table. They did come to the bargaining table, and the consummation of that bargaining process was unprecedented arms agreements, and ultimately the breakdown of the Soviet Union itself and the bringing down of the Berlin Wall.

So, Madam Speaker, strength worked.

In the 1980's strength worked, and I would be happy to yield to my friend, the gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Madam Speaker, I thank the gentleman from California [Mr. HUNTER] for yielding to me.

Madam Speaker, one of the points I wanted to make along that line is to have an effective military one of the things that, of course, we did with Desert Storm is, when we were dropping bombs down chimney chutes, it was doing more than blowing up a building. It made a statement worldwide that the American military has the best technology, the best force night or day. We are ready to fight. We can do it accurately. We can do it effectively. And that kind of statement is such a security guarantee for people all over the world because it said, "You know, I don't want to take on America," and we have been a peace-loving nation in that I have heard many times, as the gentleman has, that, if there is going to be a policeman of the world, let us hope there does not have to be one, but, if there is, let us let it be America.

Mr. HUNTER. Madam Speaker, the gentleman makes an excellent point.

As my colleagues know, I think, if someone was to analyze, or guess, why the Serbs are pulling back artillery right now that is ringing these civilian population centers, why they are pulling it back rather than take on the United States, the answer may be that they saw some of the film clips from CNN from Desert Storm when literally we were able to hit pinpoint targets with smart weapons. What that teaches us is we need not just a large military with enough men and women to operate equipment and operate it well, but we also have to put a lot of money into research and development, into some high tech systems, so we do not have to throw 50 bombs at a target, and maybe have some collateral damage, some civilian damage. We also need to have the ability to pinpoint a weapons system so we can go in and take out a military target without hurting civilians, and I think that if I were the Serbs watching some of those CNN news reels where we absolutely hit precisely what we were aiming at, that I, as a Serb military leader, would certainly have taken that into account in deciding whether to take on the United States or not.

Mr. KINGSTON. It would make one think twice.

Now, the gentleman mentioned earlier about the personnel and about the differences in today's military personnel versus the early 1980's, and one of the things I was able to do last week was greet an airplane full of troops coming back from Somalia, and I was the second hand they shook when they got on American soil for the first time since they were back, and I was im-

pressed, and I also spent a lot of time at Fort Stewart with the 24th Infantry Division, at Hunter, and also Kings Bay, and I know the gentleman visits it quite frequently, and I have always been impressed of the dedication of the young men and women serving our military today, that they are professionals, have a deep amount of pride and patriotism in what they are doing. They know what their mission is. Their mission is clear to them. They follow their duty.

And I am just so proud, as the gentleman knows, to shake hands with these folks when they were coming off the plane. It was a real thrill to me, but it also made me sleep a little bit better at night knowing that that is the type of person that we have in today's Armed Forces.

Mr. HUNTER. As the gentleman knows, Madam Speaker, I thank him for bringing that up because of the defense budget.

The Clinton defense budget, the fiscal year 1995 DOD budget, really contains a military pay cut, and we have to remember what we did for our young people in the 1980's. In 1981 we brought in a military pay raise in October of 12.2 percent, and that brought a lot of military families out of the position where they were having to take food stamps to a position where they can wear the uniform with pride—teaching our military to have pride, to once again acquire pride in itself. That was an important lesson in the 1980's. Part of that was because of pay increases and the fact that we did not have long lapses between pay increases like we had had in the 1970's.

The Clinton defense budget is going to give a real cut in terms of real buying power to our military families, and let me just tell my colleagues that here is a problem that President Clinton's defense budget has whether he has Secretary Perry or Secretary Aspin, who has left, or anybody else coming in to try to make this shoe fit. He has two problems.

The first problem is:

"You can't fight two wars simultaneously with the Clinton defense numbers."

Now we know that because Secretary Aspin, who was the chairman of the Committee on Armed Services before he left, did an analysis of what it would take to fight two wars, and he came to the conclusion that the only way to fight two wars simultaneously; that is a Desert Storm type operation and have enough reserves on hand to handle the Panama Canal type of a contingency, was to go with the option in which approximately \$50 billion was cut from the Bush defense baseline.

□ 1830

So we went with the \$50 billion cut, called that option C, and said we can live with that. President Clinton has

now cut \$127 billion below that, and there is a very important point here for Americans to remember. The reason we were able to win Desert Storm decisively without a lot of casualties was because we offered overwhelming force.

One thing that our military leaders have taught us is if you go in and engage an enemy, where you have just as many, just barely have the number of troops that he has and barely have the number of weapons and technology, and you just hold him off and you grind each other down, as you grind each other down, you take enormous casualties. And that means black body bags come back to the United States filled with Americans.

Now, the way to win a war in an effective fashion and to save your young people in uniform is to do what Colin Powell said, strike the enemy with overwhelming force. The option C that was provided by Secretary Aspin gave us at least the ability to win two wars, to handle two wars at the same time and present some force on the battlefield with those two wars and maybe handle the Panama canal contingency at the same time.

Now, the option that we now are being presented by President Clinton says this, and you have to listen carefully to what he says. He says we can win two wars nearly simultaneously. What does that mean?

That means that if we have a Desert Storm type operation, where we have to go in and stop Saddam Hussein or someone like that from going into Saudi oil fields, and we take them on and we are engaged there and, at the same time, the North Koreans look at this as their opportunity, their opening, and they break out on the Korean peninsula, then President Clinton says, "I can almost handle them both at the same time."

What does "Almost simultaneously" mean? What it means is, you can handle one war by just holding off the enemy but taking a lot of casualties, because you are not winning the war. You are just grinding them down, holding them off. You go in and try to win the other battlefield and when you have won on the second battlefield, you come back to where you were holding them, where you have taken enormous casualties, and then you try to win there. And that is going to be costly to Americans.

Mr. KINGSTON. In the real world situation, we all agree that we need to kill a fly with a sledge hammer, because that is the way to save the most lives and not have the highest casualties. You are saying we have a potential problem in Korea with the North Korean build up. Then we have Bosnia. We do not know what the Serbs are going to do. Last week they backed off. Let us hope that they are willing to sit down and negotiate. But you have those two hot spots right now. Then

you have the Middle East. So what would happen if all three of these areas erupted?

Mr. HUNTER. What we have right now, with the military being cut drastically as it is right now, we are cashing 2,000 young people a week out of the military right now. We could not fight and win a Desert Storm operation right now in the same fashion that we won Desert Storm.

Another gentleman just walked in. His name is DUKE CUNNINGHAM, who is a great top gun of Vietnam fame.

He pointed out today, and I think this is an important point for the gentleman from Georgia, that we are going to be procuring only about 250 aircraft in 1995. Excuse me. We are going to be procuring 127 aircraft in 1995. According to the gentleman from California, who spoke today on this point, Mr. CUNNINGHAM, just to maintain your force level, because your aircraft are aging, as you go out on flight operations with them and you have to replace them, we have to procure about 350 aircraft a year, military aircraft, just to keep the force level modernized, just so you do not have a bunch of old planes out there that will get the young people killed.

So we are only procuring 127 planes. And that means we are building in obsolescence right now to our fighter air fleet. And at some point in 1996, 1997, 1998, we are going to be in the same position that we were in the 1970's when Jimmy Carter had the hollow military.

At the same time, I might add, in fiscal year 1995, we are only going to build six ships. We are only going to build 18 strategic missiles, and we are building no tanks whatsoever. So there are absolutely no replacements now being built for tanks. That means at some point down the line those tanks are going to be old. They are going to be obsolete, and they will not present that top-of-the-line battlefield force that we had in Desert Storm.

Mr. KINGSTON. I would like to ask you some more details about that procurement, because one of the things I am concerned about, and maybe the gentleman from San Diego can talk about this a little bit, but the situation with the maintenance worries me. Because now the gentleman has been a pilot, and I guess you know what it is like to be up there and maybe hear a strange sound coming out of the engine. That has to be worse than spotting an enemy airplane. What about the maintenance situation?

Mr. HUNTER. Let me frame that question for our friend from San Diego, the top gun, Mr. CUNNINGHAM.

I have a paper in front of me that says the navy today has a budget shortfall of \$765 million, and because of that they have a backlog of unrepaid aircraft numbering 150. They have a backlog of 250 aircraft engines that need maintenance right now. Is that accurate?

Mr. CUNNINGHAM. Yes; it is. I thank the gentleman for yielding.

One of the problems that we have is the O&M accounts, which is operations and maintenance.

I think the President and this administration and the House is trying to beef up that O&M account, knowing that there is that shortfall. But in many cases, our pilots are operating with their planes that are 15 through 20 years of age. It is like your car, the older that car gets, the more difficult it is to maintain.

For example, the Navy and Marine Corps are only procuring 24 airplanes this year. It takes 360 to maintain current force level. You don't have to be a mathematical genius to figure out that you are going to turn into a pumpkin, and when you do that, how do you expand that force out, as you try and rework it, put the rewiring in, you upgrade it. But essentially, you take a 1950 Chevy, which in some cases are pretty good, by the way, the Chevies are, and expand them for some 20 to 30 years. But if you are driving that airplane every day, which we are in Somalia, we are wearing it out. We did in Desert Storm. We took a tremendous toll on the aircraft life and the service life not only aircraft but tanks and ships and everything else. And then in Somalia and then, if we get into Bosnia, which I do not support, we will tire those machines out.

In the future, there is no procurement scheduled to buy new airplanes.

Mr. KINGSTON. You have been in the cockpit. My question to you is, we have got the mechanical problem. We have the financial problem. But what about the morale problem? What does it do to a pilot, when he or she is put there in this machine worrying about the maintenance log being backlogged? What will that do to our esprit de corps?

Mr. CUNNINGHAM. A pilot is not going to take, generally, I would say 99% of the time, a pilot, Air Force, Navy, Marine Corps, Army, is not going to take an airplane they feel is unsafe. The airplane is going to have to be up. It may not have some of the systems working. You may fly that airplane without enough radar, which determines the amount and type of training that you can receive. But if there is a doubt in their mind that that airplane is not up to speed mechanically, they are not going to take it.

I have seen that as an exception, but we try and do away with that.

The second phase is that the more you fly an airplane, the safer that airplane actually is because you are exercising it. With the training cutback and the funding cutback, that becomes deficit also, so your pilots are not getting trained as much.

But the morale, knowing that you do not have the up airplanes, like a Navy squadron on a carrier is likely to have 12 to 13 airplanes, with F-18's, F-14's,

A-6's, A-7's, but generally 10 to 12 airplanes. If you have eight of those airplanes that are down because you cannot fix them, the pilots will take the two, but what does that mean for the other 20 pilots in that squadron that cannot fly because those airplanes are down? That morale, I sat on the Indian Ocean because we did not have Optar money to fly, and plus our machines were down. We were operating with 20-year-old Phantoms. That is like flying a World War I airplane in World War II. And the morale was terrible.

□ 1840

Mr. HUNTER. Reclaiming my time, I thank the gentleman for his observations, and will go to the second problem that the Clinton administration has with defense. The first problem is that under the scenario that we must live with, that is, the chance that two wars may break out simultaneously, we do not have a budget that will meet those two wars, and that is basically admitted by the Clinton administration when they talk about how we are going to have the ability, and listen carefully, to fight two nearly simultaneous wars, meaning if the North Koreans take advantage of a break-out somewhere else, and attack, that we are not going to be able to win with overwhelming force on the Korean Peninsula. That means a lot of American casualties.

The first problem that the Clinton administration has is they are not giving enough money to defense, they are cutting defense by 35 percent, and they are cutting the men and women in uniform, depriving them of the ability to win quickly and decisively in the battlefield, and thereby win a conflict with a minimum of casualties.

The second problem that the Clinton administration has is that even if we acknowledge, even if we accept their goal, their budget, and say, "OK, we agree that this type of equipment, this level of O&M funding, operations and maintenance, this number of tanks, this number of airplanes, this number of people is acceptable," we say it is not acceptable because we cannot win two simultaneously plus a small conflict, but even if we said it is acceptable, the President is not providing enough money to do it. He is underfunding the programs about \$50 billion.

I want to ask the gentleman from California [Mr. CUNNINGHAM] to comment on this, because this is an Air Force quote from a senior Air Force official. I quote: "Twenty fighter wing equivalents," and that is what President Clinton promises, "make a lot of sense if we are going to fight in two places separated by the globe," the senior defense official said, "but because of the falling budget in the next couple of years the Air Force will either have to reduce the force to keep it sustainable or find other ways to fund produc-

tion of new block 50 F-16's or F-15E's." He said, "These are the only two things I know how to do."

So you either have to cut the number of aircraft that you have, according to this senior official, under the Clinton budget, or we are going to have to come up with some new creative financing mechanism.

Could the gentleman comment on that?

Mr. CUNNINGHAM. It was not just the Air Force, it was the Commandant of the Air Corps and the Chief of Naval Operations, and they are exactly right. The funding levels for 1995 they are looking at, they can get by, but if we really do get in a conflict, and the Vice President, AL GORE, in his statement "Reinventing Government" made the statement that the cuts were based not on what we really needed to fight two wars, as it was supposed to be, but on the \$127 billion Clinton cut.

Second, Dr. Warner, who did the Bottom-Up Review, in our hearing before the Committee on Armed Services also alluded to the fact that it was based on the \$127 billion administration cut, not on what we need.

Even if you are doing similar to close to simultaneous wars, say it was Somalia, say that we got involved with Bosnia or India, or any of the other countries that could be a potential threat, to me that would send a signal, for example to North Korea, to come down across the parallel. What this cut is doing is risking not only the United States but it is risking the world.

Madam Speaker, what this cut is really doing, it is not only risking the national security of the United States, but it is risking the security of the world, whether it is Bosnia, Somalia, or other parts we might get into.

Equally critical, the \$50 billion cut or shortfall that we have under the Bottom-Up Review is an administrative or accounting, because they did not charge inflationary rates, but we are still short that. We are short hundreds of billions of dollars just in operational and training time.

Something else that is not funded is the BRAC 1993.

Mr. HUNTER. The gentleman might explain what BRAC 1993 is.

Mr. CUNNINGHAM. The base realignment and closure, because during the 1993 rounds there is not even the dollars to close those bases, take care of the environmental concerns, so that we can actually save dollars down the line.

Both the Marine Corps Commandant and the Chief of Naval Operations said unless we can get these facilities closed as the administration is planning, we will not reap the savings, so that what we will have down the line is no new airplanes, we will be totally out of business, both the Marine Corps, the Navy, and the Air Force.

Mr. KINGSTON. Will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Georgia.

Mr. KINGSTON. Madam Speaker, there is the other BRAC 1995 round that will be coming up soon, and as I understand it, the intention of that will be eventually every base and post in the United States will fill that, in some way, 50 percent of them directly. So what the gentleman is saying, if BRAC 1993 was not funded properly, then 1995 is going to get off course and may have to be more severe than it is already promised to be.

Mr. CUNNINGHAM. If the gentleman will yield, it not only affects DOD and the number of personnel in the military, but infrastructure. For example, the Navy determines it needs 12 carriers to do its job. It needs to say, just like a business, "Where can I cut?" That is in infrastructure and that is in personnel those cuts will come. I do not care if you are a Republican or Democrat, your base is going to be looked at.

That equates to jobs, because defense means jobs in this country, and it also means national security. That is going to be brutal in 1995. We have not even funded 1993 yet.

Mr. HUNTER. Let me just say to the gentleman that that \$50 billion cut, and we are undertaking a \$50 billion shortfall in the Clinton budget in defense just to do what we have to do, is about 1 million jobs. A \$50 billion cut is about 1 million jobs.

Let me go to something that I think is also important here. That is confidence. In the 1980's, Americans had differences on many occasions with President Reagan and with President Bush, but one thing they had that allowed them to sleep a little bit better at night was the knowledge that under those two administrations they could be confident that we had a strong military. That means that if their son was out on a mission halfway around the world and was in the Marine Corps, he was out in some very difficult situation, they knew, number one, that their son had the best equipment you could find in the world today.

They knew, number two, that their son was accompanied by a lot of bright young men who had been selected through a very vigorous process to be Marines, for example, if he was in the Marine Corps, who had a high degree of education and had excellent, excellent leadership.

They knew that they were safe, they knew that they could sleep easily, because they had a strong national security. The American people during the 1980's learned that it is a truism that you achieve peace through strength. They had a lot of confidence, I think, in Secretary of Defense Dick Cheney, our last Secretary of Defense during Desert Storm. I think they had a lot of confidence in General Schwarzkopf, in Colin Powell, in the team that had

been assembled under Presidents Reagan and Bush.

It is interesting, a lot of people decried President Reagan's so-called Star Wars initiative when he said, you know, "There are a lot of ballistic missiles around the world and they are making more all the time, and I think it might be important for us to learn how to shoot those down, because some of those might be incoming at some point."

I remember Presidential candidate Walter Mondale who said, "That is war in the heavens. Shooting down missiles, SDI, that is war in the heavens, and I will not engage in war in the heavens." Yet when we shot down those Scud missiles that were incoming at our troops in Desert Storm, I am sure that Walter Mondale said, "Because of Ronald Reagan, thank heavens." So the American people had a lot of confidence.

Today there is not cause for confidence under President Clinton and there is not cause for confidence, because President Clinton has, No. 1, refused to provide the numbers of equipment and men and women that are necessary to handle a dangerous world; that is, a two-conflict world, because you have to bet that if you are involved in a conflict somewhere, another guy may come and jump on you, knowing that you are vulnerable, knowing that your forces are occupied. The President has not given us a two-conflict force.

No. 2, he has not even funded the force he has given us. He is \$50 billion short. What that means, I think it is important that the gentleman from Top Gun speak on this point, because what that really means, and we both know it, is that in the end, when we run short of money, the place where you can get cash fast is out of the spare parts account, out of the readiness account, where you repair your aircraft, and that means that more young men and women are going to die in a conflict or in training than if they had top-notch equipment.

I yield to the gentleman from California.

Mr. CUNNINGHAM. What is even worse is that where you have a force that is not trained properly, because it does not have the maintenance or the airplanes to fly, but when you have a foreign policy like Somalia that had 18 marines killed and 77 wounded, because they would not commit armor, where you have a policy where you want to commit the Marine Corps with sidearms only in Haiti, where you have a policy where you could get us into Bosnia, that will not do the United States any good, coupled with the depreciation of our Armed Forces, it is going to be terrible for us not only now but in the out-years as well.

□ 1850

And communities are going to suffer as well, not just the national security.

So it is not just the cuts in defense, but it is the foreign policy and the strength of those decisions that are necessary. And yes, I include Lebanon under a republican President that to me was a tragedy that we put our Marines and let them get shelled and let them sit there without fully employing, and that was a disaster and a wrong decision as well. So I think it is not unique just to this administration. But we need a strong foreign policy that is going to protect our people. And we need the high-technology equipment, the manpower, and the training to go along with it.

You fight like you train. Unless you have the machines to train, then you are not going to be able to do any good.

Mr. HUNTER. I thank the gentleman. I yield to the gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. I am sitting here listening to the two experts, and I am agreeing with everything they say. I think one of the things though that you have mentioned, but not directly, is that not only do you have to have consistency in terms of your training and in terms of your equipment maintenance and equipment, but you have to have consistency in terms of dealing with other international leaders. And if you tell the folks from other nations, whether they are our NATO allies or whoever, that we are going to do something, when you set a deadline you have to honor it, and you have to be the first one to do that. And that is one of the new criticisms that I think the United States is getting globally right now, is that we do not have the consistency and the follow-through internationally that we did under the Cheney first string that you were talking about earlier with the Schwarzkopfs of the world, and so forth.

Mr. HUNTER. I think the gentleman has stated it well when he talks about the first string. We have definitely had the first string in at that time, and I think the jury is out on the string that is in right now.

I am happy to yield to the gentleman from San Diego.

Mr. CUNNINGHAM. In 1972, I wrote a book, and I wrote the book because I held some of my friends in my arms that died on a carrier. Some I was not able to because they were killed. And I can remember thinking,

Don't the Members of Congress know what they are doing? Don't the liberals know that we don't want to be here but we need their support, we need better equipment, we need the parts to fly our airplanes because we are in combat, that we are not competing for six gold medals?

I also look at the potential of Somalia, and I wrote about it in Operation Proud Deep in which we were forced to fly in weather that is overcast because the North Vietnamese were coming down the Ho Chi Minh trail, and we had not been bombing North Vietnam,

and we called back. I did not call back. I was a lieutenant junior grade at the time, but the admirals called back and said we cannot risk our pilots over an overcast because there are surface-to-air missiles. And they said no, those are the only 5 days you have. And in that time we lost a couple of dozen airplanes in 5 days. Why? Because the SA-2 missiles were coming up through the overcast, and it did not give us time to react. Second, if you flew underneath it, and remember it is wintertime in the Bosnia area right now, we would be skylighted against the clouds for their airplanes and the gunners knew our altitude, and it was devastating.

We also found our bomb damage assessment after the weather cleared that we had hit less than 1 percent of our targets. And I told the Secretary if he wanted to that I would take him at 600 knots over the Blue Ridge Mountains and put a million pieces of artillery. First, he would not see any of them. But if he was lucky enough to hit one, what good would it do, because they have a couple of million more.

For us to get into Somalia and wear out our equipment at a time when both sides of the aisle are trying to come up with a health plan, a crime bill, welfare reform, education, and H.R. 6 is coming up for education, can you imagine just the cost?

We stood on the House floor during the Somalia debate when this House extended the time in Somalia. They knew what it would cost. But yet they still wanted to stay there in Somalia through March when Aided and all of his other henchmen are still going to be there at risk of life and cost. But guess what? We just had to provide a supplemental to pay for that when we could have used those dollars.

And when folks say we need to save dollars, we need to look and do that with the defense cuts.

Mr. HUNTER. I thank the gentleman.

IMMIGRATION POLICY

Mr. HUNTER. Let me move on to another area where the Clinton administration needs to form what I would call a national will, and that is immigration.

Under the leadership of LAMAR SMITH and CARLOS MOORHEAD and ELTON GALLEGLY, and I might say the gentleman from California [Mr. CUNNINGHAM]—

Mr. CUNNINGHAM. We are going from Bosnia to illegal immigration.

Mr. HUNTER. Yes, I knew you would like this smooth transition. But under the leadership of those gentlemen and all of the Members on this Republican task force on immigration, we put together an overall immigration plan which does a couple of things. First, it strengthens the border because there is no substitute for having an enforceable, strong border with border patrolmen with enough border patrolmen to stop illegal immigration.

Second, it cuts off what we would call the magnets of free social service, free education and all the welfare and social services that are bringing people across the border when they find out that they can make more by staying in bed all day as an illegal alien in the United States than putting in 8 hours of work in their native country.

And I want to speak just to one area of that particular Republican task force plan because it is important. We have to have a border. There is no substitute for a border. And no matter how you handle the social problems of illegal immigration, just the criminal alien aspect alone, that is criminals that come across from other countries into the United States to rob, rape, murder, and move narcotics, justifies having a border. And let me give a little example.

Mr. CUNNINGHAM. We need to clarify that not everybody coming across the border illegally is doing that.

Mr. HUNTER. No. But there are a large number of criminal aliens who are coming across the border. And I want to describe a recent test that we took.

The INS took a number of criminal aliens, about 300 that had served their time in the United States, had been deported to Mexico City. Within a very short period of time we apprehended 10 percent of them, which means probably the rest of them got through, coming back across the Mexican-American border into the United States to continue their criminal enterprise. That means you have to have a border.

Let me just say to my friends that we have a 2,000-mile border in the Southwest, and in our district in San Diego, CA we have the smugglers' corridor. And that is the land, the international border between Tijuana to the south and San Diego to the north. And it is a stretch of land about 15 miles wide. It goes from the Pacific Ocean on the west to the California coastal hills to the east. And across that smugglers' corridor comes about half of the illegal aliens and illegal narcotics smuggled into this country.

We have learned a lot of things. One of the things we have learned as a result of this experience in building a fence across the smugglers' corridor, putting up lights, putting up a road and starting to get the number of border patrolmen we need to the border, one thing we have learned is we are going to need about 10,000 border patrolmen to control the border. There is no substitute for people.

Now I want to put this in context. The Clinton administration has funded about 4,500 border patrolmen for next year. They increased the contingent by 600 border patrolmen last year after an amendment was forced on them by the House of Representatives.

Mr. KINGSTON. Thanks to the gentleman from California.

Mr. HUNTER. Which a number of us put forward. And that added 600 border patrolmen. So they basically dispersed the border patrolmen who had been forced on them by Congress, and they pumped the number up to 4,500 border patrolmen.

Our studies show that we need 10,000 border patrolmen because you have 12 smuggling corridors in the Southwest from San Diego to Tijuana and from Brownsville in Texas to Matamoros, and you have to have the number of people to put them on line to stop the illegal immigrants from coming in. Now we need 10,000 border patrolmen.

The Clinton administration has said they are going to give up 4,500. We are still about 6,000 short. At the same time we are cashiering out of the military about 2,000 young people every week. That means if we just took 3 weeks' worth of personnel slots where young marines, and Army, and Air Force and Coast Guard personnel are being cashiered, just 3 weeks of people who are being taken out of the Air Force and put those job slots in the border patrol, we would be able to stop illegal immigration in the Southwest.

Similarly, about 350,000 bureaucrats or Federal workers work in Washington, DC, not counting the Department of Defense.

□ 1900

If we took 6,000 of those slots, of those 350,000 people who work in Washington, DC, in administration doing paperwork, if we took just 6,000 of those slots and put them on the border, then we could stop illegal immigration. So illegal immigration, stopping illegal immigration, is not space-based lasers, it is not technical and does not require a lot of R&D. What it does require is national will.

I have looked forward to the Clinton administration, which has talked a very strong line on illegal immigration, and they have had good rhetoric, but I have looked forward to them providing the additional 6,000 border patrol agents. But to date the bill that provides the 6,000 border patrol agents is the Republican bill on immigration, and I hope that President Clinton will take this bill and work with us to see to it that we have the number of border patrolmen that we need.

I am happy to yield to the gentleman from Georgia and then my friend, the gentleman from California.

Mr. KINGSTON. I wanted to shore up what the gentleman is saying. I think it is important for people to realize that right now something like 22 to 24 percent of the prisoners in the Federal penal system are illegal immigrants, and that goes exactly into what the gentleman is saying that they many times have come to America to extend their criminal activities and take on new territory, if you will.

Mr. HUNTER. The gentleman is correct. We got a report from San Diego

County, and that is that 22 percent of the inmates in the county jails in San Diego County are illegal aliens. So we are spending an enormous amount of taxpayer money taking care of those folks, and if my friends would allow me, there is one other thing I would like to talk about that I think is very important to us which is coming up shortly.

That is a little-known bill called H.R. 6.

First, I want to yield to my friend, the gentleman from California, because he has something else to say about immigration. Go ahead, before I make my transition.

Mr. CUNNINGHAM. I am on the Education and Labor Committee with H.R. 6, and I will be happy to address it.

The only thing I would like to say is we need to be very careful when we talk and focus and let people know we are talking about illegal immigration, not normal immigration.

The United States has more legal immigration in the United States than all the other countries put together. But what we are talking about is the illegal immigration, and the effects on health care, law enforcement, and education, and they are here illegally, and that is what we want to stop. That is the only point I wanted to make.

Mr. KINGSTON. This will just take 30 seconds, but one of the things I have found out recently is that in Georgia we have 28,000 illegal immigrants, and we are not a border State in the sense of California or Texas where traditionally you think about that. But the number that we got in the illegal immigrations task force, as you remember, was \$14 billion to \$15 billion each year is lost directly as a result of our liberal public assistance programs going to illegal immigrants.

Mr. HUNTER. I thank the gentleman.

Let me talk briefly about H.R. 6 and just ask my friend, the gentleman from California [Mr. CUNNINGHAM], who is on the Education Committee, about a call that I got along with a lot of other calls. It was a teacher. She said, "You know, Congressman, I hear that they are going to offer a bill, H.R. 6, in Congress, that will force parents who are involved in education to be credentialed, to get certification of some kind." She said, "That is terrible." She said, "We teachers want parents to work with us in helping to educate their kids, and the idea that big government is going to take the teachers away just when they are really working with this in our particular school district makes no sense whatsoever."

I have gotten a lot of calls from folks who have said, "Doggone it, when we all agree the problem with society is parents are not having enough time with their kids, the idea government is going to say you cannot teach your own kid because they do not have the

right government credentials does not make any sense at all."

I want to ask the gentleman to tell us about H.R. 6 and what it does do.

Mr. CUNNINGHAM. H.R. 6 is monumental. There are over 200 different programs.

Mr. HUNTER. Tell us about the credentialing of parents.

Mr. CUNNINGHAM. What the gentleman is talking about is an amendment was offered.

The SPEAKER pro tempore (Mrs. CLAYTON). The time of the gentleman from California [Mr. HUNTER] has expired.

Pursuant to the Speaker's announced policy of February 11, 1994, the gentleman from Georgia [Mr. KINGSTON] is recognized for 10 minutes as the minority leader's designee.

HEALTH CARE REFORM

Mr. KINGSTON. Madam Speaker, I would like to yield a few minutes to tie this up, and I want to invite both of the gentlemen to join me in discussion on health care. But let us talk about H.R. 6.

Mr. CUNNINGHAM. I will be happy to. The amendment by the gentleman from California that offered it states that it will not affect private schools and home schooling, as the gentleman from California suggests. We feel differently.

There is going to be an amendment offered on the House floor and in the committee that will codify and clarify that rule, and it was not the general intent in H.R. 6 to do so. We think it will be taken care of.

Mr. HUNTER. If the gentleman will yield then, what you are saying is there will be an amendment that will be offered that will allow parents to continue to home school without having to be credentialed by some big brother or some government body?

Mr. CUNNINGHAM. At this time, that is the intent.

Mr. KINGSTON. I wanted to also just throw into that discussion the fact that if you look at the record of home schoolers, and there are statistics on this, they have a low dropout rate, very low teenage pregnancy rate, high college placement level, high SAT scores. It is one educational system that does seem to be working, and at the average cost of less than \$500 per student. So it is a very, not just profamily, but very proeducation plan.

Mr. CUNNINGHAM. If the gentleman will yield further, be very careful. I support home schooling and private institutions, but my wife is a principal in the public education system, and I know at her school they are doing a very good job.

Mr. KINGSTON. We have a lot of good public schools in our area, too, but I think it is important that anything something is perceived as a threat

to education that we all work for it, and one of the things that I am hearing from public and private and home schoolers in a uniform way is to keep the Federal Government out of our school system.

Mr. HUNTER. If the gentleman will yield for a minute, I do appreciate the fact that our great top gun has a wonderful wife, Nancy, who is a principal of a school. The only thing I have a question about is the fact that you make them take flight training at the age of 7. I think that may be a little extensive.

Mr. CUNNINGHAM. That is only my daughters.

Mr. HUNTER. That is only your daughters? I am only kidding. I hope we do not get letters on flight training.

Mr. KINGSTON. One of the subjects we wanted to discuss earlier, and you two have been leaders in this, was the health care, and what I wanted to do, and you may have seen this article, but it was January 11 in the Wall Street Journal written by William Crystal.

One paragraph said so much, and I am going to read from it. It says,

The passage of the Clinton health care plan in any form would be disastrous. It would guarantee an unprecedented Federal intrusion into the American economy. Its success would signal a rebirth of centralized welfare state policy at the very moment such policy is being perceived as failure in all other areas.

I thought that was such a good statement. But what was also interesting about it is Mr. Crystal goes on and outlines the reforms that he feels are necessary, and he said that in 1992 when Lloyd Bentsen was in the Senate, what he was an advocate of is only targeting the areas that were broken.

So, let us not rebuild the whole health care system according to now Treasury Secretary Lloyd Bentsen, but let us just work on what is broken. Then he outlines the things that Bentsen supported as a U.S. Senator which were, which parallel many of the Michel ideas.

Mr. CUNNINGHAM. If the gentleman would yield, I know my friend from California had a debate in California, and I would like him to discuss that.

But 85 percent of the American people like their health care plan, but they also realize that it needs a lot of fixes. One-third of the people not insured are basically your young people. When you were 18, you could not be told that you needed a health care plan. The other group is the people that are moving between jobs.

Both the Clinton plan and the Republican plan take care of portability and preexisting conditions.

Mr. HUNTER. Bring up preexisting. That is important.

Mr. CUNNINGHAM. Preexisting, and that is if you have a heart problem or cancer, it may be difficult for you to get a job, but if you change jobs with the new insurance plan, both of them

take care of that, and that kind of reform where insurance cannot cut you off.

The last group is the important people we need to focus on, and that is the people who are too poor to provide for it. They are the working poor. But do we need to revamp the whole system, build a giant bureaucracy where the Government has control over lives? No. We do not.

I have a prediction that President Clinton's plan will not pass as it is, but that we are going to see a lot of modifications to it. But I think also that we are going to have in the end a lot of bipartisan support from Republicans and Democrats, and I have got a vision that we will produce a health care plan that will be healthy for this country.

Mr. HUNTER. If the gentleman will yield, I think that it is important for us to fix the problems that the gentleman has talked about, the preexisting. My mother-in-law has had three open-heart surgeries. It has been tough for them to get insurance.

The portability, that is the ability to carry your health insurance from one job to the other.

But the one thing that I am very much afraid of is Government taking over health care. I know that, because I have been on the defense committee, on the Committee on Armed Services, for a number of years. I have noticed that even though we build tanks and ships and planes, because we have to have them, Government does not do anything cheap. It always costs more than the private sector, and the thing that scared me last week was reading in the Washington Post about the hospitals in Canada which are now shutting down for so-called vacations because they have run out of money.

Mr. KINGSTON. Requiring a 12-day unpaid leave of absence.

Mr. HUNTER. Leave of absence.

The other thing that bothered me was seeing in Canada, which was supposed to be this workers' paradise of health care, specialized health care, there are 177,000 Canadians waiting for operations, and 44 percent of them surveyed say they are in some kind of pain.

Americans are pretty wary when somebody says, "I have got the Government solution for you." A lot of them say, "Hold on to your wallet." I am afraid if we give Government control of health care, we are going to have the same results Canada has had.

□ 1910

Mr. CUNNINGHAM. I believe I have a parliamentary inquiry, Madam Speaker. Under the new rule, may this Member mention a Member from the other body if it is in a positive light?

The SPEAKER pro tempore (Mrs. CLAYTON). The answer is "No."

Mr. CUNNINGHAM. No? Well, let me just say a Member from the other body—

Mr. HUNTER. Call him "Senator Positive."

Mr. CUNNINGHAM. Senator Positive was giving a health care townhall meeting, and he told about a health care bureaucrat to whom he was talking, and the Senator said, "I care more for my children than you do, and I want to have control of where my child goes for health care and who gives that health care, because I care more." And the bureaucrat looked at Senator Positive and said, "No, you don't. I as a bureaucrat care more about your child than you do." Well, Senator Positive thought a second, he looked at the bureaucrat and said, "What are their names?" The point being that people want the individual right to choose a doctor and to choose the health care plan they want. They do not want to be thrown into a tank under several bureaucracies and be told what happens. Most of the American people, I believe, do not support that kind of health care. That is why I think we are going to wind up with a better health care plan. I look to the future, and I think we will end up with one that is a bipartisan plan that all of us can support.

Madam Speaker, I yield to the gentleman from California.

Mr. CUNNINGHAM. Some of the components that we are talking about which are some of the Michel ideas, the Republican ideas, and hopefully the bipartisan coalition emerging ideas, would be eliminating the preexisting illness that was talked about but also the Medisave accounts, the portability which the gentleman talked about, and also allowing vouchers for the working poor people under certain income brackets, some malpractice reform, the medical IRA's, full deductibility for health care premiums for small unincorporated businesses which right now are limited to 25 percent.

Mr. KINGSTON. Tort reform, insurance reform.

Mr. HUNTER. You know, one thing we have to remember as Members coming from California, we once had a workmen's compensation system to compensate people injured on the job. It was hailed as the euphoric new dream plan for workers. But it was so costly, so filled with fraud and Government cost so much, that in the end we drove literally thousands of businesses out of California because they could not afford this workmen's compensation system.

The workers who were supposed to be benefitted by this compensation system ended up with the worst benefit of all, which was no job. They lost their jobs because Government saddled employers with a burden which they could not carry.

I just hope that the Clinton administration does not jump forward and say we are going to increase taxes by 7.1 percent on only small businesses.

I had a business the other day who showed me \$160,000 they had to pay to

open the door. This is a business that employed about 15 people. They have to pay about \$160,000 just to open their door. They said, "Hunter, if this giant health care plan passes this tax and puts this new tax on us, we are leaving, we cannot afford that." I hope that burden is not put on business.

Mr. KINGSTON. I think we are about out of time. But I know the gentleman from California has a point.

Mr. CUNNINGHAM. You know, if you tell an employee, a union worker or a Federal employee, that everything they worked for in the health care plan is going to come under this alliance, they do not like it. Senior citizens do not like it, whom we call chronologically gifted.

I think these things certainly will be worked out, that we will end up with a bipartisan health care plan.

Mr. KINGSTON. Madam Speaker, I certainly appreciate the input of both gentlemen from California.

BLACK HISTORY MONTH

The SPEAKER pro tempore (Mrs. CLAYTON). Pursuant to the Speaker's announced policy of February 11, 1994, the gentleman from Louisiana [Mr. JEFFERSON] is recognized for 60 minutes.

Mr. JEFFERSON. Madam Speaker, I rise today to acknowledge the 125th anniversary of the first speech delivered in the well of the U.S. House of Representatives by a duly elected African-American Member of Congress, John Willis Menard and to thank.

On February 27, 1869, Mr. Menard took the floor of the House to defend his right to represent the constituents of the Second District of the State of Louisiana, the same congressional district that I now represent, who elected Mr. Menard with 5,107 votes to 2,833 votes for his opponent.

For the 40 Members of today's Congressional Black Caucus and all African-Americans, this anniversary on Sunday should be one of joy and celebration, for it should represent the very first empowerment of African-Americans in our Government.

Unfortunately, this anniversary symbolizes the one-step forward, two-steps backward struggle African-Americans have faced in order to participate fully in the practice of representative democracy. You see, though soundly defeated by voters in the Second District, Mr. Menard's opponent, Caleb S. Hunt, contested the election before the House's Committee on Elections.

Despite presentation of Mr. Menard's Official Certification of Election, the Committee on Elections rejected both Mr. Menard's legitimate claim to the seat from Louisiana's Second District and Mr. Hunt's dubious claim to election.

The decision came on a motion by Congressman James A. Garfield "that

it was too early to admit a Negro to the U.S. Congress, and that the seat be declared vacant, and that the salary be divided equally between the two contestants."

Given an opportunity to present his case, Mr. Menard began:

Mr. Speaker, I appear here more to acknowledge this high privilege than to make an argument before this House. It was certainly not my intention at first to take any part in this case at all; but as I have been sent here by the votes of nearly 9,000 electors, I would feel myself recreant to the duty imposed upon me if I did not defend their rights on this floor.

I wish it to be well understood, before I go any further, that in the disposition of this case I do not expect, nor do I ask, that there shall be any favor shown me on account of my race, or the former condition of that race. I wish the case to be decided on its own merits and nothing else. . . .

Mr. Speaker, history will decide whether or not the 40th Congress showed Mr. Menard any special favor or fairness. Regardless, Mr. Menard's election and his subsequent speech on the floor of this hallowed hall embody the spirit of empowerment that still drives the African-American community today.

While it may have been deemed "too soon to admit a Negro to the U.S. Congress" in 1869, African-Americans took the second step toward full empowerment 1 year later in 1870 when Hiram Revels of Mississippi became the first black to serve in Congress as a Member of the U.S. Senate and James Rainey of South Carolina became the first black to serve in the House of Representatives.

Empowerment in Congress continued through 1901 when the departure of George H. White of North Carolina marked the first time in 31 years that African-Americans were not represented. In his final speech, Congressman White remarked prophetically:

This, Mr. Chairman, is perhaps the Negroes' temporary farewell to the American Congress. But let me say, phoenix like, he will rise up someday and come again. These parting words are in behalf of an outraged, heartbroken, bruised and bleeding people, but God fearing people, faithful, industrious, loyal people . . . rising people full of potential.

It took 27 years, but the election of Oscar Stanton de Priest in 1928 by voters in Illinois' First District rekindled the empowerment of African-Americans in American government in much the same way Mr. Menard's election sparked the empowerment of African-Americans with his election to the U.S. Congress from the Second District in Louisiana in 1868, as the first African-American to be elected to Congress, and his historic speech 125 years ago.

I thank you, Madam Speaker, and I thank John Willis Menard.

EXECUTIVE COMMUNICATION
FROM THE PRESIDENT OF THE
UNITED STATES—ECONOMIC REPORT
OF THE PRESIDENT

The SPEAKER pro tempore laid before the House the following communication from the President of the United States, which was read and, together with the accompanying papers, without objection, referred to the Joint Economic Committee and ordered to be printed:

ECONOMIC REPORT OF THE PRESIDENT

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

America has always thrived on change. We have used the opportunities it creates to renew ourselves and build our prosperity. But for too long and in too many ways, our Nation has been drifting.

For the last 30 years, family life in America has been breaking down. For the last 20 years, the real compensation of working Americans has grown at a disappointing rate. For 12 years a policy of trickle-down economics built a false prosperity on a mountain of Federal debt. As a result of our national drift, far too many American families, even those with two working parents, no longer dream the American dream of a better life for their children.

In 1992, the American people demanded change. A year ago, I sought your support for a comprehensive short-term and long-term strategy to restore the promise of our country's economic future. You responded, and together we replaced drift and gridlock with renewal and reform. Together we have taken the first necessary steps to restore growth in the living standards of all Americans. We have created a sound macroeconomic environment and strengthened the foundations of future economic growth. As a result of our efforts, the economy is now on a path of rising output, increasing employment, and falling deficits.

ESTABLISHING THE FISCAL CONDITIONS FOR
SUSTAINED GROWTH

For more than a decade, the Federal Government has been living well beyond its means—spending much more than it has taken in, and borrowing the difference. The resulting deficits have been huge, both in sheer magnitude and as a percentage of the Nation's output. Since 1981 the Federal debt has been growing faster than the economy, reversing the trend of the previous three decades. As a consequence of this binge of deficit financing, Federal budget deficits have been gobbling up an inordinate share of the Nation's savings, driving up real long-term interest rates, discouraging private investment, and impeding long-run private sector growth.

On August 10, 1993, I signed the historic budget plan that you passed several days earlier. It will reduce Federal deficits by more than \$500 billion. The plan is a balanced package of cuts in spending and increases in revenues. The spending cuts are specific, far-reaching, and genuine. They will reduce discretionary spending by over 12 percent in real terms in 5 years. The plan increases income tax rates for only the top 1.2 percent of taxpayers, the group of Americans who gained the most during the 1980s and are most able to pay higher taxes to help reduce the deficit. At the same time, a broad expansion of the earned income tax credit will help make work pay for up to 15 million American families. Nine out of ten small businesses will benefit from more-generous tax

breaks that will help them invest and grow. And new, targeted capital gains tax relief will encourage investment in new small businesses.

Our deficit reduction plan has been the principal factor in the dramatic decline in long-term interest rates since my election in November 1992. Lower interest rates, in turn, have sparked an investment-driven economic expansion that has created more private sector jobs during the last year than were created during the previous four. The fact that investment is leading the recovery is good news for living standards, because investment is the key to productivity growth and hence to growth in real incomes for all Americans.

INVESTING IN OUR NATION'S FUTURE

Laying the macroeconomic groundwork for sustained growth is the government's first responsibility, but not its only responsibility. Government also has a vital role to play in providing some of the critical raw materials for economic growth: science and technology, an educated and well-trained work force, and public infrastructure. For much too long we have underinvested in these areas, in comparison both with our global competitors and with our own economic history. Our overall budget deficit has masked another, equally disturbing deficit—a deficit in the kinds of public investments that lay the foundations for private sector prosperity.

Like private investments, well-chosen public investments raise future living standards. As a consequence, deficit reduction at the expense of public investment has been and will continue to be self-defeating. That is why our budget package increases much-needed public investment even as it takes steps to reduce the budget deficit. One without the other will not work.

With the help of the Congress, our public investment initiatives in the areas of technology, infrastructure, the environment, and education and training received about 70 percent of the funding we requested in fiscal year 1994. We increased funding for such proven successes as Head Start and the WIC program in the human resources area, and the Advanced Technology Program of the National Institute of Standards and Technology in the area of technological research. We also launched a number of new initiatives, including the National Service program, a new program of empowerment zones and enterprise communities for urban and rural development, and several new technology programs, including the Technology Reinvestment Project, designed to help defense contractors retool to serve civilian markets. We increased funding for research into new environmental technologies. In addition, we developed a comprehensive, cost-effective Climate Change Action Plan, comprising nearly 50 initiatives to reduce U.S. greenhouse gas emissions to 1990 levels by the year 2000.

As these examples bear witness, we have made significant progress on our investment agenda, but much more remains to be done. We will have to work together to find room to fund essential new investments even as we reduce real government outlays to meet tight annual caps on discretionary spending. This will not be easy. But it is essential, for we face a dual challenge—we must fundamentally change the composition of discretionary spending even as we reduce it in real terms.

This year my Administration is requesting funding for several new investment initiatives. Our Goals 2000 proposal will encourage local innovation in and accelerate the pace

of school reform. It will link world-class academic and occupational standards to grassroots education reforms all across America. Our School-to-Work initiative will provide opportunities for post-secondary training for those not going on to college. Our reemployment and training program will streamline today's patchwork of training programs and make them a source of new skills for people who lose their jobs. Finally, our proposed welfare reform will provide the support, job training, and child care necessary to move people off welfare after 2 years. That is the only way we will make welfare what it ought to be: a second chance, not a way of life.

REFORMING OUR HEALTH CARE SYSTEM

This year we will also make history by reforming the Nation's health care system. We face a health care crisis that demands a solution, both for the health of our citizens and for the health of our economy over the long run. The United States today spends more on health care relative to the size of its economy than any other advanced industrial country. Yet we insure a smaller fraction of our population, and we rank poorly on important overall health indicators such as life expectancy and infant mortality. Over 15 percent of Americans—nearly 39 million people—were uninsured throughout 1992. And tens of millions more have inadequate insurance or risk becoming uninsured should they lose their jobs. Meanwhile health care costs continue to climb, increasing premiums and medical bills for American families and aggravating budget crises at all levels of government. Both the Office of Management and Budget and the Congressional Budget Office have concluded that unless the system is reformed, rising health care costs will begin pushing the Federal budget deficit back upward as this century comes to a close.

Piecemeal approaches to solving our health care crisis will not work. If we simply squeeze harder on Federal health spending, without attempting systemwide reform, more of the costs of covering health services guaranteed by the government will be shifted to the private sector, and medical care for the elderly, the disadvantaged, and the disabled will be put at risk. Similarly, if we attempt to provide universal coverage without complementary measures to improve competition and sharpen incentives for cost-conscious decisions, costs will continue to escalate.

Our health care reform proposal, while bold and comprehensive, builds on the strengths of our current, market-based system. Our approach preserves consumer choice and our largely employer-based private insurance arrangements. It relies on market competition and private incentives, not price controls and bureaucracy, to provide health security for all Americans, to rein in health care costs, and to solve our long-run budget deficit problem.

OPENING FOREIGN MARKETS

Raising the living standards of all Americans is the fundamental economic goal of my Administration. That is why all of our initiatives in international trade share a common purpose: to open markets and promote American exports. This emphasis on exports is driven by two simple facts. First, America is part of an increasingly integrated world economy and must adapt to this new reality if we are to stay on top. There is simply no way to close our borders and return to the insular days of the 1950s. To try to do so would be an exercise in futility, doomed not only to fail but to lower living standards in the process. Second, export industries offer

the kind of high-wage, high-skill jobs the country needs. By shifting production toward more exports, we will shift the composition of employment toward better jobs. In short, to realize our goal of higher living standards for all Americans, we must compete, not retreat.

The year just past will go down in the history books as a watershed for trade liberalization. With your help, we enacted the North American Free Trade Agreement, which links the United States, Canada, and Mexico together in the world's largest marketplace. We also successfully completed the Uruguay Round of the General Agreement on Tariffs and Trade, which promises to add as much as \$100 billion to \$200 billion to the Nation's output by the end of a decade. And we are now on a course of increasing trade and investment liberalization with the rapidly growing economies of East Asia and the Pacific, which will be a major source of new export opportunities for American products in the coming years. At home we have eliminated much of our export control system and have rationalized our export promotion activities to help our producers, workers, and farmers increase their sales around the world.

IMPROVING THE EFFICIENCY OF GOVERNMENT

My Administration is committed to improving the Federal government's efficiency across the board. The National Performance Review (NPR), completed under the bold leadership of Vice President Gore, provides a road map for what must be done. The NPR's report shows how substantial budgetary savings can be realized by making existing programs more efficient and cutting those that are no longer necessary. As a result of our efforts to reinvent how the government performs, we will reduce the Federal bureaucracy by 252,000 positions, bringing it down to the lowest level in decades.

My Administration is also committed to reducing the burden of government regulations by improving the regulatory review process. My Executive Order on Regulatory Planning and Review requires that all new regulations carefully balance costs and benefits, that only those regulations whose benefits exceed their costs be adopted, and that in each case the most cost-effective regulations be chosen.

This year we will also work with the Congress to develop the new regulatory framework required to encourage the development of the national information superhighway. We must cooperate with the private sector to connect every classroom, every library, and every hospital in America to this highway by the year 2000. Rapid access to the most advanced information available will increase productivity and living standards, help to educate our children, and help health providers improve medical care for our citizens.

THE ECONOMIC OUTLOOK

An economic strategy built on long-run investments will not bear fruit overnight. But there are already signs that our policy initiatives are beginning to pay off. Prospects for sustained economic expansion look far brighter now than they did a year ago, when my Administration first asked for your support. Growth of real gross domestic product increased steadily over the course of 1993, and the economic expansion has continued into 1994. Consumer spending should remain healthy because of continued gains in employment and output, and investment spending should remain strong because of low long-term interest rates and increasing levels of demand. Low interest rates will also

continue to support the recent expansion in residential construction. The Administration forecasts that the economy will grow at 3 percent in 1994 and will remain on track to create 8 million jobs over 4 years.

As 1994 begins, our economy is strong and growing stronger. With continued deficit reduction, more public investment, a reformed health care system, increased exports, and a reinvented government, we can create the foundations for an even more prosperous America.

WILLIAM J. CLINTON.

THE WHITE HOUSE, February 14, 1994.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BLACKWELL (at the request of Mr. GEPHARDT) for today before 2:30 p.m., on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCHUGH) to revise and extend their remarks and include extraneous material:)

Mr. BACHUS of Alabama, for 5 minutes each day, on February 23 and 24.

Mr. BEREUTER, for 5 minutes, on February 24.

Mr. KINGSTON, for 5 minutes, today.

(The following Members (at the request of Ms. DELAURO) to revise and extend their remarks and include extraneous material:)

Mr. FALCOMAVAEGA, for 5 minutes, today.

Mr. FINGERHUT, for 5 minutes, today.

Mr. MOAKLEY, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Ms. DELAURO, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MCHUGH) and to include extraneous matter:)

Mr. KING.

Mr. DICKEY.

Mr. FIELDS of Texas.

Mr. GILMAN.

Mrs. ROUKEMA in two instances.

Ms. SNOWE in two instances.

Mr. WELDON.

Mr. SOLOMON in four instances.

Mr. ROHRBACHER.

Mr. CALLAHAN.

Mr. BURTON of Indiana.

Mr. YOUNG of Alaska.

Mr. GINGRICH.

Mr. BAKER of California.

Mr. BOEHLERT.

Mr. GALLO in three instances.

Mr. PETRI.

Mr. SUNDQUIST.

Mr. MICHEL.
Mr. ARMEY.
Mr. GOODLING.

(The following Members (at the request of Ms. DELAURO) and to include extraneous matter:)

Mr. DIXON.
Mr. SYNAR.
Mr. OWENS.
Mr. MORAN.
Mr. CARDIN.
Mr. TOWNS in 14 instances.
Mr. KLEIN.
Mr. HAMILTON in six instances.
Mr. TRAFICANT in two instances.
Mr. REED.
Mr. SERRANO in two instances.
Mr. FOGLIETTA.
Ms. NORTON in two instances.
Mr. ORTIZ in two instances.
Mr. CLYBURN in two instances.
Ms. WOOLSEY.
Mr. BRYANT.
Mr. COOPER.
Mr. BARCIA of Michigan in two instances.

Mr. TAUZIN.
Mr. NADLER.
Mr. FALCOMA
Mr. STOKES.
Mr. MAZZOLI.

(The following Members (at the request of Mr. JEFFERSON) and to include extraneous matter:)

Ms. PELOSI.
Mr. DARDEN.
Mr. BROWN of Ohio.
Mr. BILBRAY.
Mr. BROWN of California.
Mr. JEFFERSON.
Mr. NATCHER.
Mr. TEJEDA.
Mr. MFUME.

ENROLLED BILLS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker.

H.R. 2339. An act to revise and extend the programs of the Technology-Related Assistance for Individuals with Disabilities Act of 1988, and for other purposes.

H.R. 3617. An act to amend the Everglades National Park Protection and Expansion Act of 1989, and for other purposes.

□ 1920

ADJOURNMENT

Mr. JEFFERSON. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 21 minutes p.m.) under its previous order, the House adjourned until tomorrow, Thursday, February 24, 1994, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from

the Speaker's table and referred as follows:

2594. A letter from the Secretary, Department of the Navy, transmitting notification of the proposed transfer of the obsolete submarine *Blueback* (SS-581) to the Oregon Museum of Science and Industry, Portland, OR, a not-for-profit corporation, pursuant to 10 U.S.C. 7308; to the Committee on Armed Services.

2595. A letter from the Assistant Secretary of Defense, transmitting the Secretary's report on the implementation of a plan to adjust personnel policies to permit the orderly promotion of officers to brigadier general or rear admiral (lower half); to the Committee on Armed Services.

2596. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting notification that the Board of Directors approved a guarantee to support the sale by the Boeing Co. of commercial jet aircraft to China Southern Airlines, Guangzhou, China, in the amount of \$325,228,935; to the Committee on Banking, Finance and Urban Affairs.

2597. A letter from the Administrator for Energy Information Administration, Department of Energy, transmitting a report entitled "Performance Profiles of Major Energy Producers 1992," pursuant to 42 U.S.C. 7267; to the Committee on Energy and Commerce.

2598. A letter from the Assistant Vice President for Government and Public Affairs, National Railroad Passenger Corporation, transmitting the Corporation's 1993 annual report, 1994 legislative report, report on employee salaries in excess of Federal executive level I, and report on the performance of passenger routes operated during fiscal year 1993, pursuant to 45 U.S.C. 548(b), 644(1)(B); to the Committee on Energy and Commerce.

2599. A letter from the Secretary of Commerce, transmitting a report entitled, "Preliminary Spectrum Reallocation Report;" to the Committee on Energy and Commerce.

2600. A letter from the Comptroller General, General Accounting Office, transmitting the list of all reports issued or released in January 1994, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

2601. A letter from the Chairperson, National Endowment for the Arts, transmitting a report of activities under the Freedom of Information Act for calendar year 1993, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

2602. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of discretionary new budget authority and outlays for the current year (if any) and the budget year provided by H.R. 3759, pursuant to Public Law 101-508, section 1310(a) (104 Stat. 1388-578); to the Committee on Government Operations.

2603. A letter from the Director, Peace Corps, transmitting a report of activities under the Freedom of Information Act for calendar year 1993, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

2604. A letter from the Secretary, Postal Rate Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1993, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

2605. A letter from the Chairman, U.S. Commission for the Preservation of America's Heritage Abroad, transmitting the annual report on the activities of the inspector

general for fiscal year 1993, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

2606. A letter from the Solicitor, U.S. Commission on Civil Rights, transmitting a report of activities under the Freedom of Information Act for calendar year 1993, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

2607. A letter from the Chairman, U.S. International Trade Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1993, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2608. A letter from the Chairman, Pennsylvania Avenue Development Corporation, transmitting a draft of proposed legislation to amend the Pennsylvania Avenue Development Corporation Act of 1972 to authorize appropriations for implementation of the development plan for Pennsylvania Avenue between the Capitol and the White House, and for other purposes; to the Committee on Natural Resources.

2609. A letter from the Migratory Bird Conservation Commission, transmitting the annual report of activities for the fiscal year ended September 30, 1993, pursuant to 16 U.S.C. 715b; to the Committee on Merchant Marine and Fisheries.

2610. A letter from the Deputy Administrator, General Services Administration, transmitting informational copies of the reports of building project survey for Ames, IA; Lower Manhattan, NY; Upper Manhattan, NY; and Amarillo, TX, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

2611. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation entitled, "National Highway System Designation Act of 1994"; to the Committee on Public Works and Transportation.

2612. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that effective December 26, 1993, the danger pay rate for all areas in Sudan was designated at the 15 percent level, pursuant to 5 U.S.C. 5928; jointly, to the Committees on Foreign Affairs and Post Office and Civil Service.

2632. A communication from the President of the United States, transmitting his economic report, together with the annual report of the Council of Economic Advisers, pursuant to 15 U.S.C. 1022(a) (H. Doc. No. 103-178); to the Joint Economic Committee and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BEILENSON: Committee on Rules. House Resolution 366. Resolution providing for consideration 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 certain other purposes (Rept. 103-426). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. TAUZIN (for himself, Mr. FIELDS of Texas, Mr. HAYES, Mr. TAYLOR of North Carolina, Mr. STENHOLM, Mr. YOUNG of Alaska, Mr. MONTGOMERY, Mr. STUPAK, Mr. SHUSTER, Mr. STUMP, Mr. POMBO, Mr. BREWSTER, Mr. CALLAHAN, Mr. HUTTO, Mr. ORTIZ, Mr. LAUGHLIN, Mrs. BENTLEY, Mr. BONILLA, Mr. CUNNINGHAM, Ms. DANNER, Mr. PICKETT, and Mr. PACKARD):

H.R. 3875. A bill to require certain Federal agencies to protect the rights of private property owners; jointly, to the Committees on Merchant Marine and Fisheries, Public Works and Transportation, and the Judiciary.

By Mr. ALLARD (for himself and Mr. PENNY):

H.R. 3876. A bill to set forth the appropriate budgetary treatment of the health reform program; to the Committee on Government Operations.

By Ms. BYRNE:

H.R. 3877. A bill to provide grants to States which comply with certain requirements; to the Committee on the Judiciary.

By Mr. COOPER (for himself, Mr. CLEMENT, Mr. TANNER, Mr. GORDON, Mr. DUNCAN, Mr. QUILLLEN, Mr. FORD of Tennessee, Mrs. LLOYD, and Mr. SUNDQUIST):

H.R. 3878. A bill to amend the Public Health Service Act to establish a requirement of informed consent regarding the use of human subjects in research conducted or supported by the Federal Government, and for other purposes; to the Committee on Energy and Commerce.

By Ms. DELAURO (for herself, Mrs. KENNELLY, Mr. GEJDENSON, Mrs. JOHNSON of Connecticut, Mr. FRANKS of Connecticut, Mr. SHAYS, Mr. WISE, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MEEK of Florida, Mr. DURBIN, Mr. KOPETSKI, Mr. VOLKMER, Mr. MCCLOSKEY, Mr. POSHARD, Mr. HAMBURG, Mr. SABO, Mr. SCOTT, Mr. COPPERSMITH, Mr. FIELDS of Louisiana, Mr. TORRES, Mr. FAZIO, Ms. VELÁZQUEZ, Ms. PELOSI, Mr. OLVER, Mr. HOYER, Mrs. MORELLA, Ms. KAPTUR, Mrs. SCHROEDER, Ms. SLAUGHTER, Mr. BLACKWELL, Mr. PETE GEREN of Texas, Mr. GEPHARDT, Mr. CRAMER, Mr. VISCIOSKY, Mr. TORRICELLI, Mr. REED, Mr. KREIDLER, Mr. MURPHY, Mr. FRANK of Massachusetts, Mr. MILLER of California, Mr. FOGLIETTA, Mr. SERRANO, Mr. BISHOP, Mr. ENGEL, Mr. FARR, Ms. ESHOO, Ms. WOOLSEY, Mrs. LOWEY, Mr. SKAGGS, Ms. WATERS, Ms. ENGLISH of Arizona, Mr. PASTOR, Mr. CLEMENT, Ms. ROYBAL-ALLARD, Mr. SAWYER, Mrs. UNSOELD, Ms. SHEPHERD, Mrs. CLAYTON, Mr. LEWIS of Georgia, Mr. BACCHUS of Florida, Mr. BORSKI, Mr. HOLDEN, Mr. LEACH, and Mr. KLECZKA):

H.R. 3879. A bill to authorize the minting of coins to commemorate the 1995 Special Olympics World Games; to the Committee on Banking, Finance and Urban Affairs.

By Mr. DICKEY (for himself, Mr. DORNAN, Mr. EMERSON, Mr. BARTLETT of Maryland, Mr. BUNNING, Mr. TALENT, Mr. ISTOOK, Mr. KNOLLENBERG, Mr. BACCHUS of Alabama, Mr. INGLIS of South Carolina, Mr. SOLOMON, Mr. ARMEY, Mr. LINDER, Mr. MCCREERY, Mr. BARTON of Texas, Mr. PENNY, Mr. BERREUTER, Mr. LIPINSKI, and Mr. BOEHNER):

H.R. 3880. A bill to prohibit the Secretary of Health and Human Services from finding

that a State Medicaid plan is not in compliance with title XIX of the Social Security Act solely on the grounds that the plan does not cover abortions for pregnancies resulting from an act of rape or incest if coverage for such abortions is inconsistent with State law; to the Committee on Energy and Commerce.

By Mr. DUNCAN:

H.R. 3881. A bill to amend the Small Business Act to eliminate restrictions on providing financial assistance to small business concerns engaged in media-related industries; to the Committee on Small Business.

By Mr. GALLO (for himself, Mrs. MEYERS of Kansas, Mr. ZIMMER, Mr. SAXTON, Mr. SMITH of New Jersey, Mr. FRANKS of New Jersey, Mr. EMERSON, Mr. EWING, Mr. GOODLING, Mr. KNOLLENBERG, Mr. RIDGE, Mr. BAKER of Louisiana, Mr. MANZULLO, Mr. CANADY, Mr. TALENT, Mr. PORTMAN, and Mr. MACHTLEY):

H.R. 3882. A bill to require the President to consider the job impact of comprehensive health care reform legislation before such legislation takes effect; to the Committee on Education and Labor.

By Mr. LEVY (for himself, Mr. QUINN, Mr. KING, Mr. LAZIO, Mr. SOLOMON, Mr. GILMAN, Ms. MOLINARI, Mr. PAXON, Mr. MCHUGH, Mr. BOEHLERT, Mr. WALSH, Mr. FISH, Mr. HOUGHTON, Mr. MACHTLEY, Mr. BILIRAKIS, Mr. MCCOLLUM, Ms. KAPTUR, Mr. TORKILDSEN, and Mr. DIAZ-BALART):

H.R. 3883. A bill to amend title 18, United States Code, to prohibit the interstate transportation of a firearm with the intent to commit a violent crime, and to impose the death penalty for a violation that results in death; to the Committee on the Judiciary.

By Mrs. MALONEY:

H.R. 3884. A bill to amend part E of title IV of the Social Security Act to require, as a condition of receiving Federal funds for foster care and adoption assistance, that States require State agencies, in considering applications to adopt certain foster children, to give preference to applications of a foster parent or caretaker relative of the child; to the Committee on Ways and Means.

By Mr. MOAKLEY:

H.R. 3885. A bill to direct the Consumer Product Safety Commission to promulgate fire safety standards for cigarettes and for other purposes; to the Committee on Energy and Commerce.

By Mr. ORTIZ:

H.R. 3886. A bill to amend the boundaries of the Flower Garden Banks National Marine Sanctuary; to the Committee on Merchant Marine and Fisheries.

H.R. 3887. A bill to authorize the Secretary of Transportation to convey the vessel U.S.S. *Sphinx* to the Rio Grande Military Museum for use as a military museum; to the Committee on Merchant Marine and Fisheries.

By Mrs. ROUKEMA:

H.R. 3888. A bill to amend the United States Housing Act of 1937 to improve the programs for public and Indian housing, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SOLOMON:

H.R. 3889. A bill to amend the chapter 15 of title 5, United States Code, to eliminate the provision prohibiting certain State and local employees from seeking elective office; to the Committee on House Administration.

By Mr. SCHAEFER (for himself, Mr. VENTO, Mr. BEILSON, Mr. BEVILL, Mr. BOUCHER, Ms. DUNN, Mr.

COSTELLO, Mr. FARR, Mr. FOGLIETTA, Ms. FURSE, Mr. GORDON, Mr. HEFLEY, Mr. HUGHES, Mr. KASICH, Mr. KLECZKA, Mr. KLEIN, Mr. MARKEY, Mr. McDERMOTT, Mr. MORAN, Mrs. MORELLA, Mr. MCINNIS, Mr. MILLER of California, Mr. MURTHA, Mrs. MINK of Hawaii, Mr. NEAL of Massachusetts, Mr. ROMERO-BARCELÓ, Mr. REGULA, Mr. SLATTERY, Mr. SYNAR, Mr. THOMAS of Wyoming, Mrs. UNSOELD, Mr. WALSH, Mr. WOLF, and Mr. UNDERWOOD):

H.J. Res. 327. Joint resolution to designate June 4, 1994, as "National Trails Day"; to the Committee on Post Office and Civil Service.

By Mr. JACOBS:

H. Con. Res. 208. Concurrent resolution declaring the sense of Congress regarding periods of silence in the public schools; jointly, to the Committees on the Judiciary and Education and Labor.

By Mrs. KENNELLY (for herself, Mr. JEFFERSON, Mr. DELLUMS, Mr. FOGLIETTA, Mr. McDERMOTT, Mr. OWENS, Ms. PELOSI, Ms. WATERS, Mr. FROST, Mr. GEJDENSON, Mr. SCOTT, Mr. LEWIS of Georgia, Mr. BONIOR, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. FURSE, Ms. VELÁZQUEZ and, Mr. WASHINGTON):

H. Con. Res. 209. Concurrent resolution expressing the sense of the Congress that any comprehensive health care reform legislation that is enacted should provide for annual screenings of children under 6 years of age for lead poisoning; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Ms. SNOWE (for herself, Mr. GILMAN, Mr. BILIRAKIS, Mr. ANDREWS of New Jersey, Mrs. MALONEY, and Mr. DEUTSCH):

H. Con. Res. 210. Concurrent resolution expressing the sense of the Congress that the President should not have granted diplomatic recognition to the former Yugoslav Republic of Macedonia; to the Committee on Foreign Affairs.

By Mr. DINGELL:

H. Res. 367. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Energy and Commerce in the 2d session of the 103d Congress; to the Committee on House Administration.

By Mr. TOWNS (for himself, Mrs. COLLINS of Illinois, Ms. VELÁZQUEZ, and Mrs. VUCANOVICH):

H. Res. 368. Resolution expressing the sense of the House of Representatives with respect to the inclusion in any comprehensive benefits package under health care reform of mammography screenings for women under the age of 50; jointly, to the Committees on Energy and Commerce and Ways and Means.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

287. By the SPEAKER: Memorial of the House of Representatives of the State of Iowa, relative to the renewable oxygenate standard; to the Committee on Energy and Commerce.

288. Also, memorial of the Legislature of the Commonwealth of Puerto Rico, relative to the redefinition of the political formula of Commonwealth; to the Committee on Natural Resources.

289. Also, memorial of the Senate of the State of West Virginia, relative to the adop-

tion of the Equal Rights Amendment to the United States Constitution; to the Committee on the Judiciary.

290. Also, memorial of the House of Delegates of the State of West Virginia, relative to the adoption of the Equal Rights Amendment to the United States Constitution; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. LEVY:

H.R. 3890. A bill to renew design patent numbered 251,990, relating to a word game board, for a period of 10 years; to the Committee on the Judiciary.

By Mr. TEJEDA:

H.R. 3891. A bill to waive certain time limitations with respect to awarding the Medal of Honor to Rudolph Salais Vela; to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 28: Ms. MCKINNEY.
H.R. 55: Mr. BORSKI.
H.R. 56: Mr. KINGSTON.
H.R. 167: Mr. FRANK of Massachusetts, Mr. JACOBS, and Mr. DEFAZIO.

H.R. 171: Mr. HANSEN, Mr. LEVY, Mr. GALLEGLY, and Mr. EMERSON.

H.R. 216: Mr. FRANKS of New Jersey.

H.R. 302: Mr. PARKER, Mr. THOMAS of Wyoming, Ms. PRYCE of Ohio, Mr. SAXTON, and Ms. SLAUGHTER.

H.R. 417: Mr. BLILEY, Mr. SWETT, and Mr. CRAMER.

H.R. 509: Mr. BAKER of California.

H.R. 512: Mr. NADLER.

H.R. 543: Mr. PACKARD and Mr. MCCRERY.

H.R. 591: Mr. BROWN of Ohio.

H.R. 630: Mr. MCDADE, Mr. BARTLETT of Maryland, and Mr. FOGLIETTA.

H.R. 654: Mr. BROWN of California, Mr. HEFNER, Mr. SKEEN, Mr. MARKEY, Mr. BARLOW, Mrs. LLOYD, Mr. SANTORUM, Mr. FISH, Mr. DELLUMS, Mr. FAWELL, Mr. SAWYER, Mr. FAZIO, Mr. ARCHER, Mrs. BENTLEY, Mr. ANDREWS of New Jersey, Mr. HOBSON, Ms. ROYBAL-ALLARD, Mr. HOLDEN, Mr. MINETA, Mr. MANZULLO, Mr. PARKER, Mr. TRAFICANT, Mr. LEWIS of California, and Mr. HOEKSTRA.

H.R. 657: Mr. PAXON, Mr. CRAPO, and Mr. BARTLETT of Maryland.

H.R. 676: Mrs. LLOYD.

H.R. 702: Mr. GILMAN, Mr. SENSENBRENNER, and Mr. BARLOW.

H.R. 794: Mr. PENNY, Ms. ESHOO, and Mr. APPLIGATE.

H.R. 885: Mr. LEVY, Mr. WALKER, Mr. FISH, and Mr. KOLBE.

H.R. 911: Mr. LEWIS of Georgia, Mr. OWENS, and Mr. SCHAEFER.

H.R. 962: Mr. MCHALE.

H.R. 1055: Mr. BARRETT of Wisconsin, Mr. SAXTON, and Mr. LEWIS of Georgia.

H.R. 1086: Mr. SANTORUM.

H.R. 1155: Mr. FISH.

H.R. 1163: Mr. KYL.

H.R. 1196: Mr. SHAYS and Mr. NADLER.

H.R. 1309: Mr. KLUG and Mr. GOODLING.

H.R. 1349: Mr. SANTORUM and Mr. WELDON.

H.R. 1354: Mr. SCHUMER, Ms. BROWN of Florida, Mr. DEUTSCH, Ms. WATERS, and Mr. DEFAZIO.

H.R. 1391: Mr. VALENTINE, Mr. BORSKI, Mr. HINCHEY, and Mr. MORAN.

H.R. 1423: Mr. PETE GEREN of Texas, Mr. BAKER of California, Mr. WISE, Mr. WELDON, Mr. MANN, Mr. MEEHAN, Mr. SISISKY, Mr. YATES, Mr. SANTORUM, Mr. STEARNS, Mr. SKAGGS, and Mr. SANGMEISTER.

H.R. 1455: Mr. SWETT and Mr. RAVENEL.

H.R. 1496: Mr. SHAYS.

H.R. 1534: Mr. DIXON.

H.R. 1552: Mr. JOHNSON of Georgia, Mr. WHEAT, and Mr. HOYER.

H.R. 1572: Mr. GRAMS.

H.R. 1671: Mr. WOLF, Mr. PASTOR, and Mr. GOODLING.

H.R. 1702: Mr. GORDON.

H.R. 1709: Mr. HANSEN, Mr. BLACKWELL, Mr. POSHARD, Ms. SNOWE, and Mr. KYL.

H.R. 1719: Ms. FURSE, Mr. OBERSTAR, and Mr. SOLOMON.

H.R. 1765: Mr. BATEMAN.

H.R. 1793: Mr. ANDREWS of Texas and Mr. ANDREWS of Maine.

H.R. 1961: Mr. COLEMAN and Ms. FURSE.

H.R. 1968: Mr. SCHAEFER.

H.R. 1986: Mr. PETERSON of Florida, Mr. WOLF, Mr. KING and Mr. ROMERO-BARCELO.

H.R. 2019: Mr. DEFAZIO and Mr. LEACH.

H.R. 2091: Mr. BARRETT of Wisconsin.

H.R. 2135: Mr. PASTOR.

H.R. 2145: Mr. LANCASTER, Mr. LANTOS, Mr. FRANK of Massachusetts, Mr. GOODLING, Mr. MANTON, and Mr. PARKER.

H.R. 2152: Mr. FALCOMA VAEGA.

H.R. 2268: Mr. KINGSTON, Mr. RAHALL, Mr. BAESLER, Mr. JOHNSON of South Dakota, and Mr. SLATTERY.

H.R. 2271: Mr. BACHUS of Alabama.

H.R. 2292: Mr. ANDREWS of New Jersey, Mr. GALLO, Mr. SAXTON, Mr. PETERSON of Florida, and Mr. ACKERMAN.

H.R. 2418: Mr. EHLERS, Mr. LINDER, Mr. SHAW, and Mr. BROWN of Ohio.

H.R. 2460: Mr. CRAMER.

H.R. 2467: Mr. ACKERMAN, Mr. BARRETT of Wisconsin, Mr. BROWN of California, Mr. CARDIN, Ms. DELAURO, Mr. GINGRICH, Mr. ISTOOK, Mr. LANTOS, Mr. LAZIO, Ms. LOWEY, Mr. RAVENEL, Mr. SANTORUM, Mr. SAXTON, Ms. SCHENK, Mr. STARK, Mrs. UNSOELD, and Mr. WALKER.

H.R. 2638: Mrs. MORELLA, Mr. LEWIS of Georgia, and Mr. ZIMMER.

H.R. 2649: Mr. ANDREWS of New Jersey.

H.R. 2671: Ms. DUNN.

H.R. 2721: Ms. MEEK of Florida, Mr. ROMERO-BARCELO, and Mr. DIXON.

H.R. 2790: Mr. CONYERS and Mr. GEJDENSON.

H.R. 2862: Mrs. MEYERS of Kansas.

H.R. 2863: Mr. NADLER.

H.R. 2886: Mr. SMITH of Texas.

H.R. 2896: Mr. LEVY and Mr. CRAMER.

H.R. 2898: Mr. DIXON.

H.R. 2929: Mr. LAZIO.

H.R. 2930: Mr. KOPETSKI, Mr. FOGLIETTA, Ms. BROWN of Florida, Mr. DEFAZIO, Mr. FALCOMA VAEGA and Mr. ABERCROMBIE.

H.R. 2959: Mr. PACKARD, Mr. POMBO, Mr. BAKER of California, Ms. SHEPHERD, Mr. MACHTELEY, Mr. HALL of Texas, and Ms. PRYCE of Ohio.

H.R. 3031: Mr. RAMSTAD.

H.R. 3121: Mrs. THURMAN.

H.R. 3248: Mr. HINCHEY.

H.R. 3266: Mr. KASICH, Mr. PETERSON of Minnesota, Mr. MEEHAN, Mr. TAUZIN, Mr. COX, Mr. MICHEL, Mrs. MEYERS of Kansas, Mr. MOORHEAD, Mr. ROHRBACHER, Mr. WOLF, Mr. BUNNING, Mr. HOKE, Mr. OXLEY, Mr. PETRI, Mr. STUMP, Mr. PACKARD, Mr. YOUNG of Florida, Mr. YOUNG of Alaska, Mr. ORTON, Mr. GALLEGLY, Mr. SMITH of New Jersey, Mr. GALLO, Mr. EHLERS, Mr. HYDE, Mr. THOMAS of California, Mr. DEAL, Mr. GILLMOR, Mr.

GEKAS, Mr. STENHOLM, Mr. TAYLOR of Mississippi, and Mr. PETE GEREN of Texas.

H.R. 3322: Mr. THOMPSON.

H.R. 3333: Mr. ROYCE.

H.R. 3367: Mr. FRANK of Massachusetts, Mr. CUNNINGHAM, and Mrs. FOWLER.

H.R. 3372: Mr. CONDIT, Mr. LANCASTER, Ms. BROWN of Florida, Mr. PARKER, Mr. PALLONE, Mr. CLYBURN, Ms. DELAURO, Mr. WAXMAN, Mr. SOLOMON, Mr. WOLF, Mr. BROWDER, Mr. MARKEY, Mr. COOPER, Mr. PICKETT, Ms. ESHOO, Mr. SCHAEFER, and Mr. SAXTON.

H.R. 3392: Mr. PETERSON of Florida, Mr. QUINN, Mr. BURTON of Indiana, Mr. SWIFT, Mr. CLYBURN, Mr. SPRATT, and Mr. BREWSTER.

H.R. 3397: Mr. MINGE, Mrs. MINK of Hawaii, and Mr. MENENDEZ.

H.R. 3461: Mr. RANGEL and Mr. PARKER.

H.R. 3462: Mr. RANGEL and Mr. PARKER.

H.R. 3463: Mr. RANGEL, Mr. PARKER, Mr. KOPETSKI, and Mr. DEFAZIO.

H.R. 3472: Mr. PARKER, Mrs. MALONEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of South Dakota, and Ms. BYRNE.

H.R. 3490: Mr. BERREUTER, Mr. BROWN of California, Mr. FIELDS of Texas, and Mr. VENTO.

H.R. 3492: Mr. POMEROY, Mr. PARKER, and Mr. ROMERO-BARCELO.

H.R. 3519: Mr. SOLOMON.

H.R. 3526: Mr. SWETT, Mr. SMITH of New Jersey, Mr. MCCOLLUM, Mr. LEWIS of California, Mr. CONYERS, Mr. COLEMAN, Mr. BONIOR, Mr. MARKEY, Mr. LEWIS of Florida, and Mr. BILBRAY.

H.R. 3534: Mr. JOHNSTON of Florida, Mr. HINCHEY, Mr. MINETA, Mr. TORKILDSEN, and Ms. HARMAN.

H.R. 3546: Mr. ROSE, Mr. SPENCE, Mr. PETERSON of Florida, Mr. BONILLA, Mr. BOEHNER, Mr. KOPETSKI, Mr. HUGHES, and Mr. SISISKY.

H.R. 3626: Mr. NADLER.

H.R. 3633: Mr. MILLER of Florida, Ms. PRYCE of Ohio, Mr. BUNNING, Mr. GINGRICH, Mr. WALKER, Mr. DOOLITTLE, Mr. PAXON, Mr. SHAW, Mr. BARTLETT of Maryland, Mrs. FOWLER, and Mr. MANZULLO.

H.R. 3636: Mr. LAFALCE, Mr. QUINN, Mr. BOEHLERT, Mr. NADLER, Mr. SWETT, Mr. PAXON, and Mr. TORKILDSEN.

H.R. 3656: Mr. WYDEN and Mr. PORTER.

H.R. 3660: Mr. PETE GEREN of Texas, Mr. JACOBS, Mr. MAZZOLI, Mr. HALL of Ohio, and Mr. HOYER.

H.R. 3685: Mr. DOOLITTLE, Mr. SOLOMON, Mr. BOEHNER, and Mrs. LOWEY.

H.R. 3706: Mr. DIXON, Mr. JEFFERSON, and Mr. RANGEL.

H.R. 3720: Mr. GUTIERREZ and Ms. FURSE.

H.R. 3757: Mr. LANCASTER and Mr. GUNDERSON.

H.R. 3762: Mr. BERMAN, Mrs. MINK of Hawaii, Mr. LINDER, Mr. BATEMAN, Mr. FALCOMA VAEGA, Mr. FISH, and Mr. COX.

H.R. 3783: Mr. HUGHES and Ms. FURSE.

H.R. 3789: Mrs. FOWLER.

H.R. 3810: Mr. PETERSON of Minnesota, Mr. YOUNG of Alaska, Mr. STUPAK, Mr. PETE GEREN of Texas, Mr. SKEEN, and Mrs. CLAYTON.

H.R. 3814: Mr. KLUG, Mr. LEVY, Mrs. MEYERS of Kansas, Mr. SKEEN, Mr. TORKILDSEN, and Mr. ZIMMER.

H.R. 3851: Mr. KING, Mr. LIPINSKI, Mr. TALENT, Mr. HANSEN, Mr. BARTLETT of Maryland, Mr. COLLINS of Georgia, Mr. MCINNIS, and Mr. SMITH of Texas.

H.R. 3860: Mr. SOLOMON, Mr. COBLE, Mr. LINDER, Mr. WELDON, and Mr. CALVERT.

H.R. 3862: Mr. BACHUS of Alabama, Mr. BAKER of Louisiana, Mr. BROWDER, Mr. EVERETT, Mr. HANSEN, Mr. HAYES, Mr. KASICH, Mr.

ROBERTS, Mr. SCHAEFER, Mr. SMITH of Oregon, and Mr. TANNER.

H.R. 3872: Mr. GIBBONS and Mrs. THURMAN.
H.J. Res. 21: Mr. TORKILDSEN.

H.J. Res. 22: Mr. SOLOMON.

H.J. Res. 103: Mr. EHLERS.

H.J. Res. 173: Mr. DELAY.

H.J. Res. 199: Mr. DURBIN, Mr. GILCREST, Mr. COYNE, Mr. MILLER of Florida, Mr. PICKLE, Mr. HOBSON, Mr. SUNDQUIST, Ms. SNOWE, Mr. VOLKMER, Mr. CHAPMAN, Mr. BEVILL, Mr. SHAW, Mrs. VUCANOVICH, Mr. ARCHER, Mr. LIPINSKI, Mrs. THURMAN, Mr. KING, Mr. TAYLOR of Mississippi, Mr. FORD of Michigan, Mr. GOODLATTE, Mr. OLVER, Mr. BARLOW, Mr. GLICKMAN, Ms. DANNER, Mr. KINGSTON, Mr. ROHRBACHER, Ms. MARGOLIES-MEZVINSKY, Mr. GINGRICH, and Mr. HUTTO.

H.J. Res. 209: Mrs. MEYERS of Kansas and Mr. KNOLLENBERG.

H.J. Res. 303: Mr. McDERMOTT, Mr. REGULA, Mr. PASTOR, Mr. LEVY, Mr. WAXMAN, Mr. GEKAS, Mrs. MEYERS of Kansas, Mr. VENTO, Mr. SYNAR, Mr. KOPETSKI, Mr. SISISKY, Mr. BONIOR, Mr. ROMERO-BARCELO, Mr. HUGHES, Mr. MANN, Mr. BEVILL, Mr. LIGHTFOOT, and Mr. SAWYER.

H.J. Res. 310: Mr. FRANK of Massachusetts, Mr. PAYNE of New Jersey, Mr. WASHINGTON, Mr. LAFALCE, Mrs. MEYERS of Kansas, Mr. LEVIN, Mr. DEUTSCH, Mr. GEKAS, Mr. SANDERS, Mr. HOLDEN, Mr. RIDGE, Mr. FISH, Ms. SHEPHERD, Mr. STARK, Mr. HAMILTON, Mr. BORSKI, Mr. LEVY, Mr. HOKE, Mr. ANDREWS of New Jersey, Mr. SCHIFF, Mr. SUNDQUIST, Mr. BAKER of California, Mr. FAWELL, Mr. ROSE, Mr. BILBRAY, and Mr. GEJDENSON.

H.J. Res. 318: Mr. MONTGOMERY, Mr. OBERSTAR, Mr. KNOLLENBERG, Mr. HOCHBRUECKNER, Mr. WOLF, Mr. LEACH, Mr. TRAFICANT, and Mr. KASICH.

H.J. Res. 321: Mr. EVANS, Mr. BLUTE, Mr. HANSEN, and Mr. PETRI.

H. Con. Res. 84: Mrs. MEEK of Florida, Mr. FIELDS of Louisiana, Mr. LEWIS of Georgia, Mr. JOHNSON of Georgia, and Mrs. SCHROEDER.

H. Con. Res. 110: Mr. FARR.

H. Con. Res. 148: Mr. TUCKER and Mr. FISH.

H. Con. Res. 150: Mr. GENE GREEN of Texas, Mr. LEVY, and Mr. CASTLE.

H. Con. Res. 156: Mr. BROWN of Ohio and Ms. SLAUGHTER.

H. Con. Res. 199: Mr. HUGHES, Mr. LIVINGSTON, Mr. DELLUMS, Mr. MCCLOSKEY, Mr. JOHNSON of South Dakota, Mr. REGULA, and Mr. PICKETT.

H. Res. 236: Mr. GUTIERREZ, Mrs. KENNELLY, Mr. MYERS of Indiana, Mrs. BENTLEY, Ms. LOWEY, Mr. MARKEY, Mr. CARDIN, Mr. SARPALIUS, Mr. HOEKSTRA, Mr. SHARP, Mr. BLILEY, Mr. GLICKMAN, Mr. SANGMEISTER, Mr. HAMILTON, Mr. CALVERT, Mr. LEACH, Mr. HEFLEY, Mr. EVANS, Mr. FILNER, Mr. MCCLOSKEY, Mr. VISLOSKEY, Ms. CANTWELL, Ms. DELAURO, Mr. SCOTT, Mr. TRAFICANT, Mr. TALENT, Mr. COBLE, Mr. MINGE, Mr. GEJDENSON, Ms. DUNN, and Mr. CONYERS.

H. Res. 238: Mr. EHLERS, Mr. WALSH, Mr. RAVENEL, Mr. BALLENGER, Mrs. VUCANOVICH, Mr. BACHUS of Alabama, and Mr. WOLF.

H. Res. 281: Mr. VALENTINE, Mr. HAMILTON, Mr. INSLEE, Mr. BARRETT of Wisconsin, Mr. BREWSTER, Ms. SCHENK, Mr. CLEMENT, and Ms. SHEPHERD.

H. Res. 343: Mr. WAXMAN, Mr. LAROCO, and Mr. HUGHES.

H. Res. 354: Mr. TORKILDSEN.

H. Res. 362: Mr. TRAFICANT, Mr. ROSE, Mr. MOAKLEY, Ms. SCHENK, Mr. BLUTE, Mr. GEJDENSON, Mrs. MEEK of Florida, Mr. DEFazio, Mr. BOUCHER, Ms. SNOWE, Mr. MANTON, and Ms. SHEPHERD.

H. Res. 365: Mr. KLUG and Mr. POSHARD.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

71. By the SPEAKER: Petition of the Delegation of the Commission of the European Communities, Washington, DC, relative to expressing condolences at the passing of former Speaker O'Neill; to the Committee on House Administration.

72. Also, petition of the Ambassador of the Embassy of Ethiopia, Washington, DC, relative to expressing condolences at the passing of former Speaker O'Neill; to the Committee on House Administration.

73. Also, petition of the Charge d'affaires of the Embassy of Ireland, relative to expressing condolences at the passing of former Speaker O'Neill; to the Committee on House Administration.

74. Also, petition of the Speaker of the House of Representatives, Tokyo, Japan, relative to expressing condolences at the passing of former Speaker O'Neill; to the Committee on House Administration.

75. Also, petition of the Kansas Republic State Committee, Topeka, KS, relative to the proposed Federal Health Security Act; jointly, to the Committees on Energy and Commerce, Ways and Means, and Education and Labor.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 6

By Mr. ARMEY:

—On page 218, line 10, strike subsection 2124(e) in its entirety.

—On page 735, line 6, insert "institutional" after "nonprofit".

—On page 737, line 13, insert "institutional" after "nonprofit".

—On page 762, line 9, insert the following new section and redesignate subsequent sections accordingly:

"SEC. 9508. GENERAL PROVISION REGARDING NON-RECIPIENT 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 that does not receive funds under the Act. This section shall not be construed to bar private, religious, or home schools from participation in programs or services under the Act."

By Mr. BATEMAN:

—At the end of Title VIII, add section 6 of the Act of September 30, 1950 (Public Law 874, 81st Congress, 20 U.S.C. section 241). This section shall be designated "Section 8015. Education of children where local agencies cannot support facilities."

By Mr. BARRETT of Nebraska:

—Page 413, strike line 14 and all that follows through line 17.

—Page 413, line 18, strike "(2)" and insert "(1)".

—Page 414, line 6, strike "(3)" and insert "(2)".

—Page 414, line 12, strike "(4)" and insert "(3)".

—Page 414, line 18, strike "(5)" and insert "(4)".

—Page 414, line 22, strike "(6)" and insert "(5)".

—Page 415, line 1, strike "(7)" and insert "(6)".

—Page 416, after line 4, insert the following:

"(c) GOVERNOR'S FUNDS.—A State's application under this section shall also contain a comprehensive plan for the use of funds under section 4103A by the chief executive officer that includes—

"(1) a statement of the chief executive officer's measurable goals and objectives for drug and violence prevention and a description of the procedures to be used for assessing and publicly reporting progress toward meeting those goals and objectives;

"(2) a description of how the chief executive officer will coordinate his or her activities under this part with the State educational agency and other State agencies and organizations involved with drug and violence prevention efforts;

"(3) a description of how funds reserved under section 4103A 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 4103A 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.

—Page 416, line 24, strike "the total amount" and insert "an amount equal to 80 percent of the total amount".

—Page 419, line 14, strike "(1)".

—Page 419, strike line 18 and all that follows through line 21.

—Page 422, after line 21, insert the following: **"SEC. 4103A. GOVERNOR'S PROGRAMS.**

"(a) USE OF FUNDS.—(1) An amount equal to 20 percent of the total amount allocated to a State under section 4101 for each fiscal year shall be used by the chief executive officer of such State for drug and violence prevention programs and activities in accordance with this section.

"(2) A chief executive officer shall use not less than 10 percent of the 20 percent of the total amount described in paragraph (1) for each fiscal year for drug abuse resistance education programs in accordance with subsection (e).

"(3) A chief executive officer may use no more than five percent of the 20 percent of the total amount described in paragraph (1) for the administrative costs incurred in carrying out the duties of such officer under this section.

"(b) ADVISORY PANEL.—

"(1) ESTABLISHMENT.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), a chief executive officer shall establish an advisory panel in accordance with this subsection for the purpose of developing a plan for the use of funds reserved under subsection (a)(1).

"(B) EXCEPTION.—The chief executive officer of a State shall be exempt from the requirement under subparagraph (A) if such State, on or before January 1, 1994, has established an independent agency as described in section 4103(a)(2)(A).

"(2) PLAN.—The advisory panel established under paragraph (1) shall develop a plan under which—

"(A) existing drug and violence prevention programs, projects, and activities in the State (including activities of the State educational agency and local educational agencies and community-based organizations)

that are determined by the panel to be successful are continued, or, where appropriate, coordinated with new programs, projects, and activities established and carried out with funds reserved under subsection (a)(1); and

"(B) technical assistance and training is provided to local educational agencies, consortia of such agencies, and partnerships consisting of such agencies and community-based organizations, for drug and violence prevention, community outreach, and mobilization and coordination of alcohol, tobacco, and other drug prevention programming.

"(3) MEETINGS.—The advisory panel shall meet at least once every 2 years after the establishment of the plan described in paragraph (2) for the purpose of reviewing and evaluating the use of funds under this section.

"(4) MEMBERSHIP.—

"(A) IN GENERAL.—The advisory panel shall consist of not less than 9 members, but not more than 12 members, including the chief executive officer of the State (or the designee of such chief executive officer) and at least 1 individual appointed by such chief executive officer from each of the following categories:

- "(i) Parents.
- "(ii) Students.
- "(iii) Chief state school officers (or their designees).
- "(iv) School administrators or teachers.
- "(v) Substance abuse prevention workers or administrators.
- "(vi) Community-based providers.
- "(viii) Law enforcement officers or district attorneys.
- "(ix) Mayors, city councilpersons, or county commissioners.

"(B) POLITICAL AFFILIATION.—Not more than ½ of the members of the advisory panel may be of the same political party.

"(C) COMPENSATION.—Members of the advisory panel shall serve without pay.

"(5) ADMINISTRATIVE EXPENSES.—The administrative expenses of the advisory panel shall be paid for from the State administrative funds under subsection (a)(2)

"(c) PROGRAMS AUTHORIZED.—(1) A chief executive officer shall use funds reserved under subsection (a)(1) for grants to or contracts with parent groups, community action and job training agencies, community-based organizations, and other public entities and private nonprofit organizations. Such grants or contracts shall support programs and activities described in subsection (d) for children and youth who are not normally served by State or local educational agencies, for populations that need special services or additional resources (such as preschoolers, youth in juvenile detention facilities, runaway or homeless children and youth, and dropouts), or both.

"(2) Grants or contracts awarded under this subsection shall be subject to a peer review process.

"(d) AUTHORIZED ACTIVITIES.—Grants and contracts under subsection (c) shall be used for programs and activities such as—

- "(1) disseminating information about drug and violence prevention;
- "(2) training parents, law enforcement officials, judicial officials, social service providers, health service providers and community leaders about drug and violence prevention, education, early intervention, counseling, or rehabilitation referral;
- "(3) developing and implementing comprehensive, community-based drug and violence prevention programs that link commu-

nity resources with schools and integrate services involving education, vocational and job skills training, law enforcement, health, mental health, and other appropriate services;

"(4) planning and implementing drug and violence prevention activities that coordinate the efforts of State agencies with those of the State educational agency and its local educational agencies;

"(5) activities to protect students traveling to and from school;

"(6) developing and implementing strategies to prevent illegal gang activity;

"(7) coordinating and conducting community-wide violence and safety assessments and surveys; and

"(8) evaluating programs and activities under this section.

"(e) DRUG ABUSE RESISTANCE EDUCATION PROGRAMS.—(1) A chief executive officer shall use funds reserved under subsection (a)(2) for grants to local educational agencies in consortium with entities which have experience in assisting school districts to provide instruction to students grades kindergarten through 6 to recognize and resist pressures that influence such students to use controlled substances, as defined in Schedules I and II of section 202 of the Controlled Substances Act the possession or distribution of which is unlawful under such Act, or beverage alcohol, such as Project Drug Abuse Resistance Education, that meet the requirements of paragraph (2).

"(2) A local educational agency in consortium with an entity shall not be eligible for a grant under paragraph (1) unless such local educational agency in consortium with an entity will use assistance provided under such grant to provide or arrange for the provision of services that shall include—

"(A) drug abuse resistance education instruction for students grades kindergarten through 6 that is designed to teach students to recognize and resist pressures to experiment that influence such children to use controlled substances, as defined under paragraph (1), or beverage alcohol, including instruction in the following areas—

- "(i) drug use and misuse;
- "(ii) understanding the consequences of drug abuse;
- "(iii) resistance techniques;
- "(iv) assertive response styles;
- "(v) managing stress without taking drugs;
- "(vi) decisionmaking and risk taking;
- "(vii) media influences on drug use;
- "(viii) positive alternatives to drug abuse behavior;
- "(ix) interpersonal and communication skills;
- "(x) self-esteem building activities; and
- "(xi) resistance to peer pressure and gang pressure;

"(B) provisions for parental involvement;

"(C) classroom instruction by uniformed law enforcement officials;

"(D) the use of positive student leaders to influence younger students not to use drugs;

"(E) an emphasis on activity-oriented techniques designed to encourage student-generated responses to problem-solving situations; and

"(F) the awarding of a certificate of achievement to each student who participates in a drug abuse resistance education program.

"(3) Amounts received under paragraph (1) by any local educational agency or entity shall be used only to supplement, not to supplant, the amount of Federal, State, and local funds expended for the support of projects of the type described in paragraph (2).

—Page 427, line 24, strike "under this part; and" and insert "under this part."

—Page 428, strike line 1 and all that follows through line 3.

—Page 431, strike line 18 and all that follows through line 15 on page 433.

—Page 433, line 16, strike "(d)" and insert "(c)".

By Mr. BOEHNER:

—Page 66, after line 18, insert the following (and redesignate the subsequent sections accordingly):

"SEC. 1116. SCHOOL CHOICE.

"(a) CHOICE PROGRAMS.—A local education agency may use funds under this part, in combination with other Federal, State, local, and private funds to develop and implement choice programs, for children eligible for assistance under this title, which permit parents to select the public school that their children will attend.

"(b) CHOICE PLAN.—A local educational agency that chooses to implement a school choice plan shall first develop a comprehensive plan that includes assurances that—

"(1) all eligible students across grade levels will have equal access to the program;

"(2) the program does not include schools which follow a racially discriminatory policy;

"(3) describe how the school will use resources under this part and from other sources to implement such components;

"(4) describe how the school will provide individual student assessment results, including an interpretation of such results, to the parents of a child who participates in the assessment required by section 1111(b)(3);

"(5) the plan will be developed with the involvement of the community to be served and individuals who will carry it out, including teachers, principals, and other staff, parents, and, if the plan relates to a secondary school, students from the school;

"(6) the plan will be made available to parents and the public; and

"(7) the program shall not include schools that do not receive funds under this title.

—Page 66, after line 18, insert the following (and redesignate the subsequent sections accordingly):

"SEC. 1116. SCHOOL CHOICE.

"(a) CHOICE PROGRAMS.—A local education agency may use funds under this part, in combination with other Federal, State, local, and private funds to develop and implement choice programs, for children eligible for assistance under this title, which permit parents to select the public school that their children will attend.

"(b) CHOICE PLAN.—A local educational agency that chooses to implement a school choice plan shall first develop a comprehensive plan that includes assurances that—

"(1) all eligible students across grade levels will have equal access to the program;

"(2) the program does not include schools which follow a racially discriminatory policy;

"(3) describe how the school will use resources under this part and from other sources to implement such components;

"(4) describe how the school will provide individual student assessment results, including an interpretation of such results, to the parents of a child who participates in the assessment required by section 1111(b)(3);

"(5) the plan will be developed with the involvement of the community to be served and individuals who will carry it out, including teachers, principals, and other staff, parents, and, if the plan relates to a secondary school, students from the school; and

"(6) the plan will be made available to parents and the public.

—Beginning on page 372, strike line 20 and all that follows through line 22 on page 397 (and redesignate the subsequent parts accordingly).

—Beginning on page 398, strike line 1 and all that follows through line 21 on page 404 (and redesignate the subsequent parts accordingly).

—Beginning on page 404, strike line 22 and all that follows through line 18 on page 406 (and redesignate the subsequent parts accordingly).

—Beginning on page 456, strike line 5 and all that follows through line 20 on page 458 (and redesignate the subsequent parts accordingly).

—Beginning on page 768, strike line 22 and all that follows through line 7 on page 776 (and redesignate the subsequent parts accordingly).

—Beginning on page 776, strike line 10 and all that follows through line 12 on page 791 (and redesignate the subsequent parts accordingly).

—Beginning on page 791, strike line 13 and all that follows through line 19 on page 798 (and redesignate the subsequent parts accordingly).

—Beginning on page 870, strike line 1 and all that follows through line 20 on page 875 (and redesignate the subsequent parts accordingly).

By Mr. CASTLE:

—Page 112, lines 19 and 20, strike "150 percent of the national average per pupil payment with funds available" and insert "150 percent of the amount that the State would otherwise have received, without application of the State minimum".

—Page 114, lines 16 and 17, strike "150 percent of the national average per pupil payment made with funds available" and insert "150 percent of the amount that the State would otherwise have received, without application of the State minimum".

By Mr. CONDIT:

—Page 39, after line 12, insert the following new paragraph (and redesignate accordingly):

"(g) Notwithstanding any other provision of this Act, the provisions of the model opportunity-to-learn standards that impose requirements on States, local education agencies, and schools (whether it be the actual development of the opportunity-to-learn standards or actions taken to meet the standards) shall be treated as recommendations to the States, local education agencies, and schools and compliance with such provisions shall be voluntary on the part of the States, local education agencies, and schools until the costs of implementing such provisions are fully funded by the Federal Government."

—Page 762, after line 8, insert the following new section (and redesignate accordingly):

"SEC. 9508. PROVISIONS TO BE TREATED AS VOLUNTARY UNTIL FULLY FUNDED.

"Notwithstanding any other provision of this Act, the provisions relating to opportunity-to-learn standards that impose requirements on States and local educational agencies (whether the development of opportunity-to-learn standards or actions taken to meet such standards) shall be treated as recommendations to the States and local educational agencies and compliance with such provisions shall be voluntary on the part of the State and local educational agencies until the costs of implementing such provisions are fully funded by the Federal Government."

By Mr. COX:

—After section 9507, insert the following new section and redesignate subsequent sections accordingly:

"SEC. 9508. Nothing in this act shall be construed to infringe upon the right of a parent to teach his or her child."

By Mr. CUNNINGHAM:

—In Title VIII:

On page 729 strike "Section 8014, lines 15-24"

—On page 730 strike "lines 1-21".

By Mr. DOOLEY:

"On page 55, line 22, redesignate paragraph (G) as paragraph (H) and insert a new paragraph (G) to read as follows:

"(G) Strategies to ensure that the health and welfare needs of children from migratory families are addressed.

—On page 55, line 1, insert after "students", "and children from migratory families".

—On page 59, line 14, insert a new paragraph (4) to read as follows:

"(4) The Secretary shall report no later than December 31, 1997 to the House Committee on Education and Labor and the Senate Committee on Labor and Human Resources on how schoolwide programs are meeting the needs of children from migratory families."

By Mr. DUNCAN:

—Page 762, after line 8, insert the following:

"SEC. 9508. PROHIBITION AGAINST FUNDS FOR PROTECTED PRAYER.

"Notwithstanding any provision of law, no funds made available through the Department of Education under this Act, or any other Act, shall be available to any State or local educational agency which has a policy of denying or which effectively prevents participation in, constitutionally protected prayer in public schools by individuals on a voluntary basis. Neither the United States nor any State nor any local educational agency shall require any person to participate in prayer or influence the form or content of any constitutionally protected prayer in such public schools."

By Mr. DURBIN:

—Page 439, strike paragraph (1) and insert the following:

"(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, the use of tobacco and the use of controlled, illegal, addictive, or harmful substances, including inhalants and anabolic steroids; and

"(B) with respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, including sexual harassment, on school premises, going to and from school, and at school-sponsored activities, through the creation and maintenance of a school environment that is free of weapons and fosters individual responsibility and respect for the rights of others.

—Page 408, after line 12, insert the following paragraph (and redesignated succeeding paragraphs accordingly):

"(6) Every day approximately 3,000 children start smoking for the first time and 30 percent of all high school seniors are smokers. Half of all new smokers begin before the age of 14, 90 percent before the age of 21, and the average age of the first use of smokeless tobacco products is under the age of 10. Use of tobacco products has been linked to serious health problems. However, because the nicotine in tobacco is an addictive substance, many tobacco users find it difficult to stop using tobacco once they have started. Drug education and prevention programs that include tobacco have been effective in reducing teenage use of tobacco. Drug prevention programs for youth that address

only controlled drugs send an erroneous message that the use of tobacco does not have adverse consequences. To be credible, messages opposing illegal drug use by youth should also address other harmful substances.

—Page 439, strike subsection (1), and insert the following:

"(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, the use of tobacco and the use of controlled, illegal, addictive, or harmful substances, including inhalants and anabolic steroids; and

"(B) with respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, including sexual harassment, on school premises, going to and from school, and at school-sponsored activities, through the creation and maintenance of a school environment that is free of weapons and fosters individual responsibility and respect for the rights of others.

By Mr. ENGEL:

—Title III, Part E, section 3502:

"SEC. 3502. SHORT TITLE.

"This part may be cited as the Community Arts Partnership Act of 1994".

(a) FINDINGS.

"Congress finds that—

"(1) with local school budgets cut there are inadequate arts programs available for children and youth in schools;

"(2) the arts promote progress in academic subjects as shown by research conducted by the National Endowment for the Arts;

"(3) the arts access multiple human intelligences and develop higher-order thinking skills;

"(4) the arts generate self-esteem and positive emotional responses to learning; and

"(5) children and youth who receive instruction in the art remain in school longer and are more successful than children who do not receive such instruction.

(b) PURPOSE.

"The purpose of this part is to make demonstration grants to eligible entities to improve the educational performance and future potential of at-risk children and youth by providing comprehensive and coordinated educational and cultural services.

(c) GRANTS AUTHORIZED.

"(1) IN GENERAL.—The Secretary is authorized to award grants to eligible entities to pay the Federal share of the costs of the activities described in subsection (f).

"(2) SPECIAL REQUIREMENTS.—The Secretary shall award grants under this Act only to program designed to—

"(A) promote educational and cultural services;

"(B) provide multi-year services to at-risk children and youth;

"(C) serve the target population described in subsection (e);

"(D) provide integration of community cultural resources in the regular curriculum;

"(E) focus school and cultural resources in the community on coordinated cultural services to address the needs of at-risk children and youth;

"(F) provide effective cultural linkages from preschool programs, including the Head Start Act and preschool grants under the Individuals with Disabilities Education Act, to elementary schools;

"(G) facilities school-to-work transition from secondary schools and alternative schools to job training, higher education, and employment;

“(H) increase parental and community involvement in the educational, social, and cultural development of at-risk children and youth; or

“(I) replicate programs and strategies that provide high quality coordinated educational and cultural services and that are designed to integrate such coordination into the regular curriculum.

“(3) REQUIREMENT OF COORDINATION.—Grants may only be awarded under this part to eligible entities that agree to coordinate activities carried out under other Federal, State, and local grants, received by the members of the partnership for purposes and target populations described in this part, into an integrated service delivery system located at a school, cultural, or other community-based site accessible to and utilized by at-risk youth.

“(4) DURATION.—Grants made under this part may be renewable for a maximum of 5 years if the Secretary determines that the eligible recipient has made satisfactory progress toward the achievement of the program objectives described in application.

“(5) GEOGRAPHIC DISTRIBUTION.—In awarding grants under this part, the Secretary shall ensure—

“(A) an equitable geographic distribution; and

“(B) an equitable distribution to both urban and rural areas with a high proportion of at-risk children and youth as defined in subsection (e).

(d) ELIGIBILITY.

“(1) SERVICES FOR IN-SCHOOL YOUTH.—For the purpose of providing a grant under this part to serve in-school children and youth, the term “eligible entity” means a partnership between a local education agency that is eligible for funds under title I of this Act, and at least 1 institution of higher education or cultural entity located within or accessible to the geographical boundaries of the local education agency with a history of providing quality services to the community, and which may include—

“(A) nonprofit institutions of higher education; museums; libraries; performing, presenting and exhibiting arts organizations; literary arts organizations; local arts organizations; and zoological and botanical organizations; and

“(B) private for-profit entities with a history of training children and youth in the arts.

“(2) SERVICES FOR OUT-OF-SCHOOL YOUTH.—For purposes of providing a grant under this part to serve out-of-school youth, the term “eligible entity” means a partnership between at least 1 entity of the type described in paragraph (A) and (B) of subsection (1), or a local education agency eligible for funds under chapter 1 of title I of this Act and at least 1 cultural entity described in subsection (1).

(e) TARGET POPULATION.

“In order to receive a grant under this part, an eligible entity shall serve—

“(1) students enrolled in schools in participating schoolwide projects assisted under title I of this Act and the families of such students; or

“(2) out-of-school youth at risk of having limited future options as a result of teenage pregnancy and parenting, substance abuse, recent migration, disability, limited English proficiency, family migration, illiteracy, being the child of a teen parent, living in a single parent household, or being a high school dropout; or

“(3) any combination of in-school and out-of-school at-risk children and youth.

(f) AUTHORIZED ACTIVITIES.

“(1) IN GENERAL.—Funds made under this part may be used—

“(A) 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 and out-of-school at-risk youth through cooperative agreements, contracts for services, or administrative coordination;

“(B) to provide at-risk students with integrated cultural activities designed to develop a love of learning to ensure the smooth transition of preschool children to elementary school;

“(C) 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;

“(D) to provide child care for children of at-risk students who would not otherwise be able to participate in the program;

“(E) to provide transportation necessary for participation in the program;

“(F) to work with existing school personnel to develop curriculum materials and programs in the arts;

“(G) to work with existing school personnel on staff development activities that encourage the integration of the arts into the curriculum;

“(H) for stipends that allow local artists to work with at-risk children and youth in the schools;

“(I) for cultural programs that encourage the active participation of parents in their children's education;

“(J) for programs that use the art reform current school practices, including lengthening the school day or academic year;

“(K) for appropriate equipment and necessary supplies; and

“(L) for evaluation, administration, and supervision.

“(2) PRIORITY.—In providing assistance under this part, the Secretary shall give priority to eligible entities that provide comprehensive services that extend beyond traditional school or service hour, that may include year round programs that provide services in the evenings and weekends.

“(3) PLANNING GRANTS.—

“(A) APPLICATION.—An eligible entity may submit an application to the Secretary for a planning grant for an amount not to exceed \$50,000. Such grants shall be for periods of not more than 1 year.

“(B) LIMIT ON PLANNING GRANTS.—Not more than 10 percent of the amounts appropriated in each fiscal year under this part shall be used for grants under this subsection, and an eligible entity may receive not more than 1 such planning grant.

(g) GENERAL PROVISIONS.

“(1) IN GENERAL.—Each eligible entity 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.

“(2) CONTENTS.—Each application submitted pursuant to subsection (a) 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) describe, for a local educational agency participant, how services will be perpetuated beyond the length of the grant;

“(F) describe the manner in which the eligible entity will improve the educational achievement or future potential of at-risk youth through more effective coordination of cultural services in the community;

“(G) describe the overall and operational goals of the program; and

“(H) describe the nature and location of all planned sites where services will be delivered and a description of services which will be provided at each site.

(h) PAYMENTS—FEDERAL SHARE.

“(1) PAYMENTS.—The Secretary shall pay to each eligible entity having an application approved under subsection (g) the Federal share of the cost of the activities described in the application.

“(2) AMOUNTS OF GRANTS.—The amount of a grant made under this part may not be less than \$100,000 or exceed \$500,000 in the first year of such grant.

“(3) FEDERAL SHARE.—The Federal share shall be 80 percent.

“(4) NON-FEDERAL SHARE.—The non-Federal share shall be equal to 20 percent and may be in cash or in kind, fairly evaluated, including facilities or services.

“(5) LIMITATION.—Not more than 25 percent of any grant under this part may be used for noninstructional services such as those described in paragraphs D, E, and L of subsection (f).

“(6) SUPPLEMENT AND NOT SUPPLANT.—Grant funds awarded under this part shall be used to supplement not supplant the amount of funds made available from non-Federal sources, for the activities assisted under this part, in amounts that exceed the amounts expended for such activities in the year preceding the year for which the grant is awarded.

“(7) DISSEMINATION OF MODELS.—The Secretary shall disseminate information concerning successful models under this part through the National Diffusion Network.

(i) AUTHORIZATION OF FUNDS.

“There are authorized to be appropriated to carry out this subpart, \$75,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

By Mr. FARR:

—Title III

Insert new Part .

SEC. . SHORT TITLE.

This part may be cited as the “National Center for Second Language Development Act.”

SEC. . FINDINGS.

The Congress finds that:

1. At a time when international opportunities and challenges are escalating, there exists no national education effort to develop second language capabilities in the United States.

2.1. In the present international economic context, it is critical for Americans to become skilled speakers of other languages.

2. There is a widespread recognition of this need, but little awareness of important advances in the technology of language instruction and in our understanding of the processes involved in acquiring a second language.

3. These technological and conceptual advances need to be incorporated in language instruction and in the professional development of language teachers.

4. The technological and conceptual advances currently in use and being developed in the second language arena can improve our ability to instruct the millions of immigrant school children and adults who have limited proficiency in English. Without flu-

ency in the English language these individuals remain an untapped national resource.

5. The concentration of talent focused on research on second language acquisition, language instruction, teaching technology, and curriculum development and publications housed at the Defense Language Institute (DLI—a teaching facility of the Department of Defense, located in Monterey, California), provides an optimal environment for the incipient development of a nationwide effort in second language training and acquisition.

SEC. . PURPOSE.

It is the purpose of this part to—

1. implement advances in research and technology in the language education of children, college students, and adults and in the professional development of language instructors.

SEC. . NATIONAL CENTER FOR SECOND LANGUAGE DEVELOPMENT.

a. ESTABLISHMENT. In order to better effectuate the purposes of this part through assistance in the coordination of services and programs provided for under this part, the Secretary shall establish a National Center for Second Language Development.

b. COMPOSITION. The Center shall consist of, but not be limited to:

1. The Defense Language Institute.
2. Other public, government and private entities with expertise in the education and training of second language curricula, as determined necessary by the Secretary.

c. MISSION. The Center shall:

1. Study the current potential for second language capabilities of the population of the United States;
2. Make recommendations to the Secretary from that study the most appropriate means of increasing widespread second language capabilities in the United States;
3. Implement pilot programs to effectuate a greater second language capability within the United States.

By Mr. FISH:

—Page , after line (at the end of section 8003), insert the following:

“(e) ADDITIONAL ASSISTANCE FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

“(1) IN GENERAL.—From amounts appropriated under section 8013(a)(2) for a fiscal year, the Secretary shall provide additional assistance under this subsection to local educational agencies that are heavily impacted because of Federal acquisition of real property in such local educational agencies.

“(2) ELIGIBILITY.—A local educational agency shall be eligible to receive assistance under this subsection only if Federal property in such agency comprised 25 percent or more of the total land area within such agency during the preceding fiscal year.

“(3) MAXIMUM AMOUNT.—The amount that a local educational agency may receive under this subsection for a fiscal year may not exceed the difference of—

“(A) the amount such agency is entitled to receive under subsection (b) for such fiscal year; and

“(B) the amount such agency actually receives under such subsection for such fiscal year.

—Page , strike line and all that follows through line (subsection (a) of section 8013) and insert the following:

“(a) PAYMENTS FOR FEDERAL ACQUISITION OF REAL PROPERTY.—

“(1) IN GENERAL.—For the purpose of making payments under section 8003 (except subsection (e) of such section), there are authorized to be appropriated \$16,750,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

“(2) PAYMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—For the purpose of making payments under section 8003(e), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995, 1996, 1997, 1998, and 1999.

By Mr. FORD of Michigan:

—Page 218, strike lines 10 through 18.

—Page 762, after line 8, insert the following:

“SEC. 9508. APPLICABILITY TO HOME SCHOOLS.

“Nothing contained in this Act shall be construed to affect home schools.”

By Mr. GILMAN:

—Page 193, line 15, strike “and”.

—Page 193, after line 15, insert the following:

“(iii) have established or plan to establish a mentoring program for elementary students formerly enrolled in Head Start of Even Start programs using high school or college students trained to provide tutoring to such elementary students, and”.

By Mr. GLICKMAN:

—Page 218, strike lines 10 through 18.

By Mr. GOODLING:

—Beginning on page 28, strike the semicolon on line 10 and all that follows through page 30, line 2, and insert a period.

—Page 34, strike lines 7 through 11 (and redesignate any subsequent paragraphs accordingly).

—Page 38, beginning on line 14, strike “, provided” and all that follows through “section” on line 18 and insert a period.

—Page 39, strike lines 13 through 17 (and redesignate any subsequent subsections accordingly).

—Page 42, line 18, strike “; and” and insert a period.

—Page 42, strike lines 19 through 22.

—Page 67, strike lines 7 through 9 (and redesignate any subsequent paragraphs accordingly).

—Page 75, line 12, strike “and opportunity-to-learn standards”.

—Page 85, line 7, strike “opportunity-to-learn standards”.

—Page 91, beginning on line 19, strike “and opportunity-to-learn standards”.

—Page 328, beginning on line 11, strike “and opportunity-to-learn standards”.

—Beginning on page 28, strike the semicolon on line 10 and all that follows through page 30, line 2, and insert a period.

—Page 34, strike lines 7 through 11 (and redesignate any subsequent paragraphs accordingly).

—Page 38, beginning on line 14, strike “, provided” and all that follows through “section” on line 18 and insert a period.

—Page 39, strike lines 13 through 17 (and redesignate any subsequent subsections accordingly).

—Page 42, line 18, strike “; and” and insert a period.

—Page 42, strike lines 19 through 22.

—Page 67, strike lines 7 through 9 (and redesignate any subsequent paragraphs accordingly).

—Page 69, line 3, strike “and”.

—Page 69, after line 3, insert the following (and redesignate any subsequent clauses accordingly):

“(ii) using only funds allocated under subsection (e), identify strategies to ensure that children participating in programs funded under this section are provided with an opportunity to learn, including strategies which may address—

“(I) the quality and availability of curricula, instructional materials, and technologies;

“(II) the capability of teachers to provide high quality instruction;

“(III) the extent to which teachers, principals, and administrators have access to professional development;

“(IV) the extent to which school facilities provide a safe and secure environment for learning and instruction;

“(V) the capability of schools to comply with the requirements of section 1112(c)(3) with respect to addressing the comprehensive needs of children and the requirements of section 1114(b) or section 1115(c), whichever is applicable; and

“(VI) such other factors as the State deems appropriate to ensure that all children participating in programs funded under this section receive an opportunity to achieve the knowledge and skills in order to meet the State’s performance standards; and.”

—Page 69, after line 5, insert the following (and redesignate any subsequent subparagraphs accordingly):

“(B) The strategies referred to in subparagraph (3)(A) shall be used only as guidelines for a school to improve the performance of children participating in programs funded under this section in meeting the State’s performance standards.

“(C) Nothing in this section regarding opportunity-to-learn standards shall be construed to create a legally enforceable right for any person against a State, local educational agency, or school.

“(D) Nothing in this section shall be construed to mandate equalized per pupil spending for a State, local educational agency, or school.

“(E) Nothing in this section shall be construed to mandate national school building standards for a State, local educational agency, or school.”

—Page 69, at the end of line 13, insert “The school shall use only funds allocated under subsection (e) to carry out this subparagraph.”

—Page 70, at the end of line 3 insert the following: “Federal technical assistance centers under part D of title II shall give priority to schools identified under paragraph (1) who request technical assistance in order to improve student achievement.”

—Page 72, line 21, insert the following (and redesignate any subsequent paragraphs accordingly):

“(5) Each local educational agency identified under paragraph (3) shall establish a strategy for developing or adopting opportunity-to-learn standards that have the greatest likelihood of improving the performance of its schools in meeting the State’s performance standards. Such standards may include those referred to in subsection (c)(3)(A)(ii). Such strategy shall be used only as a guideline for schools and local educational agencies to improve their performance in meeting the performance standards of the State. The local educational agency shall use only funds appropriated under subsection (e) to carry out this paragraph.

“(6) Nothing in this section regarding opportunity-to-learn standards shall be construed to create a legally enforceable right for any person against a State, local educational agency, or school.

“(7) Nothing in this section shall be construed to mandate equalized per pupil spending for a State, local educational agency, or school.

“(8) Nothing in this section shall be construed to mandate national school building standards for a State, local educational agency, or school.”

—Page 73, at the end of line 15 insert the following: “Federal technical assistance cen-

ters under part D of title II shall give priority to local educational agencies identified under paragraph (3) who request technical assistance in order to improve student achievement."

—Page 75, line 12, strike "and opportunity-to-learn standards".

—Page 85, line 7, strike "opportunity-to-learn standards".

—Page 91, beginning on line 19, strike "and opportunity-to-learn standards".

—Page 328, beginning on line 11, strike "and opportunity-to-learn standards".

—Beginning on page 28, strike the semicolon on line 10 and all that follows through page 30, line 2, and insert a period.

—Page 34, strike lines 7 through 11 (and redesignate any subsequent paragraphs accordingly).

—Page 38, beginning on line 14, strike ", provided" and all that follows through "section" on line 18 and insert a period.

—Page 39, strike lines 13 through 17 (and redesignate any subsequent subsections accordingly).

—Page 42, line 18, strike "; and" and insert a period.

—Page 42, strike lines 19 through 22.

—Page 67, strike lines 7 through 9 (and redesignate any subsequent paragraphs accordingly).

—Page 69, line 3, strike "and".

—Page 69, after line 3, insert the following (and redesignate any subsequent clauses accordingly):

"(ii) using only funds allocated under subsection (e), identify strategies to ensure that children participating in programs funded under this section are provided with an opportunity to learn with such strategies used only as guidelines for a school to improve the performance of children participating in programs funded under this section in meeting the performance standards of the State; and

—Page 69, after line 13, insert the following (and redesignate the subsequent subparagraph accordingly):

"(C) Nothing in this section regarding opportunity-to-learn standards shall be construed to create a legally enforceable right for any person against a State, local educational agency, or school.

"(D) Nothing in this section shall be construed to mandate equalized per pupil spending for a State, local educational agency, or school.

"(E) Nothing in this section shall be construed to mandate national school building standards for a State, local educational agency, or school.

—Page 70, at the end of line 3 insert the following: "Federal technical assistance centers under part D of title II shall give priority to schools identified under paragraph (1) who request technical assistance in order to improve student achievement."

—Page 72, line 21, insert the following (and redesignate any subsequent paragraphs accordingly):

"(5) Each local educational agency identified under paragraph (3) shall establish a strategy for developing or adopting opportunity-to-learn standards that have the greatest likelihood of improving the performance of its schools in meeting the State's performance standards. Such strategy shall be used only as a guideline for schools and local educational agencies to improve their performance in meeting the performance standards of the State. The local educational agency shall use only funds appropriated under subsection (e) to carry out this paragraph.

"(6) Nothing in this section regarding opportunity-to-learn standards shall be construed to create a legally enforceable right for any person against a State, local educational agency, or school.

"(7) Nothing in this section shall be construed to mandate equalized per pupil spending for a State, local educational agency, or school.

"(8) Nothing in this section shall be construed to mandate national school building standards for a State, local educational agency, or school.

—Page 73, at the end of line 15 insert the following: "Federal technical assistance centers under part D of title II shall give priority to local educational agencies identified under paragraph (3) who request technical assistance in order to improve student achievement."

—Page 75, line 12, strike "and opportunity-to-learn standards".

—Page 85, line 7, strike "opportunity-to-learn standards".

—Page 91, beginning on line 19, strike "and opportunity-to-learn standards".

—Page 328, beginning on line 11, strike "and opportunity-to-learn standards".

—Beginning on page 28, strike the semicolon on line 10 and all that follows through page 30, line 2, and insert a period.

—Page 28, after line 11, insert the following:

"(iii) opportunity-to-learn standards that are consistent with standards established under title III of the Goals 2000: Educate America Act, except that—

"(I) the Secretary may not withhold funds appropriated under this title on the basis of the content of the opportunity to learn standards adopted by the State or promulgate regulations with regard to such standards;

"(II) a State may waive such requirement if it has met the opportunity-to-learn standards established by title III of the Goals 2000: Educate America Act.

—Page 34, strike lines 7 through 11 (and redesignate any subsequent paragraphs accordingly).

—Page 38, beginning on line 14, strike ", provided" and all that follows through "section" on line 18 and insert a period.

—Page 39, after line 17, insert the following (and redesignate any subsequent subsections accordingly):

"(h) Nothing in this section regarding opportunity-to-learn standards shall be construed to create a legally enforceable right for any person against a State, local educational agency, or school.

"(i) Nothing in this section shall be construed to mandate equalized per pupil spending for a State, local educational agency, or school.

"(j) Nothing in this section shall be construed to mandate national standards for school buildings for a State, local educational agency, or school.

—Page 42, line 18, strike "; and" and insert a period.

—Page 42, strike lines 19 through 22.

—Page 67, strike lines 7 through 9 (and redesignate any subsequent paragraphs accordingly).

—Page 75, line 12, strike "and opportunity-to-learn standards".

—Page 85, line 7, strike "opportunity-to-learn standards".

—Page 91, beginning on line 19, strike "and opportunity-to-learn standards".

—Page 328, beginning on line 11, strike "and opportunity-to-learn standards".

—Beginning on page 28, strike the semicolon on line 10 and all that follows through page 30, line 2 and insert a period.

—Page 28, after line 11 insert the following: (iii) strategies for providing all students with an opportunity to learn.

—Page 34, strike lines 7 through 11 (and redesignate any subsequent paragraphs accordingly).

—Page 38, beginning on line 16, strike "specific" and all that follows through line 18.

—Page 38, beginning on line 16, after the first "the"; insert, "opportunity to learn strategies developed or adopted by a State under this section."

—Page 39, beginning on line 16, strike "or" and all that follows through line 17.

—Page 39, beginning on line 15, after "agency" insert, "or school's opportunity to learn strategies as a condition of eligibility to receive funds under this title."

—Page 39, after line 17, insert the following (and redesignate any subsequent subsection accordingly):

"(h) Nothing in this section shall be construed to create a legally enforceable right for any person against a State, local educational agency, or school based on voluntary opportunity to learn standards.

"(i) Nothing in this section shall be construed to mandate equalized spending per pupil for a State, local educational agency or school.

"(j) Nothing in this section shall be construed to mandate national school building standards for a State, local educational agency, or school.

—Page 42, strike lines 19 through 22.

—Page 42, after line 18, insert the following:

(4) a description of the strategies a local educational agency will use to ensure that all students have an opportunity to learn.

—On page 67, strike lines 7 through 9 (and redesignate any subsequent paragraphs accordingly).

—On page 75, line 12, strike "and opportunity to learn standards".

—On page 85, line 7, strike "opportunity to learn standards".

—On page 91, line 19, strike "and opportunity to learn standards".

—On page 328, line 11–12, strike "and opportunity to learn standards".

—Beginning on page 28, strike line 12 and all that follows through page 30, line 2.

—Page 28, after line 11, insert the following:

"(iii) model opportunity to learn standards for schools which receive assistance under this title that address—

"(I) the alignment of curricula, instructional media, and other school resources with the content and performance standards adopted by the State;

"(II) the capability of teachers to provide high quality instruction within each subject area for which the State has adopted content and performance standards;

"(III) such other factors that the State deems appropriate to ensure that students served under this title receive a fair opportunity to achieve the knowledge and skills described in content and performance standards adopted by the State."

—Page 34, strike lines 7 through 11 (and redesignate any subsequent paragraphs accordingly).

—Page 39, after line 12, insert the following new paragraph (and redesignate accordingly):

"(g) Notwithstanding any other provision of this Act, the provisions of the model opportunity to learn standards that impose requirements on States, local education agencies, and schools (whether it be the actual development of the standards or actions taken to meet the standards) shall be treated as recommendations to the States, local edu-

ational agencies, and schools and compliance with such provisions shall be voluntary on the part of the States, local education agencies, and schools until the costs of implementing such provisions are fully funded by the Federal Government."

—Page 39, after line 17, insert the following new paragraphs (and redesignate accordingly):

"(i) Nothing in this section shall be construed to create a legally enforceable right for any person against a State, local educational agency, or school based on opportunity to learn standards.

"(j) Nothing in this section shall be construed to mandate equalized spending per pupil for a State, local educational agency or school

"(k) Nothing in this section shall be construed to mandate national school building standards for a State, local educational agency, or school.

—Page 42, strike lines 19 through 22.

—Page 67, strike lines 7 through 9.

—Page 75, line 12, strike "and opportunity to learn standards".

—Page 85, line 7, strike "opportunity to learn standards".

—Page 91, line 19, strike "and opportunity to learn standards".

—Page 328, line 11–12, strike "and opportunity to learn standards".

—Page 39, after line 17, insert the following (and redesignate any subsequent subsections accordingly):

"(h) Nothing in this section shall be construed to mandate equalized per pupil spending for a State, local educational agency, or school.

—Page 39, after line 17, insert the following (and redesignate any subsequent subsections accordingly):

"(h) Nothing in this section regarding opportunity-to-learn standards shall be construed to create a legally enforceable right for any person against a State, local educational agency, or school.

—Page 39, after line 17, insert the following (and redesignate any subsequent subsections accordingly):

"(h) Nothing in this section regarding opportunity-to-learn standards shall be construed to create a legally enforceable right for any person against a State, local educational agency, or school.

"(i) Nothing in this section shall be construed to mandate equalized per pupil spending for a State, local educational agency, or school.

"(j) Nothing in this section shall be construed to mandate national standards for school buildings for a State, local educational agency, or school.

—Page 39, after line 17, insert the following (and redesignate any subsequent subsections accordingly):

"(h) Nothing in this section shall be construed to mandate national school building standards for a State, local educational agency, or school.

—Page 657, after line 15, add the following section:

"(1) EXCEPTION.—States which do not, as of the date of enactment of this Act, have in place a system for collecting such data for all students in such State, are not required to meet the requirement of this section as it pertains to the educational programs and services available to limited English proficient students. In the event such State develops a system for collecting data on the educational programs and services available to all students in the State, then such State is required to comply with this requirement.

By Mr. GUNDERSON:

—Page 82, strike lines 1 through 4.

—Page 127, after line 21 insert:

"Subpart 3—Presidential Awards Program

"SEC. 1131. PRESIDENTIAL AWARDS PROGRAM.

"(a) DEVELOPMENT.—The Secretary shall, in consultation with the chairpersons and ranking minority members of the Committee on Education and Labor for the House of Representatives and the Committee on Labor and Human Resources of the Senate and educational leaders, develop a Presidential awards program that will recognize and provide a cash award to schools that excel in educating their students to high levels as defined by the National Education Goals and the standards certified by the National Education Standards and Improvement Council established under the Goals 2000: Educate America Act.

"(b) NOMINATIONS.—Schools recognized under this program will be selected by the Secretary from a list of nominees. Each State shall select a nominee to be submitted to the Secretary from among schools designated as distinguished schools under section 1119.

"(c) SELECTION.—The Secretary shall annually convene a panel of experts who will review nominated schools and select those who will receive awards. In addition to Presidential recognition, selected schools will receive a cash award which may be applied without restriction to enhance the educational programs in those schools or to provide cash awards to personnel in the school.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subpart such sums as may be necessary for each of fiscal years 1995, 1996, 1997, 1998, and 1999.

—Page 311, on line 20, strike Part E—Education Program Strategies and insert the following:

PART E—21ST CENTURY COMMUNITY LEARNING CENTERS

SEC. 2401. FINDINGS.

The Congress finds that—

(1) a local public school often serves as a center for the delivery of education and human resources 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 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;

SEC. 2402. PROGRAM AUTHORIZATION AND DISTRIBUTION.

(a) GRANTS BY THE SECRETARY.—The Secretary is authorized in accordance with the provisions of this subsection to make grants to rural and inner city schools or consortia thereof 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.

(1) No school or consortia thereof shall receive a grant award of less than \$50,000 in each fiscal year; and

(2) such grant projects do not exceed a 3-year period.

(b) APPLICATION.—To be eligible to receive funds under this section, a school or consortia thereof shall submit an application to the Secretary of Education at such time and in such manner as the Secretary may reasonably prescribe, that shall include—

(1) a comprehensive local plan that enables such school to serve as a center for the delivery of education and human resources for members of a community; and

(2) an initial evaluation of needs, available resources, and goals and objectives for the proposed community education program to determine programs that will be developed to address these needs:

(A) A mechanism 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 of community-based organizations, related public agencies, businesses, or other appropriate organizations.

(D) A description of how the school will assist as a delivery center for existing and new services, especially inter-active telecommunications used for education and professional training.

(E) The establishment of a facility utilization policy that specifically states rules and regulations for building and equipment use and supervision guidelines.

(4) the high technology, global economy of the 21st century will require lifelong learning to keep America's workforce competitive and successful, local public schools should provide centers for lifelong learning and educational opportunities for individuals of all ages; and

(5) 21st Century Community Learning Centers enable the entire community to develop an education strategy that addresses the educational needs of all members of local communities.

(c) PRIORITY.—The Secretary shall give priority to applications that offer a broad selection of services that address the needs of the community.

SEC. 2403. USES OF FUNDS.

(a) AUTHORIZED PROGRAMS.—Grants awarded under this section may be used to plan, implement, or expand community learning centers which shall 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 in conjunction with recreation programs.

(6) Nutrition, health, and/or physical therapy.

(7) Expanded library service hours to serve community needs.

(8) Telecommunications and technology education programs for 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 students who withdraw from school before graduating high school, regardless of age.

(13) Services for individuals who are either physically or mentally challenged.

SEC. 2404. AWARD OF GRANTS.

(a) IN GENERAL.—In approving grants under this section, 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.

(b) GRANT PERIOD.—Grants may be awarded for a period not to exceed 3 years.

SEC. 2405. DEFINITIONS.

(1) the term "Community Learning Center" means the provision of educational, recreational, health, and social service programs for residents of all ages of a local community in public school buildings, primarily in rural and inner city areas, operated by the local educational agency in conjunction with local governmental agencies, businesses, vocational education programs, community colleges, universities, and cultural, recreational, and other community and human service entities; and

(2) the term "Secretary" means the Secretary of Education.

SEC. 2406. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated \$25,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996-1999.

—Page 323, on line 14, strike Section 2441 and insert the following:

SEC. 2441. FINDINGS.

The Congress finds that—

(1) a local public school often serves as a center for the delivery of education and human resources 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 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;

SEC. 2442. PROGRAM AUTHORIZATION AND DISTRIBUTION.

(a) GRANTS BY THE SECRETARY.—The Secretary is authorized in accordance with the provisions of this subsection to make grants to rural and inner city schools or consortia thereof 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.

(1) No school or consortia thereof shall receive a grant award of less than \$50,000 in each fiscal year; and

(2) such grant projects do not exceed a 3-year period.

(b) APPLICATION.—To be eligible to receive funds under this section, a school or consortia thereof shall submit an application to the Secretary of Education at such time and in such manner as the Secretary may reasonably prescribe, that shall include—

(1) a comprehensive local plan that enables such school to serve as a center for the delivery of education and human resources for members of a community; and

(2) an initial evaluation of needs, available resources, and goals and objectives for the proposed community education program to determine programs that will be developed to address these needs:

(A) A mechanism 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 of community-based organizations, related public agencies, businesses, or other appropriate organizations.

(D) A description of how the school will assist as a delivery center for existing and new services, especially inter-active telecommunications used for education and professional training.

(E) The establishment of a facility utilization policy that specifically states rules and regulations for building and equipment use and supervision guidelines.

(4) the high technology, global economy of the 21st century will require lifelong learning to keep America's workforce competitive and successful, local public schools should provide centers for lifelong learning and educational opportunities for individuals of all ages; and

(5) 21st Century Community Learning Centers enable the entire community to develop an education strategy that addresses the educational needs of all members of local communities.

(c) PRIORITY.—The Secretary shall give priority to applications that offer a broad selection of services that address the needs of the community.

SEC. 2443. USES OF FUNDS.

(a) AUTHORIZED PROGRAMS.—Grants awarded under this section may be used to plan, implement, or expand community learning centers which shall 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 in conjunction with recreation programs.

(6) Nutrition, health, and/or physical therapy.

(7) Expanded library service hours to serve community needs.

(8) Telecommunications and technology education programs for 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 students who withdraw from school before graduating high school, regardless of age.

(13) Services for individuals who are either physically or mentally challenged.

SEC. 2444. AWARD OF GRANTS.

(a) IN GENERAL.—In approving grants under this section, 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.

(b) GRANT PERIOD.—Grants may be awarded for a period not to exceed 3 years.

SEC. 2445. DEFINITIONS.

(1) the term "Community Learning Center" means the provision of education, recreational, health, and social service programs for residents of all ages of a local community in public school buildings, primarily in rural and inner city areas, operated by the local educational agency in conjunction with local governmental agencies, businesses, vocational education programs, community colleges, universities, and cultural, recreational, and other community and human service entities; and

(2) the term "Secretary" means the Secretary of Education.

SEC. 2446. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated \$25,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996-1999.

—Page 323, on line 12, strike "Subpart 4—21st Century Community Learning Centers", and insert the following:

PART F—21ST CENTURY COMMUNITY LEARNING CENTERS

SEC. 2441. FINDINGS.

The Congress finds that—

(1) a local public school often serves as a center for the delivery of education and human resources 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 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;

SEC. 2442. PROGRAM AUTHORIZATION AND DISTRIBUTION.

(A) GRANTS BY THE SECRETARY.—The Secretary is authorized in accordance with the provisions of this subsection to make grants to rural and inner city schools or consortia thereof 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.

(1) No school or consortia thereof shall receive a grant award of less than \$50,000 in each fiscal year; and

(2) such grant projects do not exceed a 3-year period.

(b) APPLICATION.—To be eligible to receive funds under this section, a school or consortia thereof shall submit an application to the Secretary of Education at such time and in such manner as the Secretary may reasonably prescribe, that shall include—

(1) a comprehensive local plan that enables such school to serve as a center for the delivery of education and human resources for members of a community; and

(2) an initial evaluation of needs, available resources, and goals and objectives for the proposed community education program to determine programs that will be developed to address these needs:

(A) A mechanism 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 of community-based organizations, related public agencies, businesses, or other appropriate organizations.

(D) A description of how the school will assist as a delivery center for existing and new services, especially inter-active telecommunication used for education and professional training.

(E) The establishment of a facility utilization policy that specifically states rules and regulations for building and equipment use and supervision guidelines.

(3) the high technology, global economy of the 21st century will require lifelong learning to keep America's workforce competitive and successful, local public schools should provide centers for lifelong learning and educational opportunities for individuals of all ages; and

(4) 21st Century Community Learning Centers enable the entire community to develop an education strategy that addresses the educational needs of all members of local communities.

(c) PRIORITY.—The Secretary shall give priority to applications that offer a broad selection of services that address the needs of the community.

SEC. 2443. USES OF FUNDS.

(a) AUTHORIZED PROGRAMS.—Grants awarded under this section may be used to plan, implement, or expand community learning centers which shall 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 in conjunction with recreation programs.
- (6) Nutrition, health, and/or physical therapy.
- (7) Expanded library service hours to serve community needs.
- (8) Telecommunications and technology education programs for 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 students who withdraw from school before graduating high school, regardless of age.
- (13) Services for individuals who are either physically or mentally challenged.

SEC. 2444. AWARD OF GRANTS.

(a) IN GENERAL.—In approving grants under this section, 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.

(b) GRANT PERIOD.—Grants may be awarded for a period not to exceed 3 years.

SEC. 2445. DEFINITIONS.

(1) the term "Community Learning Center" means the provision of educational, recreational, health, and social service programs for residents of all ages of a local community in public school buildings, primarily in rural and inner city areas, operated by the local educational agency in conjunction with local governmental agencies, businesses, vocational education programs, community colleges, universities, and cultural, recreational, and other community and human service entities; and

(2) the term "Secretary" means the Secretary of Education.

SEC. 2446. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated \$25,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996-1999.

—Page 826, after line 18, add a new section:

SEC. 254. DISCLOSURE REQUIREMENTS.

Each educational organization, 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 selec-

tion of participants in the educational program, including—

(A) the origin of any mailing list used for such solicitation and selection;

(B) any recruitment through teacher or school personnel, including any enticements offered to such 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) COST 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.

(3) NONDISCRIMINATORY ENROLLMENT AND SERVICE POLICY.—

(a) IN GENERAL.—Each educational organization shall include a verifiable statement on 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.

(4) ENFORCEMENT.—

(a) IN GENERAL.—The Secretary of Education shall monitor compliance with the provisions of this section.

(b) CIVIL PENALTY.—If an educational organization knowingly violates any provision of this Act, the Secretary of Education, after

notice and opportunity for hearing, may impose on such organization a civil fine of not more than \$1,000 for each such violation.

(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.

—Page 901, after line 4, insert the following:

TITLE VI—PROGRAM STRATEGIES

SEC. 601. INNOVATIVE PROGRAM STRATEGIES.

Part E of title II of the Elementary and Secondary Education Act of 1965, as amended by section 101 of this Act, is further amended to read as follows:

"PART E—EDUCATION PROGRAM STRATEGIES

"SEC. 2401. FINDINGS AND STATEMENT OF PURPOSE.

"(a) FINDINGS.—The Congress finds that chapter 2 of the Education Consolidation and Improvement Act of 1981 has been successful in achieving the goals of increasing local flexibility, reducing administrative burden, providing services for private school students, encouraging innovation, and contributing to the improvement of elementary and secondary educational programs.

"(b) STATEMENT OF PURPOSE.—It is the purpose of programs under this part:

"(1) To support local education reform efforts which are consistent with and support statewide reform efforts under Goals 2000.

"(2) To support State and local efforts to accomplish the National Education Goals.

"(3) To provide funding to enable State and local educational agencies to implement promising educational reform programs that can be supported by State and local sources of funding after such programs are demonstrated to be effective.

"(4) To provide a continuing source of innovation, educational improvement, and support for library services and instructional materials, including media materials and,

"(5) To meet the special educational needs of at risk and high cost students.

"(c) STATE AND LOCAL RESPONSIBILITY.—The basic responsibility for the administration of funds made available under this part is within the State educational agencies, but it is the intent of Congress that the responsibility be carried out with a minimum of paperwork and that the responsibility for the design and implementation of programs assisted under this part will be mainly that of local educational agencies, school superintendents and principals, and classroom teachers and supporting personnel, because they have the most direct contact with students and are most likely to be able to design programs to meet the educational needs of students in their own districts.

"SEC. 2402. AUTHORIZATION OF APPROPRIATIONS; DURATION OF ASSISTANCE.

"(a) AUTHORIZATION.—To carry out the purposes of this part, there are authorized to be appropriated \$435,000,000 for fiscal year 1995 and such sums in each of the fiscal years 1996 through 1999.

"(b) DURATION OF ASSISTANCE.—During the period beginning October 1, 1994, and ending, September 30, 1999, the Secretary shall, in accordance with the provisions of this part, make payments to State educational agencies for the purpose of this section.

"Subpart 1—State and Local Programs

"SEC. 2411. ALLOTMENT TO STATES.

"(a) RESERVATIONS.—From the sums appropriated to carry out this subpart in any fiscal year, the Secretary shall reserve not to exceed 1 percent for payments to Guam, American Samoa, the Virgin Islands, the

Trust Territory of the Pacific Islands, and the Northern Mariana Islands, to be allotted in accordance with their respective needs.

“(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 subpart—

“(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. 2412. ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.

“(a) DISTRIBUTION RULE.—From the sums made available each year to carry out this part, the State educational agency shall distribute not less than 85 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) 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 part, 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 part.

“(2)(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) From the funds paid to it pursuant to section 2402 for a fiscal year, a State edu-

cational agency shall distribute to each eligible local educational agency which has submitted an application as required in section 2423 the amount of its allocation as determined under subsection (a).

“(2)(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 school 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.

“Subpart 2—State Programs

“SEC. 2421. STATE USES OF FUNDS.

“(a) AUTHORIZED ACTIVITIES.—A State educational agency may use funds reserved for State use under this section only for—

“(1) State administration of programs under this section 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 part; and

“(2) technical assistance and direct grants to local educational agencies and statewide education reform activities which assist local educational agencies to provide targeted assistance.

“(b) LIMITATIONS AND REQUIREMENTS.—Not more than 25 percent of funds available for State programs under this part in any fiscal year may be used for State administration under subsection (a)(1).

“SEC. 2423. STATE APPLICATIONS.

“(a) APPLICATION REQUIREMENTS.—Any State which desires to receive a grant under this subpart shall submit to the Secretary an application which—

“(1) designates the State educational agency as the State agency responsible for administration and supervision of programs assisted under this part;

“(2)(A) provides for an annual submission of date on the use of funds, the types of services furnished, and the students served under this section; and

“(B) in fiscal year 1998 provides for an evaluation of the effectiveness of programs assisted under this subpart;

“(3) 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 section);

“(4) provides assurance that, apart from technical and advisory assistance and monitoring compliance with this part, the State educational agency has not exercised and will not exercise any influence in the decision making processes of local educational agencies as to the expenditure made pursuant to an application under section 2433; and

“(5) contain assurances that there is compliance with the specific requirements of this chapter.

“(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 of \$5,000 each under this section need not be audited more frequently than once every 5 years.

“Subpart 3—Local Targeted Assistance Programs

“SEC. 2431. TARGETED USE OF FUNDS.

“(a) GENERAL RULE.—Funds allocated for use under this subpart shall be used by local educational agencies for targeted assistance described in subsection (b).

“(b) TARGETED ASSISTANCE.—The targeted assistance programs referred to in subsection (a) include—

“(1) technology related to the implementation of school-based reform programs, including professional development to assist teachers and other school officials regarding how to use effectively such equipment and software;

“(2) instructional and educational materials, assessments, and library services and materials (including media materials) tied to high academic standards and which are part of an overall education reform program;

“(3) promising education reform projects, including 21st Century Learning Center school projects in accordance with subpart 4; and

“(4) computer hardware and software purchased under this section should be used only for instructional purposes.

“SEC. 2432. ADMINISTRATIVE AUTHORITY.

“In order to conduct the activities authorized by this part, each State or local educational agency may use funds reserved for this part to make grants to and to enter into contracts with local educational agencies, institutions of higher education, libraries, museums, and other public and private nonprofit agencies, organizations, and institutions.

“SEC. 2433. LOCAL APPLICATIONS.

“(a) CONTENTS OF APPLICATION.—A local educational agency or consortia of local educational agencies may receive an allocation of funds under this subpart 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 2431 of this part and describes the programs, projects and activities designed to carry out such targeted assistance which it intends to support, together with the reasons for selection of such programs, projects and activities; and

“(2) describes how assistance under this section will contribute to meeting the National Education Goals and 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 may reasonably be required for fiscal audit and program evaluation, concession with the responsibilities of the State agency under this part; and

“(4) provides in the allocation of funds for the assistance authorized by this part, 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 section (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 to programs 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 part, a local educational agency shall have complete discretion in determining how funds under this subpart shall be divided among the areas of targeted assistance. In exercising such discretion, a local educational agency shall ensure that expenditures under this subpart carry out the purposes of this subpart and are used to meet the educational needs within the schools of such local educational agency.

"Subpart 4—21st Century Community Learning Centers

"SEC. 2441. FINDINGS.

"The Congress finds that—

"(1) there are influences outside of school which affect the ability of a child to achieve academically and schools are in a unique position to identify student and family needs to coordinate programs;

"(2) access to health and social service programs can assist children and their families to improve the ability of the family to take an active role of their child's education;

"(3) coordination of health and social service programs with education can help the Nation meet the National Education Goals and ensure better outcomes for children;

"(4) the high technology, global economy of the 21st century will require lifelong learning to keep America's workforce competitive and successful;

"(5) 21st Century Community Learning Centers enable the entire community to develop an education strategy that addresses the educational needs of all members of local communities; and

"(6) local public schools should provide centers for lifelong learning and educational opportunities for individuals of all ages.

"SEC. 2442. FUNDS FOR COMMUNITY LEARNING CENTERS.

"(a) IN GENERAL.—Local educational agencies may use funds provided under section 2412 to pay the Federal share of the cost for enabling schools to serve as centers for the delivery of education and human services for members of a community.

"(b) USES OF FUNDS.—Local educational agencies may use funds provided under section 2412 for projects described under this subpart.

"SEC. 2443. PROGRAMS.

"Local educational agencies that receive funds under this subpart may develop programs that include—

"(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 in conjunction with summer recreation programs;

"(6) nutrition programs;

"(7) expanded library service hours to serve community needs;

"(8) telecommunications and technology education programs for 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 students who withdraw from school before graduating high school, regardless of age; and

"(13) services for individuals who are either physically or mentally challenged.

"SEC. 2444. REQUIREMENTS.

"A local educational agency that uses funds to develop programs under this subpart shall, at the end of the first year for which funds are used for this purpose, provide information to the State educational agency which describes the activities and projects established with funds under this subpart and includes—

"(1) information on the comprehensive local plan that enables such school to serve as a center for the delivery of education and human services for members of a community; and

"(2) information on the initial evaluation of needs, available resources, and goals and objectives for the proposed community education program and how such evaluation was used to determine the program developed to address such needs; including—

"(A) the mechanism used to disseminate information in a manner understandable and accessible to the community;

"(B) identification of Federal, State, and local programs merged or coordinated so that public resources could be maximized;

"(C) a description of the collaborative efforts of community-based organizations, related public agencies, businesses, or other appropriate organizations;

"(D) a description of how the school will assist as a delivery center for existing and new services; and

"(E) the establishment of the facility utilization policy that specifically states rules and regulations for building and equipment use and supervision guidelines.

"SEC. 2445. DEFINITION.

"For purposes of this subpart, the term 'Community Learning Center' means the provision of educational, recreational, health, and social service programs for residents of all ages of a local community in public school buildings, primarily in rural and inner city areas, operated by the local educational agency in conjunction with local governmental agencies, businesses, vocational education programs, community colleges, universities, cultural, recreational, and other community and human service entities.

By Mr. HEFLEY:

—Page 28, line 12, before "opportunity" insert: "to the extent that Federal funds are available."

—Page 218, strike lines 10 through 18.

By Mr. HOAGLAND:

—Page 49, line 24, strike "and".

—Page 50, line 12, strike the period and insert "; and".

—Page 50, line 13, strike "Notwithstanding" and insert "notwithstanding".

—Page 50, line 19, strike the period and insert; and" and add after that line the following:

"(4) to the extent feasible, use funds received under this part to serve educationally deprived children who reside in school attendance areas having high concentrations

of children from low-income families or who are under a school desegregation plan and who otherwise meet the eligibility requirements of this part and who attend schools in noneligible attendance areas.

—Sec. 1113.

I am submitting the following amendment to the Sec. 1113 "Eligible School Attendance Areas" of H.R. 6 because as it is currently written, school districts under a desegregation order of voluntary desegregation plan do not use "geographical area" as the criteria for defining school attendance area. Instead, they can be based on census tract data, or other data. These school districts would thus not be able to continue funding for otherwise eligible students because of the language in H.R. 6. This is clearly not the intent of the bill, and I think this must be corrected. There are currently 41 schools in my district served by Chapter 1. H.R. 6 would limit that number to 25, and would discontinue funds for 1200 eligible students in my district. I am submitting this amendment to correct this unintended inequity.

By Mr. HOYER:

—Page 51, line 25, after "funds" insert "for the activities set forth in this section, in order".

—Page 52, line 11, strike "60" and insert "50".

—Page 55, line 1, after "students," insert "provide timely assistance to students having difficulty meeting the standards".

—Page 59, line 8, strike "shall" and insert "may".

—Page 59, beginning on line 8, strike "in addition to" and insert "as part of".

—Page 71, line 2, strike "that it deems appropriate" and insert ", which may include actions to withhold or transfer funds and authority from schools that are failing to make adequate progress as defined in section 1111(b)(2), as will assure adequate progress for all students".

—Page 900, after line 23, insert the following (and redesignate any subsequent sections accordingly):

SEC. 502. STUDY OF THE EFFECTIVENESS AND IMPACT OF FEDERAL CATEGORICAL AID PROGRAMS.

(a) STUDY.—In addition to the national assessment conducted pursuant to section 1501 of the Elementary and Secondary Education Act of 1965, as amended by section 101 of this Act, the Secretary of Education shall conduct a comprehensive study of the effectiveness of other Federal categorical aid programs and the administrative impact of such programs on schools and local educational agencies.

(b) CONTENTS.—Such study shall—

(1) examine the effectiveness of elementary and secondary school categorical programs, including those authorized in this Act and elsewhere, in improving the educational achievement of participating students;

(2) encompass an in-depth evaluation of the administrative impact of the broad range of categorical programs on participating schools and local educational agencies;

(3) include a comprehensive review of the programs to determine their effect on—

(A) the improvement in educational achievement of participating students;

(B) school and local educational agencies' administrative responsibilities and structure, including the use of local and State resources, with particular attention to schools and agencies serving a high concentration of disadvantaged students; and

(C) overall school reform efforts, including efforts undertaken by States and encouraged by Federal laws, such as the Goals 2000: Educate America Act;

(4) evaluate the effect of Federal categorical programs at the elementary and secondary levels on the proliferation of State categorical education aid programs and regulations, and the impact on student achievement and school and local educational agency administrative responsibilities and structure; and

(5) examine the effect of waivers on categorical program requirements and other flexibility provisions in this Act, the School-to-Work Opportunities Act, and the Goals 2000: Educate America Act on improvement in educational achievement of participating students and on school and local educational agency administrative responsibilities, structure, and resources.

(c) PANEL.—The Secretary shall appoint an independent panel to review the plan for the study, to advise on the progress of the study, and to comment, if it so wishes, on the final report.

(d) REPORT.—The Secretary shall submit the report not later than January 1, 1997, to the Committee on Education and Labor of the House of Representatives, to the Senate Committee on Labor and Human Resources, and to the Labor, Health and Human Services, and Education Subcommittees of the House and Senate Appropriations Committees.

By Mr. SAM JOHNSON of Texas:

—No funds made available through the Department of Education under this Act shall be available to any state or local educational agency which has a policy of denying, or which effectively prevents participation in, prayer in public schools by individuals on a voluntary basis. Neither the United States nor any state nor any local education agency shall require any person to participate in prayer or influence the form or content of any prayer in such public schools.

By Mr. KILDEE:

—Page 53, line 8, strike "60" and insert "50".

—Page 729, strike lines 15 and all that follows through page 730, line 21.

—Page 762, after line 8, insert the following: **"SEC. 9508. APPLICABILITY TO HOME SCHOOLS.**

"Nothing contained in this Act shall be construed to affect home schools.

—Page 218, line 14, strike "in schools under the jurisdiction of the agency" and insert "in public schools".

—Page 218, line 16 after "assigned," insert "This requirement shall not apply to any private school or home school."

—Page 53, line 8, strike "60 percent" and insert "50 percent, if the amount appropriated under section 1002(1) for a fiscal year equals or exceeds \$10,500,000,000".

—Page 884, line 25, strike "influence," and insert "influence; and".

—Page 885, line 1, insert "and the National Assessment Governing Board" after "Commissioner".

—Page 885, line 2, strike "Progress," and all that follows through line 12 and insert "Progress."

—Page 896, strike lines 6 through line 9 and insert the following:

"(e) STUDENT PERFORMANCE LEVELS.—(1) The National Assessment Governing Board established under section 412, working with the Assistant Secretary, shall develop appropriate student performance levels for each age and grade in each subject area to be tested under the National Assessment."

—Page 896, line 8, strike "goals" and insert "levels".

—Page 896, line 12, strike "goals" and insert "levels".

—Page 896, line 13, strike "goals" and insert "levels".

—Page 896, line 20, strike "goals" and insert "levels".

—Page 896, after line 23, insert the following: "(4) The Commissioner may use such levels or other methods or indicators for reporting results of the National Assessment and State assessments.

—Page 897, line 4, strike "goals" and insert "levels".

Redesignate section 412 as section 413. —Page 898, after line 5, insert the following: **"SEC. 412. NATIONAL ASSESSMENT GOVERNING BOARD**

"(a) ESTABLISHMENT.—There is established the National Assessment Governing Board (the "Board") which shall formulate policy guidelines for the National Assessment, as provided in subsection (e).

"(b) MEMBERSHIP.—(1) The Board shall be appointed by the Secretary and shall be composed of—

"(A) 2 Governors, or former Governors, who shall not be members of the same political party;

"(B) 2 State legislators, who shall not be members of the same political party;

"(C) 2 chief State school officers;

"(D) 1 member of a State board of education;

"(E) 1 superintendent of a local educational agency;

"(F) 1 member of a local board of education;

"(G) 3 classroom teachers representing the grade levels at which the National Assessment is conducted;

"(H) 1 representative of business or industry;

"(I) 2 curriculum specialists;

"(J) 3 testing and measurement experts;

"(K) 1 nonpublic school administrator or policymaker;

"(L) 2 school principals, one of whom is an elementary school principal and the other of whom is a secondary principal; and

"(M) 4 additional members who are representatives of the general public, including parents.

"(2) The Assistant Secretary for Educational Research and Improvement shall serve as an ex officio and nonvoting member of the Board.

"(3) In making appointments under this subsection and filling vacancies under subsection (d), the Secretary shall ensure that the membership of the Board reflects regional, racial, gender, and cultural diversity and balance.

"(c) TERMS.—(1) Terms of service of members of the Board shall be staggered and may not exceed a period of 3 years, as determined by the Secretary.

"(2) Members of the Board may serve not more than two consecutive terms.

"(3) A 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.—The Secretary shall appoint new members to fill vacancies on the Board—

"(1) after soliciting recommendations from a wide variety of organizations, including those representing the types of individuals listed in subsection (b)(1); and

"(2) in a manner which maintains the composition, diversity and balance of the Board required under subsection (b).

"(e) DUTIES.—(1) The Board, working with the Assistant Secretary, shall develop—

"(A) appropriate student performance levels as provided in section 411(e);

"(B) assessment objectives and test specifications through a national consensus ap-

proach which includes the active participation of teachers, curriculum specialists, local school administrators, parents, and concerned members of the public;

"(C) guidelines for analysis plans and for reporting and disseminating National Assessment results; and

"(D) recommendations for actions needed to improve the form and use of the National Assessment.

"(2) The Board, working with the Commissioner, shall take steps to ensure that all items selected for use in the National Assessment are free from racial, cultural, gender, or regional bias.

"(3) In carrying out the duties required by paragraph (1), the Board shall seek technical advice, as appropriate, from the Commissioner and the Advisory Council on Education Statistics.

"(f) PERSONNEL.—(1) The Secretary may appoint, at the request of the Board, such staff as will enable the Board to carry out its responsibilities under subsection (e)(1).

"(2) Such appointments may include, for terms not to exceed 3 years and without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, not more than 6 technical employees 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.

"(h) ADMINISTRATION.—(1) The Board shall be subject to the provisions of the Federal Advisory Committee Act, including the requirement for open meetings.

"(2)(A) No member or employee of the Board, in the course of the official duties of such member or employee, may engage in activities designed to directly or indirectly influence legislation which is or may be considered by the Congress, except in instances where a representative of the Board has been invited to provide testimony before a committee of the Congress.

"(B) Any member or employee of the Board who knowingly engages in the conduct prohibited by subparagraph (A) may be subject to either confinement for a period not to exceed 6 months or a fine not to exceed \$10,000, or both.

—Page 898, line 7, strike "There" and insert "(1) There".

—Page 898, line 8, strike "title" and insert "title (except section 412)".

—Page 898, after line 10, insert the following: "(2) There are authorized to be appropriated to carry out section 412 \$1,000,000 for each of the fiscal years 1995 and 1996.

—Page 752, strike line 2 and all that follows through line 12 of page 754 and insert the following:

"SEC. 9401. WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS

"(a) GENERAL.—Except as provided in subsection (c), the Secretary may waive any requirement of this Act or any regulation under this Act for a State educational agency, local educational agency, Indian tribe, or school, or that—

"(1) receives funds under a program authorized by this Act; and

"(2) requests a waiver as prescribed in subsection (b).

"(b) REQUEST FOR WAIVER.—(1) A State educational agency, local educational agency, or Indian tribe which desires a waiver shall submit a request to the Secretary that—

"(A) identifies the Federal programs affected by such requested waiver;

"(B) describes which Federal requirements are to be waived and how the waiving of such requirements will—

“(i) increase the quality of instruction to students; or

“(ii) improve the academic performance of students;

“(C) if applicable, describes which similar State and local requirements will be waived and how the waiving of such requirements will assist the local educational agencies or Indian tribe and schools to achieve the objectives described in this paragraph;

“(D) describes specific, measurable educational improvement goals and expected outcomes for all affected students;

“(E) describes the methods to be used to measure progress in meeting such goals and outcomes; and

“(F) describes how schools will continue to provide assistance to the same populations served by programs for which waivers are requested.

“(2) Such requests under this section—

“(A) may provide for waivers of requirements applicable to State educational agencies, local educational agencies, Indian tribes, and schools.

“(B) shall be developed and submitted—

“(i)(I) by local educational agencies (on behalf of such agencies and schools) to State educational agencies; and

“(II) by State educational agencies (on behalf of, and based upon the requests of, local educational agencies) to the Secretary; or

“(ii) by Indian tribes (on behalf of schools operated by such tribes) to the Secretary.

“(c) NOTICE REQUIREMENT.—(1) Prior to requesting a waiver under subsection (b), a State educational agency, local educational agency, or Indian tribe shall provide notice and information to the public regarding the waiver or waivers to be requested.

“(2) Such notice and information shall be provided in the manner that such agencies or tribes customarily provide similar notices and information to the public.

“(d) RESTRICTIONS.—Nothing in this section shall be construed to authorize any changes in—

“(1) requirements relating to—

“(A) the allocation of funds;

“(B) maintenance of effort;

“(C) comparability of services;

“(D) use of Federal funds to supplement, not supplant non-Federal funds;

“(E) equitable participation of private school students and teachers; and

“(F) parental participation and involvement;

“(2) the elements of a charter school described in section 3407(1); or

“(3) the prohibitions regarding—

“(A) State aid in section 9502; or

“(B) use of funds to religious worship or instruction in section 9507.

“(e) DURATION AND EXTENSION OF WAIVER.—

(1) The duration of a waiver approved by the Secretary may be for a period not to exceed 3 years.

“(2) The Secretary may extend such period if the Secretary determines that the use of such waiver has increased the quality of instruction or the academic performance of students.

“(f) TERMINATION OF WAIVERS.—The Secretary shall terminate a waiver under this section if—

“(1) the Secretary determines that the use of a waiver has not increased the quality of instruction or improved the academic performance of students; or

“(2) such waiver is no longer needed by the recipient to achieve the objectives of such waiver.

“(g) REPORTS.—

“(1) A local educational agency that receives a waiver under this section shall an-

nually submit a report to the State educational agency that—

“(A) describes the uses of such waiver by such agency or by schools;

“(B) describes how schools continued to provide assistance to the same populations served by the programs for which waivers are requested; and

“(C) evaluates the progress of such agency and of schools in improving the quality of instruction or the academic performance of students.

“(2) A State educational agency that receives reports required by paragraph (1) shall annually submit a report to the Secretary that summarizes such reports.

“(3) An Indian tribe that receives a waiver under this section shall annually submit a report to the Secretary that—

“(A) describes the uses of such waiver by schools operated by such tribe; and

“(B) evaluates the progress of such schools in improving the quality of instruction or the academic performance of students.

“(3) The Secretary annually 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 report—

“(A) summarizing the uses of waivers by State educational agencies, local educational agencies, Indian tribes, and schools; and

“(B) describing whether such waivers—

“(i) increased the quality of instruction to students; or

“(ii) improved the academic performance of students.

By Mr. KILDEE:

—Page 5, amend the heading for part E of title II of the Elementary and Secondary Education Act of 1965 in the table of contents as follows:

“PART E—INNOVATIVE EDUCATION PROGRAM STRATEGIES”.

—Page 8, in the item relating to title V, strike:

“TITLE V—MAGNET SCHOOLS ASSISTANCE
“PART A—PROMOTING EQUITY”

and insert

“TITLE V—PROMOTING EQUITY
“PART A—MAGNET SCHOOLS ASSISTANCE”

—Page 15, in the item relating to section 501, strike “study” and insert “evaluation”.

—Page 37, strike lines 8 through 11 (and redesignate any subsequent paragraphs accordingly).

—Page 37, line 23, strike “and revision”.

—Page 37, after line 23, insert the following (and redesignate any subsequent paragraphs accordingly):

“(2) shall appoint individuals to the peer review process who shall be representative of State educational agencies, local educational agencies, teachers, and parents;”.

—Page 52, line 19, after “1117” insert “(c)(1) and (e)”.

—Page 52, line 20, after “system” insert “, together with other providers of assistance with which the State has made specific arrangements to assist schoolwide programs, such as comprehensive technical assistance centers, regional laboratories, and institutions of higher education.”.

—Page 52, line 22, strike “, including” and all that follows through “team” on line 24.

—Page 56, line 18, after “local educational agency” insert “and its school support team or other technical assistance provider consistent with the provisions in subsections (c)(1) and (e) of section 1117”.

—Page 59, strike lines 8 through 14 and insert the following:

identification shall be subject to corrective actions by the local educational agency, as well as, where appropriate, termination of schoolwide program status.

“(3) A school that has forfeited its schoolwide status may not regain such status until the local educational agency determines that the school has adequately reformed its schoolwide program plan to enable it to make adequate progress toward meeting the State’s challenging performance standards.

—Page 70, line 16, strike “; and” and insert a comma.

—Page 70, line 18, before the period insert “, and in the case of schoolwide programs, terminating schoolwide status”.

—Page 72, line 20, strike “standards.” and insert “standards, and submit such plan to the State educational agency for approval.”.

—Page 188, line 21, strike “and middle schools” and insert “, middle schools, and secondary schools”.

—Page 311, strike line 20 and insert the following:

“PART E—INNOVATIVE EDUCATION PROGRAM STRATEGIES”.

—Page 312, line 8, strike “Goals 2000” and insert “Goals 2000: Educate America Act”.

—Page 313, beginning on line 25, strike “the Trust Territory of the Pacific Islands”.

—Page 314, line 1, insert “and Palau (until the effective date of the Compact of Free Association with the Government of Palau),” after “the Northern Mariana Islands.”.

—Page 319, line 19, strike “chapter” and insert “part”.

—Page 322, line 15, after “local” insert “educational”.

—Page 445, strike lines 7 through 9 and insert the following:

“TITLE V—PROMOTING EQUITY
“PART A—MAGNET SCHOOLS ASSISTANCE”.

—Page 757, line 5, strike “and”.

—Page 757, line 6, insert the following (and redesignate any subsequent subparagraphs accordingly):

“(B) Subpart 1 of part B and part C of title II; and”.

—Page 802, strike lines 14 through 25.

—Page 898, line 12, strike “Study” and insert “Evaluation”.

—Page 898, line 14, strike “In addition to” and insert “In collaboration with”.

—Page 898, line 17, strike “study” and insert “evaluation”.

—Page 898, line 21, strike “study” and insert “evaluation”.

—Page 898, line 25, strike “study” and insert “evaluation”.

—Page 899, line 2, after “Opportunities Act” insert “and shall be coordinated with evaluations of such acts”.

—Page 899, line 3, strike “study” and insert “evaluation”.

—Page 899, line 13, strike “study” and insert “evaluation”.

—Page 899, line 20, strike “to such” and insert “with such”.

—Page 900, line 3, strike “study” and insert “evaluation”.

—Page 900, line 11, strike “study” and insert “evaluation”.

—Page 900, line 17, strike “study” and insert “evaluation”.

—Page 900, line 19, after “report.” insert “The panel shall not be subject to the Federal Advisory Committee Act.”.

—Page 901, strike lines 2 through 4 and insert the following: “Any authority or require-

ment to make funds available under this Act shall be effective only to the extent provided in appropriation Acts.

Strike out part G of title VI of the Elementary and Secondary Education Act of 1965, as proposed to be added by the amendment made by section 101 of the bill (page 519, line 8 through page 617, line 24).

—Page 875, after line 20, insert the following:

PART F—AMENDMENTS TO STATUTES PERTAINING TO INDIAN EDUCATION

SEC. 351. BUREAU OF INDIAN AFFAIRS.

Part B of title XI of Public Law 95-561 (25 U.S.C. 2001 et seq.) is amended to read as follows:

—Page 875, after line 20, insert the text set out in the bill as part G of title VI of the Elementary and Secondary Education Act of 1965 (page 519, line 8 through page 617, line 24) and redesignate that part as part B, redesignate the sections in that part so as to begin with section 1121, and revise cross references to those sections accordingly.

—Page 875, after line 20, insert the following:

SEC. 352. APPLICATION WITH RESPECT TO INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.

Section 5209(a) 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), 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.”

SEC. 353. PAYMENTS.

Section 5209(e) of Public Law 100-297, the Tribally Controlled Schools Act of 1988, is amended—

(1) by striking “the amount of the grant under section 5205 (and the amount of funds referred to in that section), any payments to be made under section 5208 of this Act,” and inserting in lieu thereof: “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 in lieu thereof “an administrative cost grant”; and

(3) by adding at the end thereof “and the Equal Access to Justice Act shall apply to administrative appeals filed after January 1, 1994, by grantees regarding the Tribally Controlled Schools Grant and Administrative Cost Grants.”

SEC. 354. ENDOWMENT FUNDS.

Section 302 of Public Law 95-471, the Tribally Controlled Community Colleges Assistance Act of 1978, is amended—

(1) in subsection (a), by striking “section 333” and inserting in lieu thereof “section 331”;

(2) in subsection (b), by deleting paragraph (1) and inserting in lieu thereof the following:

“(1) provides for the investment and maintenance of funds covered by such endowment account under the same conditions and limitations as are in section 331 of the Higher Education Act and the regulations implementing such provisions in effect at the time such funds are invested;

(3) in subsection (b)(3) by striking “same” the first time it appears.

SEC. 355. HIGHER EDUCATION AMENDMENTS OF 1992.

Section 1518 of title XV of the Higher Education Amendments of 1992 (relating to the Santa Fe Arts Institute) is amended—

(1) in subsection (b), by adding at the end the following new paragraph:

“(6) For the purpose of complying with the contribution requirement in this subsection, the Institute may use funds or in-kind contributions of real or personal property. For the purposes of this paragraph, all contributions, in-kind and real estate, which are on hand as of November 29, 1990, and which were received after June 2, 1988, but which have not been included in their entirety in computations under this section shall be eligible for matching with Federal funds appropriated in any year.”; and

(2) in subsection (c), by striking paragraph (1) and inserting in lieu thereof the following:

“(1) Funds in the trust funds described in subsections (a) and (b) shall be invested under the same conditions and limitations as are in section 331 of the Higher Education Act, and the regulations implementing such provisions in effect at the time such funds are invested.”

—Page 738, line 8, insert the following:

“SEC. 9104. APPLICABILITY TO BUREAU OF INDIAN AFFAIRS OPERATED SCHOOLS.

“For purposes of any competitive program under this Act, the Bureau of Indian Affairs may apply on behalf of the schools which it operates and it shall be subject to all program and application requirements of the program for which it applies.”

—Page 486, strike line 24 and all that follows through page 487, line 21 and insert the following:

“(f)(1)(A) The Secretary shall conduct a monitoring and evaluation review of a sampling of the recipients of grants under this part each fiscal year, such sampling to take into account size of the recipient and geographic location. The purpose of the sampling shall be to provide the Secretary with such information as is necessary to assist the Secretary in carrying out his or her responsibility to provide technical assistance under this part.”

—Page 491, strike line 13 and all that follows through page 500, line 2, and insert the following:

“SEC. 6201. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN.

“(a) PURPOSE; COORDINATION.—(1) It is the purpose of this section to support projects that are to develop, test, and demonstrate the effectiveness of services and programs to improve educational opportunities and achievement of Indian children.

“(2) The Secretary shall take such steps as are necessary to achieve coordination of projects funded under this part with other programs funded under this Act and with other Federal programs operated for the benefit of American Indian and Alaska Native children.

“(b) ELIGIBLE APPLICANTS.—State educational agencies, local educational agencies, Indian tribes, Indian organizations, federally supported elementary and secondary schools for Indian students, Indian institutions, including Indian institutions of higher education, and consortia thereof may apply for grants under this section.

“(c) AUTHORIZED PROJECTS AND ACTIVITIES.—Recipients of grants under this section shall use the grant funds to carry out projects and activities that meet the purpose of this section, such as—

“(1) innovative programs related to the educational needs of educationally deprived children;

“(2) educational services not available to such children in sufficient quantity or quality, including remedial instruction, to raise the achievement of Indian children in 1 or

more of the core curriculum areas of English, mathematics, science, foreign languages, art, history, and geography;

“(3) bilingual and bicultural programs and projects;

“(4) special health and nutrition services, and other related activities, which meet the special health, social, and psychological problems of Indian children;

“(5) special compensatory and other programs and projects designed to assist and encourage Indian children to enter, remain in, or reenter school and to increase the rate of high school graduation;

“(6) comprehensive guidance, counseling, and testing services;

“(7) early childhood and kindergarten programs, including family based preschool programs that emphasize school readiness and parental skills, and services to Indian children with disabilities;

“(8) partnership projects between local educational agencies and institutions of higher education that allow high school students to enroll in courses at the postsecondary level to aid them in the transition from high school to postsecondary education;

“(9) partnership projects between schools and local businesses for school-to-work transition programs designed to provide Indian youth with the knowledge and skills they need to make an effective transition from school to a first job in a high-skill, high-wage career;

“(10) programs designed to encourage and assist Indian student to work toward, and gain entrance into, institutions of higher education; and

“(11) other services which meet the needs of this section.

Preservice or in-service training of professional and paraprofessional personnel may be a part of any program authorized under this section.

“(d) GRANTS AND APPLICATIONS.—

“(1) GRANTS.—(A) The Secretary may make grants under this section for up to 5 years. Grants may be made for the planning, development, pilot operation, or demonstration of any activity authorized under this section, with priority given to those applications which present a plan for combining 2 or more of these operations over a multiyear period. The Secretary shall make such multiyear grants subject to the conditions included below and shall provide continuation funding for each fiscal year upon a positive determination that the applicant has made substantial progress in carrying out the operations covered under each grant period, as set forth in the initial grant and any subsequent modifications.

“(B) The Secretary is also authorized to make dissemination grants. Prior to making any such dissemination grant, the Secretary shall make a finding that the material or program to be disseminated has been adequately reviewed and has shown (i) educational merit, and (ii) an ability to be replicated.

“(2) APPLICATIONS.—(A) Any eligible entity that desires to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

“(B) Each application 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 project for which assistance is sought;

“(ii) as assurance that the applicant will participate, at the request of the Secretary, in any national evaluation of projects under this section; and

"(iii) such other assurances and information as the Secretary may reasonably require.

"SEC. 6202. PROFESSIONAL DEVELOPMENT.

"(a) **PURPOSE.**—The purpose of this section is to increase the number of qualified Indian persons in professions serving Indian people, and to provide training as teachers, administrators, teacher aides, social workers, and ancillary educational personnel, and to improve the skills of those presently serving in these capacities.

"(b) **ELIGIBLE APPLICANTS.**—Eligible applicants under this section are—

"(1) institutions of higher education, including Indian institutions of higher education;

"(2) State and local educational agencies, in consortium with institutions of higher education; and

"(3) Indian tribes and organizations, in consortium with institutions of higher education.

"(c) **AUTHORIZED PROJECTS AND ACTIVITIES.**—(1) Each recipient of a grant under this section shall use the grant funds to provide support and training for Indian persons, consistent with the purposes of this section. Such activities may include, but are not limited to, a continuing program, symposia, workshops, conferences, and direct financial support.

"(2)(A) For education personnel, such training may be in-service or preservice.

"(B) For those being trained in other fields, such training shall be in programs that result in graduate degrees.

"(3) In programs funded under this section, preference shall be given to the training of Indians.

"(4) In making grants under this section, the Secretary shall consider prior performance and may not limit eligibility on the basis of the number of previous grants or the length of time for which the applicant has received grants.

"(d) **PROJECT PERIOD.**—The project period for each project approved under this section shall be up to 5 years.

"(e) **SERVICE OBLIGATION.**—The Secretary shall, by regulation, require that individuals who receive training under this section perform related work which benefits Indian people or repay all or a prorated part of the support received. The Secretary shall establish by regulation a mechanism for having the recipient provide information of compliance with this requirement beginning within 12 months of the completion of training received."

—Page 501, strike line 21 and all that follows through page 502, line 2 and insert the following:

"(e) **SERVICE OBLIGATION.**—The Secretary shall, by regulation, require that individuals who receive financial assistance under this section perform related work which benefits Indian people or repay all or a prorated part of the support received. The Secretary shall establish by regulation a mechanism for having the recipient provide information of compliance with this requirement beginning within 12 months of the completion of training received."

—Page 507, strike line 19 and all that follows through page 509, line 2.

—Page 411, line 13, strike "5004(a)(1)" and insert "4004(a)(1)".

—Page 412, line 2, strike "5202" and insert "4202".

—Page 412, line 5, strike "5106(a)" and insert "4106(a)".

—Page 413, line 11, strike "5101" and insert "4101".

—Page 413, line 17, strike "5101" and insert "4101".

—Page 414, line 21, strike "5104" and insert "4104".

—Page 414, line 25, strike "5106(a)" and insert "4106(a)".

—Page 415, line 5, strike "5103(a)" and insert "4103(a)".

—Page 415, line 16, strike "5105" and insert "4105".

—Page 415, line 19, strike "5103(b)" and insert "4103(b)".

—Page 416, line 2, strike "5103(d)(2)(A)(i)(II)" and insert "4103(d)(2)(A)(i)(II)".

—Page 416, line 25, strike "5101" and insert "4101".

—Page 417, line 6, strike "5121" and insert "4121".

—Page 417, line 11, strike "5101" and insert "4101".

—Page 417, line 19, strike "5122" and insert "4122".

—Page 421, line 19, strike "5104" and insert "4104".

—Page 422, line 24, strike "5103(d)" and insert "4103(d)".

—Page 424, line 24, strike "5102" and insert "4102".

—Page 425, line 15, strike "5103(d)(2)(A)(i)(I)" and insert "4103(d)(2)(A)(i)(I)".

—Page 425, line 16, strike "5103(d)(2)(A)(i)(II)" and insert "4103(d)(2)(A)(i)(II)".

—Page 426, line 12, strike "5102" and insert "4102".

—Page 432, line 5, strike "5122" and insert "4122".

—Page 434, line 10, strike "5103(b)" and insert "4103(b)".

—Page 434, line 11, strike "5103(d)" and insert "4103(d)".

—Page 435, line 9, strike "5004(a)(2)" and insert "4004(a)(2)".

—Page 437, line 2, strike "5106(a)" and insert "4106(a)".

—Page 438, line 9, strike "5101(a)(3)" and insert "4101(a)(3)".

—Page 311, strike line 20 and insert the following:

PART E—INNOVATIVE EDUCATION PROGRAM STRATEGIES

—Page 313, after line 19, insert the following:
SEC. 2403. DEFINITION.

For the purposes of this part the term "effective schools programs" means school-based programs that may encompass pre-school through secondary school levels and that have the objectives of (1) promoting school-level planning, instructional improvement, and staff development, (2) increasing the academic achievement levels of all children and particularly educationally deprived children, and (3) achieving as ongoing conditions in the school the following factors identified through effective schools research as distinguishing effective from ineffective schools:

(1) strong and effective administrative and instructional leadership that creates consensus on instructional goals and organizational capacity for instructional problem solving;

(2) emphasis on the acquisition of basic and higher order skills;

(3) a safe and orderly school environment that allows teachers and pupils to focus their energies on academic achievement;

(4) a climate of expectation that virtually all children can learn under appropriate conditions; and

(5) continuous assessment of students and programs to evaluate the effects of instruction.

—Page 318, line 11, after "activities" insert "including effective schools programs".

—Page 319, after line 5, insert the following (and redesignate any subsequent paragraphs accordingly):

"(3) sets forth the allocation of such funds required to implement section 2252."

—Page 320, line 24, insert "effective schools and" after "including".

—Page 321, line 19, insert "(A)" after "(I)".

—Page 321, after line 25, insert the following: "(B) sets forth the allocation of such funds required to implement section 2252."

—Page 322, after line 4, insert the following (and redesignate any subsequent paragraphs accordingly):

"(3) provides assurances of compliance with the provisions of this part, including the participation of children enrolled in private, nonprofit schools in accordance with section 2252;"

—Page 327, after line 14, insert the following:

"Subpart 5—General Administrative Provisions

"SEC. 2451. MAINTENANCE OF EFFORT; FEDERAL FUNDS SUPPLEMENTARY.

"(a) **MAINTENANCE OF EFFORT.**—(1) Except as provided in paragraph (2), a State is entitled to receive its full allocation of funds under this part for any fiscal year if the Secretary finds that either the combined fiscal effort per student or the aggregate expenditures within the State with respect to the provision of free public education 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.

"(2) The Secretary shall reduce the amount of the allocation of funds under this part in any fiscal year in the exact proportion to which the State fails to meet the requirements of paragraph (1) by falling below 90 percent of both the fiscal effort per student and aggregate expenditures (using the measure most favorable to the State), and no such lesser amount shall be used for computing the effort required under paragraph (1) for subsequent years.

"(3) The Secretary may waive, for 1 fiscal year only, the requirements of this subsection if the Secretary determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

"(b) **FEDERAL FUNDS SUPPLEMENTARY.**—A State or local educational agency may use and allocate funds received under this part only so as to supplement and, to the extent practical, increase the level of funds that would, in the absence of Federal funds made available under this part, be made available from non-Federal sources, and in no case may such funds be used so as to supplant funds from non-Federal sources.

"SEC. 2252. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

"(a) **PARTICIPATION ON EQUITABLE BASIS.**—

(1) To the extent consistent with the number of children in the school district of a local educational agency which is eligible to receive funds under this part or which serves the area in which a program or project assisted under this part is located who are enrolled in private nonprofit elementary and secondary schools, or with respect to instructional or personnel training programs funded by the State educational agency from funds reserved for State use, such agency, after consultation with appropriate private school officials, shall provide for the benefit of such children in such schools secular, neutral, and nonideological services, materials, and equipment, including the participation

of the teachers of such children (and other educational personnel serving such children) in training programs, and the repair, minor remodeling, or construction of public facilities as may be necessary for their provision (consistent with subsection (c) of this section), or, if such services, materials, and equipment are not feasible or necessary in one or more such private schools as determined by the local educational agency after consultation with the appropriate private school officials, shall provide such other arrangements as will assure equitable participation of such children in the purposes and benefits of this part.

"(2) If no program or project is carried out under subsection (a)(1) of this section in the school district of a local educational agency, the State educational agency shall make arrangements, such as through contracts with nonprofit agencies or organizations, under which children in private schools in that district are provided with services and materials to the extent that would have occurred if the local educational agency had received funds under this part.

"(3) The requirements of this section relating to the participation of children, teachers, and other personnel serving such children shall apply to programs and projects carried out under this part by a State or local educational agency, whether directly or through grants to or contracts with other public or private agencies, institutions, or organizations.

"(b) EQUAL EXPENDITURES.—Expenditures for programs pursuant to subsection (a) shall be equal (consistent with the number of children to be served) to expenditures for programs under this part for children enrolled in the public schools of the local educational agency, taking into account the needs of the individual children and other factors which relate to such expenditures, and when funds available to a local educational agency under this part are used to concentrate programs or projects on a particular group, attendance area, or grade or age level, children enrolled in private schools who are included within the group, attendance area, or grade or age level selected for such concentration shall, after consultation with the appropriate private school officials, be assured equitable participation in the purposes and benefits of such programs or projects.

"(c) FUNDS.—(1) The control of funds provided under this part, and title to materials, equipment, and property repaired, remodeled, or constructed therewith, 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.

"(2) The provision of services pursuant to this section shall be provided by employees of a public agency or through contract by such public agency with a person, an association, agency, or corporation who or which, in the provision of such services, is independent of such private school and of any religious organizations, and such employment or contract shall be under the control and supervision of such public agency, and the funds provided under this part shall not be commingled with State or local funds.

"(d) STATE PROHIBITION WAIVER.—If by reason of any provision of law a State or local educational agency is prohibited from providing for the participation in programs of children enrolled in private elementary and secondary schools, as required by this section, the Secretary shall waive such requirements and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of this section.

"(e) WAIVER AND PROVISION OF SERVICES.—(1) If the Secretary determines that a State or a local educational agency has substantially failed or is unwilling to provide for the participation on an equitable basis of children enrolled in private elementary and secondary schools as required by this section, the Secretary may waive such requirements and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of this section.

"(2) Pending final resolution of any investigation or complaint that could result in a determination under this subsection or subsection (d), 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.

"(f) DETERMINATION.—Any determination by the Secretary under this section shall continue in effect until the Secretary determines that there will no longer be any failure or inability on the part of the State or local educational agency to meet the requirements of subsections (a) and (b).

"(g) 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 allotment of the State under this part.

"(h) REVIEW.—(1) The Secretary shall not take any final action under this section until the State educational agency and the local educational agency affected by such action have had an opportunity, for at least 45 days after receiving written notice thereof, to submit written objections and to appear before the Secretary or the Secretary's designee to show cause why that action should not be taken.

"(2) If a State or local educational agency is dissatisfied with the Secretary's final action after a proceeding under paragraph (1) of this subsection, it may, within 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. 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) 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. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(4) 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. 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.

"(i) PRIOR DETERMINATION.—Any bypass determination by the Secretary under chapter 2 of the Education Consolidation and Improvement Act of 1981 shall, to the extent

consistent with the purposes of this chapter, apply to programs under this chapter.

"SEC. 2253. EVALUATIONS AND REPORTING.

"(a) LOCAL EDUCATIONAL AGENCIES.—A local educational agency which receives financial assistance under this part shall report annually to the State educational agency on the use of funds under section 2431. Such reporting shall be carried out in a manner which minimizes the amount of paperwork required while providing the State educational agency with the necessary information under the preceding sentence. Such report shall be made available to the public.

"(b) STATE EDUCATIONAL AGENCIES.—A State educational agency which receives financial assistance under this part shall evaluate the effectiveness of State and local programs under this part in accordance with section 2423(a)(2)(B). That evaluation shall be submitted for review and comment by the State advisory committee and shall be made available to the public. The State educational agency shall submit to the Secretary a copy of the evaluation and a summary of the reports under subsection (a).

"(c) REPORTS.—(1) The Secretary, in consultation with State and local educational agency representatives, shall develop a model system which State educational agencies may use for data collection and reporting under this part.

"(2)(A) The Secretary shall submit annually a report to the Congress for the use of funds, the types of services furnished, and the students served under this part.

"(B) The Secretary shall not later than October 1, 1998, submit a report to the Congress summarizing evaluations under subsection (b) in order to provide a national overview of the uses of funds and effectiveness of programs under this part.

"SEC. 2254. FEDERAL ADMINISTRATION.

"(a) TECHNICAL ASSISTANCE.—The Secretary, upon request, shall provide technical assistance to State and local educational agencies under this part.

"(b) RULEMAKING.—The Secretary shall issue regulations under this part only to the extent that such regulations are necessary to ensure that there is compliance with the specific requirements and assurances required by this part.

"(c) AVAILABILITY OF APPROPRIATIONS.—Notwithstanding any other provision of law, unless expressly in limitation of this subsection, funds appropriated in any fiscal year to carry out activities under this part shall become available for obligation on July 1 of such fiscal year and shall remain available for obligation until the end of the subsequent fiscal year.

"SEC. 2255. APPLICATION OF GENERAL EDUCATION PROVISIONS ACT.

"(a) GENERAL RULE.—Except as otherwise specifically provided by this section, the General Education Provisions Act shall apply to the programs authorized by this part.

"(b) APPLICABILITY.—The following provisions of the General Education Provisions Act shall be superseded by the specified provisions of this part with respect to the programs authorized by this part:

"(1) Section 410(a)(1) of the General Education Provisions Act is superseded by section 2254(b) of this part.

"(2) Section 433(a) of such Act is superseded by section 2254(a) of this part.

"(3) Section 436 of such Act is superseded by sections 2223 and 2233 of this part.

"(c) SPECIAL RULE.—Sections 440, 441, and 442 of the General Education Provisions Act, except to the extent that such sections re-

late to fiscal control and fund accounting procedures, may not apply to the programs authorized by this part and shall not be construed to authorize the Secretary to require any reports or take any actions not specifically authorized by this part."

—Page 82, line 16; insert "basic" following instructional.

—Page 82, section 1122(c)(2) is amended by inserting after subparagraph (A) the following new subparagraph and redesignating the succeeding subparagraphs and paragraph (2) accordingly:

"(B) for the purpose of subparagraph (A), in the determination of expenditures per pupil from state and local funds or instructional salaries per pupil from state and local funds, staff salary differentials for years of employment shall not be included."

—On page 855, after line 17, insert the following new paragraph:

"(9) A state and local educational agency shall coordinate with state and local housing agencies responsible for developing the comprehensive housing affordability strategy. Consideration shall be given to state and local housing and shelter policies described in the Comprehensive Housing Affordability Strategy to minimize educational disruption for children who become homeless.

—Page 852, line 24, delete ", to the extent possible."

—Page 852, line 25, after "selection" add "unless there is a compelling reason for not complying with this request."

—Page 37, after line 19 insert the following new paragraph:

"(9) how the state will coordinate activities funded under this part with school-to-work and vocational education programs, as appropriate.

—Page 56, line 4, after "development," insert "occupational information."

—Page 681, line 25, strike "\$40,000,000" and insert in lieu thereof "\$50,000,000".

—Page 682, line 9, strike "shall" and insert in lieu thereof "may".

—Page 683, line 6, strike "section" and insert in lieu thereof "sections".

—Page 683, line 7, after "7601" insert "and 7607".

—Page 683, line 14, insert a new paragraph (3) and redesignate accordingly:

"(3) provide an assurance that local educational agencies receiving funds under this part will coordinate the use of such funds with programs funded under other Parts of this title or title I of the Improving America's Schools Act of 1993;"

—Page 685, line 17, insert:

"(b) APPLICATION REVIEW.—The Secretary shall review all applications submitted pursuant to this section by State educational agencies.

(1) The Secretary shall approve any application submitted by a State educational agency that meets the requirements of this section.

(2) 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 an opportunity for a hearing to the State.

—Page 687, line 21, strike "TRIENNIAL" and insert in lieu thereof "BIENNIAL".

—Page 687, line 23, "3" and insert in lieu thereof "2".

—Page 688, line 4, strike "3" and insert in lieu thereof "2".

—Page 459, Line 14, strike "Special Assistant of the Office of Women's Equity" and insert in lieu thereof: "Secretary".

—Page 465, Line 6, strike "no more than four".

—Page 465, Line 11, strike "four".

—Page 465, Line 12, insert before "The Secretary" "To the extent feasible".

—Page 466, strike lines 6 through 9.

—Page 466, Line 10, before "The Secretary" insert "To the extent feasible".

—Page 469, beginning on line 16, strike "the Secretary shall establish no more than 4 priorities" and on line 17, strike "of which".

—Page 469, Line 21, before "The Secretary" insert "To the extent feasible."

—Page 829, Line 2 after "technical assistance," insert "and" and on Line 3 strike "and the administration of grant programs."

—Page 829, beginning on Line 5, after "shall" strike "report directly to the Secretary; and perform such additional functions as the Secretary shall prescribe; and insert in lieu thereof "advise the Secretary and Deputy Secretary on all matter relating to gender equity."

—Page 439, line 5, Strike, "the use of tobacco".

—Page 439, line 9 Insert the following paragraph and (redesignate succeeding paragraphs accordingly):

(B) education with respect to the use of tobacco by elementary and secondary school students; and

—Page 297, line 4, strike "and schools" and insert "schools, and other appropriate educational entities".

—Page 297, line 11, strike "comprehensive assistance centers" and insert "technical assistance system".

—Page 298, line 24, strike "system of technical assistance centers" and insert "comprehensive assistance centers and the National Diffusion Network".

—Page 299, line 3, strike "(c)" and insert "(d)".

—Page 299, line 6, strike "2206(c)" and insert "2346(d)".

—Page 301, line 12, after "centers," insert "state literacy centers."

—Page 302, line 4, strike "2303(a)" and insert "2343(a)".

—Page 304, line 16, strike "Maintenance of Service" and insert "Service and Application Requirements".

—Page 304, line 17, strike "Effort" and insert "Service".

—Page 307, line 16, strike "Facilitator" and insert "Facilitators".

—Page 307, line 20 strike "and schools" and insert "schools, family and adult literacy programs, and other appropriate educational entities".

—Page 310, line 17, strike "projects, local educational agencies," and insert "projects and to local educational agencies".

—Page 689, strike line 20 and all that follows through line 4 on page 729 and insert the following:

"SEC. 8003. 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) aggre-

gating 10 percent or more of the assessed value of all real property in the local educational agency (similarly determined as of the time or times when such Federal property was 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 such agency shall be paid the amount described in subsection (b).

"(b) AMOUNT.—

"(1) IN GENERAL.—(A) 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 from activities conducted on such property during the previous fiscal year.

"(B) If funds appropriated under section 8013(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 which exceeds the difference of—

"(i) the maximum amount that such agency is eligible to receive for such fiscal year under section 8004(b)(1)(C); and

"(ii) the amount that such agency receives in such fiscal year under section 8004(b)(2).

"(2) APPLICATION OF CURRENT LEVIED REAL PROPERTY TAX RATE.—In calculating the amount that a local educational agency shall be paid for a fiscal year, 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 it was conveyed;

"(C) requires the grantee of the property to report to the Federal government (or its agent) containing 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.

"SEC. 8004. 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) 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;

"(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) 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

"(E) resided in low-rent housing.

"(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 (A) and (B) of paragraph (1) by a factor of .35 if the local educational agency has—

"(i) a number of such children described in such subparagraphs which exceeds 6,500; and

"(ii) an average daily attendance for all children which exceeds 100,000.

"(D) Multiply the number of children described in subparagraphs (D) and (E) of paragraph (1) by a factor of .20.

"(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 8013(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 entitled 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—

"(i) 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 3rd preceding fiscal year, or

"(II) one-half of the average per pupil expenditures of all of the States for the 3rd preceding fiscal year;

"(ii) 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 in effect on January 1, 1994; or

"(iii) 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 8013(b) are insufficient to pay to each local educational agency the full amount computed under paragraph (1), the Secretary shall make payments based upon the provisions of this paragraph.

"(B) LEARNING OPPORTUNITY THRESHOLD PAYMENTS.—(i) For fiscal years described in subparagraph (A), the Secretary shall compute a learning opportunity threshold payment (hereinafter '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 this paragraph 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 educational agency under this paragraph (not including amounts received under subsection (f)), and the denominator of which is the total current expenditures for such agency.

"(ii) Such total percentage used to calculate threshold payments under paragraph (1) shall not exceed 100.

"(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 the fiscal year preceding the fiscal year for which the agency is making application for payment.

"(d) USE OF FUNDS FOR CHILDREN WITH DISABILITIES.—

"(1) IN GENERAL.—From the amount appropriated under section 8013(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 (B) and (C) of subsection (a)(1) who are eligible to receive services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) 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 .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.—Notwithstanding any other provision of this section, the total amount that the Secretary shall pay to a local educational agency under subsections (b) and (f)—

"(A) for fiscal year 1995, shall not be less than 80 percent of the payment such agency received for fiscal year 1994 under section 3(a) of the Act of September 30, 1950 (Public Law 81-874, 81st Congress), as in effect for fiscal year 1994;

"(B) for fiscal year 1996, shall not be less than 60 percent of such payment received for fiscal year 1994; and

"(C) for fiscal year 1997, shall not be less than 40 percent of such payment received for fiscal year 1994.

"(2) REDUCTION IN PAYMENTS.—In order to make payments to local educational agencies in accordance with paragraph (1), the Secretary shall reduce payments to other local educational agencies determined under subsection (b).

"(f) ADDITIONAL ASSISTANCE FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

"(1) IN GENERAL.—From amounts appropriated under section 8013(d) 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 local educational agency shall be eligible to receive additional assistance under this subsection only if such agency—

"(A)(i) has an enrollment of federally connected children described in subsection (a)(1) which constitutes at least 40 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;

"(B)(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

"(C) is a local education agency whose boundaries are the same as a Federal military installation or includes Federal property under exclusive Federal jurisdiction.

"(3) MAXIMUM PAYMENTS.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall determine the maxi-

mum 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 or the average per pupil expenditure of all the States;

"(II) the average per pupil expenditure of generally comparable school districts located in the State of the local educational agency, as defined by the Secretary in regulations; or

"(III) the average per pupil expenditure of three generally comparable school districts located in the State of the local educational agency, as defined by the Secretary in regulations.

"(ii) The Secretary shall next subtract from the amount determined under clause (i) the average amount of State aid per pupil received by the local educational agency.

"(iii) The Secretary shall next multiply the amount determined under clause (ii) by the sum of the total weighted units of the local educational agency, as computed under subsection (a)(2).

"(iv) If the tax rate of the local educational agency is greater than 94 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.—With respect to payments to local educational agencies described in subparagraphs (B) and (C) of paragraph (2), the maximum amount of such payments shall be equal to the product of the average per pupil expenditure of all the States multiplied by .7, except that such amount may not exceed 125 percent of the average per pupil expenditure of all local educational agencies in the State.

"(4) CURRENT YEAR DATA.—The Secretary shall, for purposes of providing assistance under this subsection, use—

"(A) data from the fiscal year in which the local educational agency is applying for assistance under this subsection; or

"(B) the most recent data available which is adjusted to such fiscal year.

"(5) 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.

"SEC. 8005. 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 8004 shall establish policies and procedures to ensure that—

"(1) such children participate in programs and activities supported by such funds on an equal basis with all other children;

"(2) parents of such children and Indian tribes are afforded an opportunity to present

their views on such programs and activities, including an opportunity to make recommendations on the needs of those children and how they may help those children realize the benefits of those programs and activities;

"(3) parents and Indian tribes are consulted and involved in planning and developing such programs and activities;

"(4) relevant applications, evaluations, and program plans are disseminated to the parents and Indian tribes; and

"(5) parents and Indian tribes are afforded an opportunity to present their views on the agency's general educational program to such agency.

"(b) RECORDS.—A local educational agency that claims children residing on Indian lands for the purpose of receiving funds under section 8004 shall maintain records demonstrating its 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 8004 is excused from the requirements contained in subsections (a) and (b) for any year with respect to any Indian tribe from which it has received a written statement that the agency need not comply with those subsections because the tribe is satisfied with the 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 them 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.

"SEC. 8006. APPLICATION FOR PAYMENTS UNDER SECTIONS 8003 AND 8004.

"(a) IN GENERAL.—A local educational agency desiring to receive a payment under section 8003 or 8004 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 8005 (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) 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 up to 60 days after a deadline established under subsection (c) that otherwise meets the requirements of this title, except that, notwithstanding section 8004(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).

"SEC. 8007. 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 current school year is at least ten percent or 100 more than the number of children in average daily attendance in the preceding school year; and

"(2) the number of children in average daily attendance with a parent on active duty (as defined in section 101(18) of title 37, United States Code) in the Armed Forces who are in attendance at such agency because of the assignment of their parent to a new duty station between July 1 and September 30, inclusive, of the current year, as certified by an appropriate local official of the Department of Defense, is at least ten percent or 100 more than the number of children in average daily attendance in the preceding school year.

"(b) APPLICATION.—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 current school year, in such manner and containing such information as the Secretary may prescribe, including information demonstrating that it is eligible for such a payment.

"(c) CHILDREN TO BE COUNTED.—For each eligible local educational agency that applies for a payment under this section, the Secretary shall determine the lesser of—

"(1) the increase in the number of children in average daily attendance from the preceding year; and

"(2) the number of children described in subsection (a)(2).

"(d) PAYMENTS.—From the amount appropriated for a fiscal year under section 8013(c), the Secretary shall pay each local educational agency with an approved application an amount, not to exceed \$200 per eligible child, equal to—

"(1) the amount available to carry out this section, including any funds carried over from prior years, divided by the number of children determined under subsection (c) for all such local educational agencies; multiplied by

"(2) the number of such children determined for that local educational agency.

"(e) NOTIFICATION PROCESS.—

"(1) ESTABLISHMENT.—The Secretary shall endeavor to 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. 8008. FACILITIES.

"(a) CURRENT FACILITIES.—From the amount appropriated for any fiscal year under section 8013(e), the Secretary may continue to provide assistance for school facilities that were supported by the Secretary

under section 10 of the Act of September 23, 1950 (Public Law 815, 81st Congress; 20 U.S.C. 640) as in effect prior to 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; 20 U.S.C. 640), or under section 204 or 310 of the Act of September 30, 1950 (Public Law 874, 81st Congress), as 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 must be consented to by the local education 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 Act.

"SEC. 8009. STATE CONSIDERATION OF PAYMENTS IN PROVIDING STATE AID.

"(a) GENERAL PROHIBITION.—Except as provided in subsection (b), a State may not—

"(1) consider payments under this title or under the Act of September 30, 1950 (Public Law 874, 81st Congress) in determining for any fiscal year—

"(A) the eligibility of a local educational agency for State aid for free public education; or

"(B) the amount of such aid; or

"(2) make such aid available to local educational agencies in a manner that results in less State aid to any local educational agency that is eligible for such payment than it would receive if it were not so eligible.

"(b) STATE EQUALIZATION PLANS.—

"(1) IN GENERAL.—A State may reduce State aid to a local educational agency that receives a payment under sections 8003 and 8004(b) (except the amount calculated in excess of 1.0 under subparagraph (B) of subsection (a)(2)) or under the Act of September 30, 1950 (Public Law 874, 81st Congress) as such Act existed prior to the enactment of the Improving America's Schools Act of 1994 (other than an increase in payments described in paragraphs (2)(B), (2)(C), (2)(D), or (3)(B)(ii) of section 3(d) of such Act of September 30, 1950) for any fiscal year if the Secretary determines, and certifies under subsection (c)(3)(A), that such State has in effect a program of State aid that equalizes expenditures for free public education among local educational agencies in such State.

"(2) COMPUTATION.—

"(A) IN GENERAL.—For purposes of paragraph (1), a program of State aid equalizes expenditures among local educational agencies if, in the second preceding fiscal year, the amount of per-pupil expenditures made by, or per-pupil revenues available to, the local educational agency in the State with the highest such per-pupil expenditures or revenues did not exceed the amount of such per-pupil expenditures made by, or per-pupil revenues available to, the local educational agency in the State with the lowest such expenditures or revenues by more than 10 percent.

"(B) OTHER FACTORS.—In making a determination under this subsection, the Secretary shall—

"(i) disregard local educational agencies with per-pupil expenditures or revenues above the 95th percentile or below the 5th percentile of such expenditures or revenues in the State; and

"(ii) take into account the extent to which a program of State aid reflects the additional cost of providing free public education in particular types of local educational agencies, such as those that are geographically isolated, or to particular types of students, such as children with disabilities.

"(3) EXCEPTION.—Notwithstanding paragraph (2), if the Secretary determines that the State has substantially revised its program of State aid, the Secretary may certify such program for any fiscal year only if—

"(A) the Secretary determines, on the basis of projected data, that the State's program will meet the 10 percent disparity standard described in paragraph (2) in that fiscal year; and

"(B) the State provides an assurance to the Secretary that, if final data do not demonstrate that the State's program met such standard for that year (or that it met such standard with a greater percentage of disparity than anticipated), the State will pay to each affected local educational agency the amount by which it reduced State aid to the local educational agency on the basis of such certification, or a proportionate share thereof, as the case may be.

"(c) PROCEDURES FOR REVIEW OF STATE EQUALIZATION PLANS.—

"(1) WRITTEN NOTICE.—

"(A) IN GENERAL.—Any State that wishes to consider payments described in subsection (b)(1) in providing State aid to local educational agencies shall submit to the Secretary, not later than 120 days before the beginning of the State's fiscal year, a written notice of its intention to do so.

"(B) CONTENTS.—Such notice shall be in the form and contain the information the Secretary requires, including evidence that the State has notified each local educational agency in the State of its intention to consider such payments in providing State aid.

"(2) OPPORTUNITY TO PRESENT VIEWS.—Before making a determination under subsection (b), the Secretary shall afford the State, and local educational agencies in the State, an opportunity to present their views.

"(3) QUALIFICATION PROCEDURES.—If the Secretary determines that a program of State aid qualifies under subsection (b), the Secretary shall—

"(A) certify the program and so notify the State; and

"(B) afford an opportunity for a hearing, in accordance with section 8011(a), to any local educational agency adversely affected by such certification.

"(4) NON-QUALIFICATION PROCEDURES.—If the Secretary determines that a program of State aid does not qualify under subsection (b), the Secretary shall—

"(A) so notify the State; and

"(B) afford an opportunity for a hearing, in accordance with section 8011(a), to the State, and to any local educational agency adversely affected by such determination.

"(d) REDUCTIONS OF STATE AID.—

"(1) IN GENERAL.—A State whose program of State aid has been certified by the Secretary under subsection (c)(3) may reduce the amount of such aid provided to a local educational agency that receives a payment under section 8003 and section 8004(b) by any amount up to—

"(A) the amount of such payment (excluding amounts provided under subsections (d) and (f) of section 8004 and the amount calculated in excess of 1.0 under section 8004(a)(2)); multiplied by

"(B) 100 percent minus the percentage of disparity determined under subsection (b).

"(2) PROHIBITION.—A State may not make a reduction described in paragraph (1) before

its program of State aid has been certified by the Secretary under subsection (c)(3).

"(e) REMEDIES FOR STATE VIOLATIONS.—

"(1) IN GENERAL.—The Secretary or any aggrieved local educational agency may, without exhausting administrative remedies, bring an action in a United States district court against any State that violates subsection (a) or subsection (d)(2) or fails to carry out an assurance provided under subsection (b)(3)(B).

"(2) IMMUNITY.—A State shall not be immune under the eleventh amendment to the Constitution of the United States from an action described in paragraph (1).

"(3) RELIEF.—The court shall grant such relief as it determines is appropriate, which may include attorney's fees to a prevailing local educational agency.

"SEC. 8010. 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.

"SEC. 8011. 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. 8012. 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) 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 (Public Law 92-203, 43 U.S.C. 1601 et seq.) 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 otherwise described in this paragraph, 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 its 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 (42 U.S.C. 11411); 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 under contract with the Air Force at an airport owned by a State or political subdivision of a State.

"(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) CERTAIN PROPERTY LOCATED IN 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).

"(5) FREE PUBLIC EDUCATION.—The term 'free public education' means education that is provided—

"(A) at public expense, under public supervision and direction, and without tuition charge; and

"(B) as elementary or secondary education, as determined under State law, except that, notwithstanding State law, such term—

"(i) includes preschool education; and

"(ii) does not include any education provided beyond grade 12.

"(6) INDIAN LANDS.—The term 'Indian lands' means any Federal property described in paragraph (4)(A)(ii) or (4)(F).

"(7) 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 local contribution percentage computed for the Nation as a whole.

"(8) 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.

"(9) LOW-RENT HOUSING.—The term 'low-rent housing' means housing located on property that is described in paragraph (4)(A)(iii).

"(10) 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 its use; or

"(B) funds collected by another governmental unit, but distributed back to a local educational agency in the same proportion as it was collected as a local revenue source.

"(11) 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. 8013. AUTHORIZATION OF APPROPRIATIONS.

"(a) PAYMENTS FOR FEDERAL ACQUISITION OF REAL PROPERTY.—For the purpose of making payments under section 8003, there are authorized to be appropriated \$16,750,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

"(b) BASIC PAYMENTS.—For the purpose of making payments under section 8004(a), there are authorized to be appropriated \$775,500,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

"(c) PAYMENTS FOR CHILDREN WITH DISABILITIES.—For the purpose of making payments under section 8004(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 fiscal years 1996, 1997, 1998, and 1999.

"(d) PAYMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

"(1) IN GENERAL.—For the purpose of making payments under section 8004(f), there are authorized to be appropriated \$42,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

"(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

—Page 864, after line 4, insert the following:

(a) SECTION 1.—Section 1 of the Act of September 23, 1950 (Public Law 815, 81st Congress; 20 U.S.C. 631) is amended—

(1) by striking the 2nd sentence of subsection (a); and

(2) by amending subsection (b) to read as follows:

"(b) There are authorized to be appropriated to carry out this Act \$12,500,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999."

—Page 864, strike line 5 and all that follows through line 7 and insert the following:

(b) SECTION 2.—Section 2 of such Act is amended to read as follows:

—Page 864, line 19, strike "(b)" and insert "(c)".

—Page 866, line 3, strike "(c)" and insert "(d)".

—Page 869, line 10, strike "(d)" and insert "(e)".

—Page 901, strike lines 2 through 4 and insert the following:

Any authority or requirement to make funds available under this Act shall be effective only to the extent provided in appropriations acts.

By Mr. LANCASTER:

—On page 218, strike lines 10–18.

By Mr. LEHMAN:

—On page 218, line 18, insert the following new sentence:

"Nothing in this title shall be construed to authorize or encourage federal involvement with or control over the curriculum or practices of home schools."

By Ms. LONG:

—Page 330, line 6, strike "and".

—Page 330, line 7, insert the following (and redesignate any subsequent subparagraphs accordingly):

"(M) The development and expansion of public-private partnership programs which extend the learning experience, via computers, beyond the classroom environment into student homes.

—Page 406, after line 18, insert the following:

Part J—Computer Education

SEC. 3941. 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) established foundations for life-long learning through improvement in education skills and student motivation and attitudes.

SEC. 3942. 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 6 through 8 in accordance with the requirements of section 3943.

(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 the date of the enactment of this part.

SEC. 3943. 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 6th, 7th, and 8th grade school students during the period commencing with each such group's entry into 6th grade and ending the summer following each such group's completion of 8th 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 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. 3944. APPLICATIONS.

(a) APPLICATION REQUIRED.—In order to receive a grant under this part, the chief State school officer of a State 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. 3945. ALLOCATION 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. 3946. 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. 3947. DEFINITIONS.

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 United States 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. 3948. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated \$5,000,000 for fiscal year 1993, \$9,000,000 for fiscal year 1994, \$7,000,000 for fiscal year 1995, and \$4,000,000 for fiscal year 1996 to carry out this part.

By Mr. MACHTLEY:

—Page 695, line 6, insert "or employed on property under the jurisdiction of the uniformed services" after "United States Code)".

By Mr. MICHEL of Illinois:

—Strike all after the enacting clause and insert the following:

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 is amended to read as follows:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the "Elementary and Secondary Education Act of 1965".

"TITLE I—HELPING CHILDREN IN NEED MEET HIGH STANDARDS

"SEC. 1001. DECLARATION OF POLICY AND STATEMENT OF PURPOSE.

"(a) STATEMENT OF POLICY.—The Congress declares it to be the policy of the United States that a high-quality education for all citizens and a fair and equal opportunity to obtain that education—

"(1) are a societal good necessary for creating a vibrant future for our complex and diverse democracy and for meeting the challenge of an internationally competitive economy;

"(2) are a private good because individual opportunity is greatly enhanced by one's being well educated;

"(3) are a moral imperative in our society; simple justice demands that the opportunity to acquire skills and knowledge deemed necessary for basic citizenship and economic opportunity be equally available to all; and

"(4) improve the life of every citizen, because the quality of our individual lives ultimately depends on the quality of the lives of others.

"(b) RECOGNITION OF NEED.—The Congress recognizes that—

"(1) although the achievement gap between disadvantaged children and other children has been reduced by half over the past two decades, a sizeable gap remains, and many segments of our society lack the opportunity to become well educated;

"(2) the most urgent need for educational improvement is in schools with high concentrations of children from low-income families. Achieving the National Education Goals will not be possible without substantial improvement in these schools;

"(3) educational needs are particularly great for low-achieving children in our highest-poverty schools, children with limited English proficiency, children with disabilities, children of migrant workers, Indian children, children who are neglected or delinquent, and young children and their parents who are in need of family-literacy services; and

"(4) while title I and other programs funded under this Act have contributed to narrowing the achievement gap between children in high-poverty and low-poverty schools, they need to become even more effective in improving high-poverty schools in order to help enable all children to achieve high standards.

"(c) WHAT HAS BEEN LEARNED.—To enable schools to provide all children a high-quality education, this title builds upon what has been learned:

"(1) All children can master challenging content and complex problem-solving skills; research clearly shows that children, including low-achieving children, can succeed when expectations are high and they are given the opportunity to learn challenging material.

"(2) Piecemeal reform, particularly when not tied to an overall vision of teaching to, and helping all children reach, high standards, does not work.

"(3) Use of low-level tests that are not aligned with schools' curricula fails to pro-

vide adequate information about what children know and can do and encourages curricula and instruction that focus on low-level skills measured by those tests.

"(4) Resources are less effective when they serve children through such practices as pull-out programs, instead of ensuring that children have full access to effective regular school programs and receive supplemental help through extended-time activities.

"(5) The disproven theory that children must first learn basic skills before engaging in more complex tasks continues to dominate strategies for classroom instruction, resulting in emphasis on repetitive drill and practice at the expense of content-rich instruction, accelerated curricula, and effective teaching to high standards.

"(6) Intensive and sustained professional development for teachers and other school staff—focused on teaching and learning and on helping children attain high standards—is too often not provided.

"(7) Insufficient attention and resources are directed toward the effective use of technology in schools and the role it can play in professional development and improved teaching and learning.

"(8) All parents can contribute to their children's success by helping at home and becoming partners with teachers so that children can achieve high standards.

"(9) Decentralized decisionmaking is a key ingredient of systemic reform. Schools need the resources, flexibility, and responsibility to design and implement effective strategies for bringing their children to high levels of performance and should accept responsibility to do so.

"(10) Opportunities for students to achieve to high standards can be enhanced through a variety of approaches such as public school choice and charter schools.

"(11) Attention to academics alone cannot ensure that all children will reach high standards. The health and other needs of children that affect learning are frequently unmet, particularly in high-poverty schools, thereby necessitating coordination of services to better meet children's needs.

"(d) STATEMENT OF PURPOSE.—The purpose of this title is to enable schools to provide opportunities for children served to acquire the knowledge and skills contained in the rigorous State content standards and to meet the challenging State performance standards developed for all children under the Goals 2000: Educate America Act or, in their absence, under this title. This purpose shall be accomplished by—

"(1) ensuring high standards for all children and aligning the efforts of States, local educational agencies, and schools to help children served under this title to reach them;

"(2) providing children an enriched and accelerated educational program through schoolwide programs or through additional services that increase the amount and quality of instructional time so that children served under this title receive at least all the classroom instruction that other children receive;

"(3) promoting schoolwide reform and ensuring access of children—from the earliest grades—to effective instructional strategies and challenging academic content that includes intensive complex thinking and problem-solving experiences;

"(4) significantly upgrading the quality of curricula and instruction by providing staff in participating schools with substantial opportunities for intensive and sustained professional development;

"(5) coordinating services under all parts of this title with each other, with other educational services, and, to the extent feasible, with health and social service programs funded from other sources;

"(6) affording parents meaningful opportunities to participate in the education of their children at home and at school;

"(7) distributing resources, in amounts sufficient to make a difference, to areas where needs are greatest;

"(8) improving accountability, as well as teaching and learning, by using State assessment systems designed to measure how well children are achieving high State standards of performance expected of all children; and

"(9) providing greater decisionmaking authority and flexibility to schools in exchange for greater responsibility for student performance.

"SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.

"Appropriations are authorized for the following programs and activities under this title:

"(1) LOCAL EDUCATIONAL AGENCY GRANTS.—For the purpose of carrying out part A of this title, other than section 1118(e), there are authorized to be appropriated \$7,000,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996 through 1999.

"(2) EVEN START.—For the purpose of carrying out part B of this title, there are authorized to be appropriated \$118,000,000 in fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999.

"(3) EDUCATION OF MIGRATORY CHILDREN.—For the purpose of carrying out part C of this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(4) EDUCATION FOR NEGLECTED OR DELINQUENT YOUTH.—For the purpose of carrying out part D of this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(5) CAPITAL EXPENSES.—For the purpose of carrying out section 1118(e) of this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(6) SCHOOL IMPROVEMENT.—For the purpose of carrying out the activities authorized in sections 1119(b)(1), (b)(2), and (e) of this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(7) FEDERAL ACTIVITIES.—(A) For the purpose of carrying out section 1501 of this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(B) For the purpose of carrying out section 1502 of this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"PART A—MAKING HIGH-POVERTY SCHOOLS WORK

"Subpart 1—Basic Program Requirements

"SEC. 1111. STATE PLANS.

"(a) PLANS REQUIRED.—(1) Any State desiring to receive a grant under this part shall submit to the Secretary a plan, developed in consultation with local educational agencies, teachers, administrators, and parents, that—

"(A)(i) is integrated with the State's plan, either approved or being developed, under title III of the Goals 2000: Educate America

Act, and satisfies the requirements of this section that are not already addressed by that State plan; and

"(ii) is integrated with other State plans, if any, under the School-to-Work Opportunities Act of 1993 and the Carl D. Perkins Vocational and Applied Technology Education Act, to the extent that these plans have not already been incorporated in the State's plan under title III of the Goals 2000: Educate America Act; or

"(B) if the State does not have an approved plan under title III of the Goals 2000: Educate America Act and is not developing such a plan—

"(i) is integrated with other State plans under this Act and other plans, including those under the School-to-Work Opportunities Act of 1993 and the Carl D. Perkins Vocational and Applied Technology Education Act, where such plans exist; and

"(ii) satisfies the requirements of this section.

"(2) The plan may be submitted as part of a consolidated application under section 9302.

"(3) A State may satisfy all or part of the requirements of this section by referencing applicable sections of its approved State plan under title III of the Goals 2000: Educate America Act.

"(b) STANDARDS AND ASSESSMENT PROVISIONS.—(1)(A) Each State plan shall demonstrate that the State has developed or adopted high-quality standards for children served under this title that will be used by the State, its local educational agencies, and its schools to carry out this Act and that these standards be as challenging and of the same high-quality as they are for all children. These standards shall include—

"(i) challenging content standards in the core academic subjects that—

"(I) specify what children served under this title are expected to know and be able to do;

"(II) contain coherent and rigorous content; and

"(III) emphasize the teaching of advanced skills;

"(ii) challenging performance standards that—

"(I) are aligned with the State's content standards;

"(II) describe two levels of high performance, 'proficient' and 'advanced', that determine how well children served under this title are mastering the material in the content standards; and

"(III) include a third benchmark below proficient, if necessary, to provide complete information about the progress of the lower-performing children toward achieving the high 'proficient' and 'advanced' performance standards.

"(B) For those core academic subjects in which a State has not adopted challenging content and performance standards, the State plan shall include a schedule for their development that includes the completion of standards in mathematics and reading/language arts by the end of the interim period as described in paragraph (7).

"(2)(A) Each State plan shall demonstrate, based on assessments described under paragraph (3), what constitutes adequate yearly progress of—

"(i) any school served under this part toward enabling children to meet the State's 'proficient' and 'advanced' performance standards; and

"(ii) any local educational agency that received funds under this part toward enabling children in schools receiving assistance under this part to meet the State's 'pro-

ficient' and 'advanced' performance standards.

"(B) Adequate yearly progress shall be defined in a manner—

"(i) that is consistent with criteria of general applicability established by the Secretary and results in continuous and substantial yearly improvement for economically disadvantaged, limited-English proficient, and all students under this title in each school and local educational agency toward the goal of all children under this title meeting the State's challenging 'advanced' performance standards; and

"(ii) links progress primarily to performance on the assessments carried out under this section while permitting progress to be established in part through the use of other outcome-based measures such as reductions in drop-out rates.

"(3) Each State plan shall demonstrate that the State has developed or adopted a set of high-quality, yearly student assessments that will be used as the primary means of determining the yearly performance of each local educational agency and school receiving assistance under this part in enabling children served under this title to meet the State's performance standards and that these assessments be challenging and of the same high-quality as they are for all children. These assessments shall—

"(A) be aligned with the State's challenging content and performance standards and provide coherent information about student attainment of such standards;

"(B) be used for purposes for which they are valid and reliable, and be consistent with relevant nationally recognized professional and technical standards of assessments;

"(C) measure the proficiency of students in the core academic subjects in which a State has adopted challenging content and performance standards and be administered at some time during—

"(i) grades 3 through 5;

"(ii) grades 6 through 9;

"(iii) grades 10 through 12.

"(D) be comprised of multiple, up-to-date measures of student performance;

"(E)(i) include limited-English proficient students who shall be assessed, to the extent practicable in the language and form most likely to yield accurate and reliable information on what these students know and can do, to determine their mastery of skills in subjects other than English;

"(ii) include students who have been resident in a local educational agency for a full academic year but have not attended a single school for a full year, provided 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; and

"(iii) include students with disabilities who shall be assessed, to the extent practicable, in a manner and form most likely to yield accurate and reliable information on what these students know and can do, including assessment accommodations and modifications necessary to make such determinations, provided that those students who are determined, through valid evaluation conducted by qualified personnel, to be so severely cognitively impaired as to permanently lack the capacity to make any educational progress, with the provision of special education and related services, in meeting the State content and performance standards may be exempted from the assessment process;

"(F) provide individual student scores; and

"(G) provide for disaggregated results within each State, local educational agency, and school by gender, by each major racial and ethnic group, by English proficiency status, and by economically disadvantaged students as compared to students who are not economically disadvantaged.

"(4) If a State has developed or adopted challenging content and performance standards and an aligned set of assessments for all students such as those developed under title III of the Goals 2000: Educate America Act, or another process, the State shall use such standards and assessments, modified, if necessary, to conform with the requirements of paragraphs (1)(A)(i), (2), and (3).

"(5) If, after 2 years, a State does not have challenging content and performance standards that meet the requirements of paragraph (1) or after 3 years, a State does not have assessments that meet the requirements of paragraph (3), a State shall adopt a set of standards and aligned assessments such as the standards and assessments contained in other State plans that the Secretary has approved.

"(6)(A) If a State does not have assessments that meet the requirements of paragraph (3), the State may propose to use an interim set of yearly statewide assessments that will assess the performance of complex skills and challenging subject matter.

"(B) For any year during which a State is using an interim assessment system, the State shall devise a means for identifying schools and local educational agencies in need of improvement under section 1119.

"(C) OTHER PROVISIONS TO SUPPORT TEACHING AND LEARNING.—Each State plan shall also describe—

"(1)(A) the means by which the State educational agency will work with other agencies, including educational service agencies or other local consortia, and institutions to provide technical assistance to local educational agencies and schools to carry out the State educational agency's responsibilities under this part; and

"(B)(i) where educational service agencies exist, the State educational agency shall consider providing professional development and technical assistance through such agencies; and

"(ii) where educational service agencies do not exist, the State educational agency shall consider providing professional development and technical assistance through other cooperative agreements such as a consortium of local educational agencies;

"(2) the measure of poverty that local educational agencies shall use which shall include such measures as the number of children age 5 to 7 in poverty counted in the most recent census data approved by the Secretary, the number of children eligible to receive free and reduced price lunches under the National School Lunch Act, the number of children in families receiving assistance under Aid to Families With Dependent Children or the number of children eligible to receive medical assistance under the Medicaid program; or a composite of such indicators;

"(3) how the State educational agency will notify local educational agencies of the authority to operate schoolwide programs, and fulfill its local educational agency and school improvement responsibilities under section 1119, including the corrective actions it will take under section 1119(d)(6);

"(4) how the State educational agency will encourage the use of funds from other Federal, State, and local sources for schoolwide reform in schoolwide programs under section 1114;

"(5) how the State educational agency will assess the needs of local educational agencies serving rural areas, and the plans the State educational agency has to meet those needs; and

"(6) how the State educational agency will encourage the establishment and operation of cooperative education, mentoring, and apprenticeship programs, involving business and industry.

"(d) PEER REVIEW AND SECRETARIAL APPROVAL.—The Secretary—

"(1) shall establish a peer review process to assist in the review and revision of State plans;

"(2) shall, following an initial peer review, approve a State plan the Secretary determines meets the requirements of subsections (b) and (c);

"(3)(A) shall, if the Secretary determines that the State plan does not meet the requirements of subsection (b) or (c), immediately notify the State of such determination and the reasons for it;

(B) shall not decline to approve a State's plan before offering the State an opportunity to revise its plan or application, provide technical assistance in order to assist the State to meet the requirements under subsections (b) and (c) and a hearing; and

(C) may withhold funds until determining that the plan meets the requirements of this section.

"(e) DURATION OF THE PLAN.—(1) 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) If the State makes significant changes in its plan, such as the adoption of new content and performance standards, new assessments, or a new definition of adequate progress, the State shall submit this information to the Secretary for approval.

"(f) 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.

"(g) If aggregate State expenditure by the State educational agency for operation of elementary and secondary education programs is less than the State educational agency's aggregate Federal allocation for State operation of all Federal elementary and secondary education programs, then the State plan for title I must include assurances and specific provisions for State expenditures for operation of elementary and secondary education programs to equal or exceed the level of Federal expenditures for such operation by fiscal year 1999.

"SEC. 1112. LOCAL EDUCATIONAL AGENCY PLANS.

"(a) PLANS REQUIRED.—(1) A local educational agency may receive a subgrant under this part for any fiscal year only if it has on file with the State educational agency a plan, approved by the State educational agency, that—

"(A)(i) is integrated with the local educational agency's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act, and satisfies the requirements of this section that are not already addressed by that State plan; and

"(ii) is integrated with local plans, if any, under the School-to-Work Opportunities Act

of 1993 and the Carl D. Perkins Vocational and Applied Technology Education Act, to the extent that such plans have not already been incorporated into the local educational agency's plan under title III of the Goals 2000: Educate America Act; or

"(B) if the local educational agency does not have an approved plan under title III of the Goals 2000: Educate America Act and is not developing such a plan—

"(i) is integrated with other local plans under this Act and other plans, including those under the School-to-Work Opportunities Act of 1993 and the Carl D. Perkins Vocational and Applied Technology Education Act, where such plans exist; and

"(ii) satisfies the requirements of this section.

"(2) The plan may be submitted as part of a consolidated application under section 9302.

"(3) A local educational agency may satisfy all or part of the requirements of this section by referencing applicable sections of its approved plan under title III of the Goals 2000: Educate America Act.

"(b) STANDARDS AND ASSESSMENT PROVISIONS.—Each local educational agency plan shall include—

"(1) a description of its challenging content and performance standards, if any, in the core subjects, in addition to the content and performance standards adopted by the State under section 1111, that the local educational agency expects children served under this title to meet;

"(2) a description, based on the assessments described under paragraph (3), of what constitutes adequate yearly progress if a local educational agency elects to establish such measures that are more stringent than the measures described in the State plan under section 1111; and

"(3) a description of additional high-quality student assessments, if any, other than the assessments described in the State plan under section 1111, that the local educational agency and schools served under this part will use to—

"(A) determine the success of children served under this title in meeting the State's performance standards; and

"(B) determine what revisions are needed to projects under this part so that such children will meet the State's performance standards.

"(c) OTHER PROVISIONS TO SUPPORT TEACHING AND LEARNING.—(1) To ensure high-quality instruction to enable participating children to meet the State's challenging performance standards expected of all students, each local educational agency plan shall describe a coherent strategy for intensive and sustained professional development for teachers, administrators, and other staff, including staff of such agency.

"(2) Each local educational agency plan shall describe how the local educational agency will—

"(A) notify schools of the authority to operate schoolwide programs;

"(B) work in consultation with schools as the schools develop their plans pursuant to section 1115 or 1117 and assist schools as they implement such plans so that each school can make adequate yearly progress toward meeting the State's standards; and

"(C) fulfill its school improvement responsibilities under section 1119, including the corrective actions it will take under section 1119(c)(4).

"(3) To address the comprehensive needs of children served under this title, each local educational agency plan shall describe how the local educational agency will—

"(A) coordinate and integrate services provided under this part with other educational services at the local educational agency or individual school level, including—

"(i) Even Start, Head Start, and other preschool programs, including plans for the transition of participants in such programs to local elementary school programs, vocational education programs, and school-to-work transition programs; and

"(ii) services for children with limited English proficiency or with disabilities, migratory children served under part C of this title or who were formerly eligible for services under part C in the 2-year period preceding the date of the enactment of this title, delinquent youth and youth at risk of dropping out served under part D of this title, homeless children, and immigrant children in order to increase program effectiveness, eliminate duplication, and reduce fragmentation of the children's instructional program;

"(B) coordinate and collaborate with other agencies providing services to children, youth, and families, including health and social services.

"(4) The local educational agency plan also shall include a description of—

"(A) the poverty criteria that will be used to select school attendance areas under section 1113;

"(B) the multiple criteria that will be used by targeted assistance schools under section 1115 to identify children eligible for services under this part;

"(C) the nature of the programs to be conducted by its schools under sections 1114 and 1115 and services outside such schools for children in local institutions for neglected or delinquent children and eligible homeless children, in accordance in section 1115(b)(2)(D);

"(D) how the local educational agency will ensure that migratory children and formerly migratory children who are eligible to receive services under this part are selected to receive such services on the same basis as other children who are selected to receive services under this part;

"(E) how a school that plans to serve preschool children through the Head Start or Even Start programs will use its funds to expand such programs to serve preschool children from its attendance area that otherwise would not have been served or increase the level of service to children presently being served; and

"(F) how the local educational agency will provide services to eligible children attending private elementary and secondary schools in accordance with section 1120, and how timely and meaningful consultation with private school officials regarding such services will occur.

"(d) PLAN DEVELOPMENT AND DURATION.—Each local educational agency plan shall—

"(1) be developed in consultation with teachers, including vocational teachers, where appropriate, and parents of children in schools served under this part; and

"(2)(A) remain in effect for the duration of the local educational agency's participation under this part; and

"(B) periodically be reviewed and revised, as necessary, to reflect changes in the local educational agency's strategies and programs.

"(e) STATE APPROVAL.—The State educational agency shall approve a local educational agency's plan only if the State educational agency determines that the plan will enable schools served under this part to substantially help children served under this

title to meet the State's challenging performance standards expected of all children.

"(f) PROGRAM RESPONSIBILITY.—The local educational agency plan shall reflect the shared responsibility of schools, teachers, and the local educational agency in making decisions required under sections 1114 and 1115.

"SEC. 1113. ELIGIBLE SCHOOL ATTENDANCE AREAS.

"(a) IN GENERAL.—(1)(A)(i) A local educational agency shall use funds received under this part only in school attendance areas with high concentrations of children from low-income families, hereafter in this section referred to as 'eligible school attendance areas'.

"(ii) For the purposes of this part—

"(I) 'school attendance area' means, in relation to a particular school, the geographical area in which the children who are normally served by such school reside; and

"(II) 'eligible school attendance area' means a school attendance area in which the percentage of children from low-income families is at least as high as the percentage of children from low-income families in the local educational agency as a whole.

"(B) If funds allocated in accordance with subsection (c) are insufficient to serve all eligible school attendance areas, a local educational agency shall—

"(i) annually rank, without regard to grade spans, its eligible school attendance areas in which the concentration of children from low-income families exceeds 75 percent from highest to lowest according to the percentage of children from low-income families; and

"(ii) serve such eligible school attendance areas in rank order.

"(C) If funds remain after serving all eligible school attendance areas under subparagraph (B), a local educational agency shall—

"(i) annually rank its remaining eligible school attendance areas from highest to lowest either by grade span or for the entire local educational agency according to the percentage of children from low-income families; and

"(ii) serve such eligible school attendance areas in rank order either within each grade-span grouping or within the local educational agency as a whole.

"(2) The local educational agency shall use as the measure of poverty, the number of children ages 5-17 in poverty counted in the most recent census data approved by the Secretary, the number of children eligible for free and reduced priced lunches under the National School Lunch Act, the number of children in families receiving assistance under Aid to Families with Dependent Children or the number of children eligible to receive medical assistance under the Medicaid program, or a composite of such indicators, with respect to all school attendance areas in the local educational agency—

"(A) to identify eligible school attendance areas;

"(B) to determine the ranking of each area; and

"(C) to determine allocations under subsection (c).

"(3) This subsection shall not apply to a local educational agency with a total enrollment of less than 1,000 children.

"(b) LOCAL EDUCATIONAL AGENCY DISCRETION.—Notwithstanding subsection (a)(1), a local educational agency may—

"(1) designate as eligible any school attendance area or school in which at least 50 percent of the children are from low-income families;

"(2) use funds received under this part in a school that is not in an eligible school attendance area, if the percentage of children from low-income families enrolled in the school is equal to or greater than the percentage of such children in a participating school attendance area of such agency; and

"(3)(A) elect not to serve an eligible school attendance area or eligible school that has a higher percentage of children from low-income families if—

"(i) the school meets the comparability requirements of section 1120(c);

"(ii) the school is receiving supplemental funds from other State or local sources that are spent according to the requirements of section 1114 or 1115; and

"(iii) the funds expended from such other sources equal or exceed the amount that would be provided under this part.

"(B) Notwithstanding subparagraph (A), the number of children attending private elementary and secondary schools who are to receive services, and the assistance they are to receive under this part, shall be determined without regard to whether the public school attendance area in which such children reside is passed over under this paragraph.

"(c) ALLOCATIONS.—(1) A local educational agency shall allocate funds received under this part to eligible school attendance areas or eligible schools, identified under subsection (a) or (b), in rank order, on the basis of the total number of children from low-income families in each area or school.

"(2)(A) Except as provided in subparagraph (B), the per-pupil amount of funds allocated to each school attendance area or school under paragraph (1) shall be not less than 80 percent of the per-pupil amount of funds the local educational agency received for such year under sections 1124, 1124A, and 1125.

"(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 such school attendance area or school for programs that meet the requirements of section 1114 or 1115.

"(3) A local educational agency shall reserve such funds as are necessary under this part to provide services comparable to the services provided to children in schools funded under this part to serve—

"(A) homeless children in accordance with section 1115(b)(2)(D); and

"(B) children in local institutions for delinquent children.

"SEC. 1114. SCHOOLWIDE PROGRAMS.

"(a) USE OF FUNDS FOR SCHOOLWIDE PROGRAMS.—(1) A local educational agency may use funds under this part, in combination with other Federal, State, and local funds, to upgrade the entire educational program in an eligible school if, for the initial year of the schoolwide program, the school meets the following criteria:

"(A) For school year 1995-96—

"(i) the school serves an eligible school attendance area in which at least 65 percent of the children are from low-income families; or

"(ii) at least 65 percent of the children enrolled in the school are from such families.

"(B) For school year 1996-97 and thereafter, the percentage requirement in subparagraphs (A) (i) and (ii) shall be 50 percent.

"(2)(A) No schoolwide program school shall be required to identify particular children as eligible to participate or to provide supplemental services to them.

"(B) A schoolwide program school shall use such funds only to supplement the amount of

funds that would, in the absence of funds under this part, be made available from non-Federal sources for the school, including funds needed to provide services that are required by law for children with disabilities and children with limited English proficiency.

"(3) A school may use funds received under any noncompetitive, formula-grant program administered by the Secretary, except such a program under the Individuals With Disabilities Education Act, and any discretionary program contained on a list (updated as necessary) issued by the Secretary to support a schoolwide program, notwithstanding any provision of the statute or regulations governing any such program.

"(b) COMPONENTS OF A SCHOOLWIDE PROGRAM.—(1) A schoolwide program shall include the following components:

"(A) A comprehensive needs assessment of the entire school that is based on information on the performance of children in relation to the State's standards.

"(B) Schoolwide reform strategies that—

"(i) provide opportunities for all children to meet the State's 'proficient' and 'advanced' performance standards expected of all children;

"(ii) are based on research on effective means of improving the achievement of children;

"(iii) use effective instructional strategies that increase the amount and quality of learning time and help provide an enriched and accelerated curriculum rather than remedial drill and practice;

"(iv) address the needs of all children in the school, but particularly the needs of low-achieving children, children with limited English proficiency, children from migratory families, and children who are members of the target population of any program that is included in the schoolwide program, and how the school will determine if those needs have been met; and

"(v) are consistent with, and are designed to implement, the State and local reform plans, if any, approved under title III of the Goals 2000: Educate America Act.

"(C) Instruction by highly qualified professional staff.

"(D) Intensive and sustained professional development for teachers, principals, and other staff to enable all children in the school to meet the State's performance standards.

"(E) Parental involvement in accordance with section 1117.

"(F) Additionally, in schools serving children beyond grade six, in coordination with funds available from other programs and, as appropriate, drawing on private and public organizations—

"(i) counseling and mentoring services;

"(ii) college and career awareness and preparation, such as college and career guidance, enhancement of employability skills, and job placement services; and

"(iii) services to prepare students for the transition from school to work.

"(2)(A) Any eligible school that desires to operate a schoolwide program shall first develop, in consultation with the local educational agency, a comprehensive plan for reforming the total instructional program in the school that—

"(i) incorporates the components described in paragraph (1);

"(ii) describes how the school will use resources under this part and from other sources to implement those components;

"(iii) includes a list of State and local educational agency programs and other Federal

programs under paragraph (a)(3) that will be included in the schoolwide program; and

"(iv) describes how the school will provide individual student assessment results, including an interpretation of those results, to the parents of any child who participates in the assessment required by section 1111(b)(3).

"(B) Plans developed before a State has adopted standards and a set of assessments that meet the criteria in section 1111(b) (1) and (3) shall be based on an analysis of available data on the achievement of students in the school and a review of the school's instructional practices in the context of available research on effective instructional and school improvement practices.

"(C) The comprehensive plan shall be—

"(i) developed over a one-year period, unless—

"(I) the local educational agency, based on the recommendation of the school support team under subsection (c), determines that less time is needed to develop and implement the schoolwide program; or

"(II) the school is operating a schoolwide program at the time this section takes effect, in which case it may continue to operate that program, but shall develop a new plan during the first year to reflect the provisions of this section;

"(ii) developed with the involvement of the community to be served and those individuals who will carry it out, including teachers, principals, other staff, parents, and, if the plan relates to a secondary school, students from the school;

"(iii) reviewed and revised, as necessary, by the school; and

"(iv) available to the local educational agency, parents, and the public. The information contained therein shall be translated, to the extent feasible, into any language that a significant percentage of the parents of participating children in the school speak as their primary language.

"(c) SCHOOL SUPPORT TEAMS.—(1) Each State educational agency shall establish a system of school support teams to provide information and assistance to each schoolwide program to ensure that schoolwide programs provide the opportunity for all children to meet the State's challenging performance standards.

"(2) Each such team shall be composed of persons, including teachers, knowledgeable about research and practice on teaching and learning, particularly about strategies for improving the educational opportunities for low-achieving children.

"(3) A school support team shall work with each school as it develops its schoolwide program plan, review the merits of each plan, and make recommendations to the school and the local educational agency.

"(4) During the operation of the schoolwide program, a school support team shall—

"(A) periodically review the progress of the school in enabling children in the school to meet the State's performance standards;

"(B) identify problems in the design and operation of the instructional program; and

"(C) make suggestions for improvement to the school and the local educational agency.

"(5) Funds available for State administration and for local educational agencies under this part may be used to pay the costs of the school support teams.

"SEC. 1115. TARGETED ASSISTANCE SCHOOLS.

"(a) IN GENERAL.—In all schools selected to participate under section 1113 that are ineligible for a schoolwide program, or that choose not to operate a schoolwide program, a local educational agency may use funds received under this part only for programs

that provide services to eligible children identified as having the greatest need for special assistance.

"(b) ELIGIBLE CHILDREN—(1)(A) The eligible population for services under this part is—

"(i) children up to age 21 who are entitled to a free public education through grade 12; and

"(ii) children who are not yet at a grade level where the local educational agency provides a free public education, yet are of an age at which they can benefit from an organized instructional program provided in a school or other educational setting.

"(B) From the population described in subparagraph (A), eligible children are children identified by the school as failing, or most at risk of failing, to meet the State's challenging performance standards on the basis of multiple, educationally related, objective criteria established by the local educational agency and supplemented by the school, except that children from preschool through grade two shall be selected solely on the basis of such criteria as teacher judgment, interviews with parents, and developmentally appropriate measures.

"(2)(A)(i) Children receiving services to overcome a disability or limited English proficiency are eligible for services under this part on the same basis as other children selected to receive services under this part.

"(ii) Funds received under this part may not be used to provide services that are otherwise required by law to be made available to such children.

"(B) A child who, at any time in the previous two years, participated in a Head Start, Even Start, or State-run preschool program shall be automatically eligible for services under this part;

"(C)(i) A child who, at any time in the previous two years received services under the program for delinquent youth and youth at risk of dropping out under part D of this title (or its predecessor authority) may be eligible for services under this part.

"(ii) Any child in a local institution for neglected or delinquent children or attending a community day program for such children is eligible for services under this part.

"(D) A local educational agency shall use funds received under this part to serve eligible homeless children who attend a school in the local educational agency that receives funds under this title. To the extent feasible, a local educational agency shall use funds received under this part to serve eligible homeless children who attend schools in non-eligible attendance areas, including providing educationally related support services to children in shelters, where appropriate.

"(c) COMPONENTS OF A TARGETED ASSISTANCE SCHOOL PROGRAM.—(1) To assist targeted assistance schools and local educational agencies to meet their responsibility to provide all students with the opportunity to meet the State's challenging performance standards, each targeted assistance program under this section shall—

"(A) use its resources under this part to help participating children meet the challenging performance standards expected for all children;

"(B) be based on research on effective means for improving achievement of children;

"(C) use effective instructional strategies that—

"(i) give primary consideration to providing extended learning time such as an extended school year and before- and after-school programs and opportunities;

"(ii) involve an accelerated, high-quality curriculum, including applied learning, rather than remedial drill and practice; and

"(iii) minimize removing children from the regular classroom for instruction provided under this part;

"(D) be coordinated with and support the regular program in providing an enriched and accelerated curriculum for eligible children;

"(E) provide instruction by highly qualified professional staff;

"(F) provide opportunities for intensive and sustained professional development with resources under this part and from other sources for administrators and for teachers and other school staff who work with participating children in programs under this section or in the regular education program;

"(G) provide strategies to increase parental involvement, including family literary services;

"(H) provide plans for assisting preschool children in the transition from early childhood programs, such as Head Start, Even Start, or a State-run preschool program, to local elementary school programs; and

"(I) include, additionally, in schools serving children beyond grade six, in coordination with funds available from other programs and, as appropriate, drawing on private and public organizations—

"(i) counseling and mentoring;

"(ii) college and career awareness and preparation, such as college and career guidance, comprehensive career development, enhancement of employability skills, personal finance education, and job placement services; and

"(iii) services to prepare students for the transition from school to work, including the formation of partnerships between elementary, middle, and secondary schools and local businesses.

"(2)(A) Each school conducting a program under this section shall develop, in consultation with the local educational agency, a plan to assist participating children to meet the State's 'proficient' and 'advanced' performance standards that describes—

"(i) the selection of children to participate in accordance with subsection (b);

"(ii) the program to be conducted that incorporates the components described in paragraph (1) and how the resources provided under this part will be coordinated with other resources to enable the children served to meet the State's standards;

"(iii) how the school will review, on an ongoing basis, the progress of participating children and revise the program, if necessary, to provide additional assistance to enable such children to meet the State's challenging performance standards such as an extended school year and before- and after-school programs and opportunities, training for teachers regarding how to identify students that require additional assistance, and training for teachers regarding how to implement performance standards in the classroom; and

"(iv) if the school is eligible to operate a schoolwide program under section 1114, why it chose not to do so.

"(B) Plans developed before a State has adopted standards and a set of assessments that meet the criteria of section 1111(b) (1) and (3) shall be based on an analysis of available data on the achievement of participating children and a review of the school's instructional practices in the context of available research on effective instructional practices.

"(C) Each plan shall be—

"(i) developed with the involvement of the community to be served and the individuals who will carry it out, including teachers, ad-

ministrators, other staff, parents, representatives from business and industry, and, if the plan relates to a secondary school, students from the school;

"(ii) approved by the local educational agency and made available to parents and the information contained therein translated, to the extent feasible, into any language that a significant percentage of the parents of participating children in the school speak as their primary language; and

"(iii) reviewed and revised, as necessary, by the school.

"(d) ASSIGNMENT OF PERSONNEL.—To promote the integration of staff paid 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.

"SEC. 1116. PUBLIC SCHOOL CHOICE.

"(a) CHOICE PROGRAMS.—A local educational agency may use funds under this part, in combination with other Federal, State, local, and private funds to develop and implement choice programs, for children eligible for assistance under this title, which permit parents to select the public school that their children will attend.

"(b) CHOICE PLAN.—A local educational agency that chooses to implement a school choice plan shall first develop a comprehensive plan that includes assurances that—

"(1) all eligible students across grade levels shall have equal access to the program;

"(2) the program shall not include schools which follow a racially discriminatory policy;

"(3) describe how the school will use resources under this part and from other sources to implement such components;

"(4) describe how the school will provide individual student assessment results, including an interpretation of those results, to the parents of a child who participates in the assessment required by section 1111(b)(3);

"(5) the plan will be developed with the involvement of the community to be served and individuals who will carry it out, including teachers, principals, other staff, parents, and, if the plan relates to a secondary school, students from the school;

"(6) the plan will be made available to parents and the public; and

"(7) the program shall not include schools not receiving funds under this title."

"SEC. 1117. PARENTAL INVOLVEMENT.

"(a) LOCAL EDUCATIONAL AGENCY POLICY.—(1) Each local educational agency that receives funds under this part shall develop jointly with, and make available to, parents of participating children a written parent involvement policy that is incorporated into the local educational agency's plan developed under section 1112, establishes the expectations for parent involvement, and describes how the local educational agency will—

"(A) involve parents in the development of the plan described under section 1112, and

the process of school review and improvement described under section 1119;

"(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 parental involvement strategies with other programs, including Head Start, Even Start, and State-run preschool programs; and

"(E) ensure that participating schools review their parent involvement activities on an ongoing basis and use the findings of the reviews in designing strategies for school improvement.

"(2) If the local educational agency has a district-level parental involvement policy that applies to all parents, it may amend that policy, if necessary, to meet the requirements of this subsection.

"(b) SCHOOL PARENTAL INVOLVEMENT PLAN.—(1) Each school served under this part shall jointly develop with, and make available to, parents of participating children a written parent involvement plan that shall be incorporated into the school plan developed under section 1114 or 1115 and shall describe the means for carrying out the requirements of subsections (c) through (f).

"(2) If the school has a parental involvement policy that applies to all parents, it may amend that policy, if necessary, to meet the requirements of this subsection.

"(c) POLICY INVOLVEMENT.—Each school served under this part shall—

"(1) convene an annual meeting, at a convenient time, to which all parents of participating children shall be invited and encouraged to attend, to inform parents of their school's participation under this part and to explain this part, its requirements, and their right to be involved;

"(2) involve parents, in an organized, ongoing, and timely way, in the planning, review, and improvement of programs under this part, including the development of the school plan under section 1114 or 1115. If a school has in place a process for involving parents in the planning and design of its programs, the school may use that process, provided that it includes an adequate representation of parents of participating children; and

"(3) provide parents of participating children—

"(A) timely information about programs under this part;

"(B) school performance profiles required under section 1119(a)(2);

"(C) opportunities for regular meetings to formulate suggestions, if such parents so desire; and

"(D) timely responses to their recommendations.

"(d) SHARED RESPONSIBILITIES FOR HIGH STUDENT PERFORMANCE.—As a component of the school-level parental involvement plan developed under subsection (b), each school served under this part shall jointly develop with parents for all children a school-parent compact that outlines how parents, the entire school staff, and students will share the responsibility for improved student achievement and the means by which the school and parents will build and develop a partnership to help children achieve the State's high standards. Such compact shall—

"(1) describe the school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment that enable the children to

meet the State's challenging performance standards, and the ways in which each parent will be responsible for supporting his or her children's learning, including monitoring attendance, homework completion, television watching, and positive use of extra-curricular time; and

"(2) address the importance of communication between teachers and parents on an ongoing basis through at least—

"(A) parent-teacher conferences in elementary schools, at least annually, during which the compact shall be discussed as it relates to the individual child's achievement;

"(B) frequent reports to parents on their children's progress; and

"(C) reasonable access to staff and observation of classroom activities.

"(e) BUILDING CAPACITY FOR INVOLVEMENT.—To ensure effective involvement of parents and to support a partnership among the school, parents, and the community to improve student achievement, each school and local educational agency shall—

"(1) provide assistance to participating parents in such areas as understanding the National Education Goals, the State's content and performance standards, State and local assessments, the requirements of this part, and how to monitor their children's progress and work with educators to improve the performance of their children;

"(2) provide materials and training, including necessary literacy training that is not otherwise available from other sources to help parents work with their children to improve their children's achievement;

"(3) educate teachers, principals and other staff in the value and utility of contributions of parents, and in how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent programs, and build ties between home and school; and

"(4) develop appropriate roles for community-based organizations and businesses in parent involvement activities, including providing information about opportunities for them to work with parents and schools.

"(f) ACCESSIBILITY.—In carrying out the parental involvement requirements of this part, local educational agencies and schools shall, to the extent practicable, provide full opportunities for participation to parents with limited English proficiency or with disabilities, including providing information in a language and form they understand.

"SEC. 1118. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

(a) GENERAL REQUIREMENT.—(1) To the extent consistent with the number of eligible children identified according to section 1115(b) in a local educational agency who are enrolled in private elementary and secondary schools, a local educational agency shall, after timely and meaningful consultation with appropriate private school officials, provide such children, on an equitable basis, special educational services or other benefits under this part.

"(2) The educational services or other benefits, including materials and equipment, must be secular, neutral, and nonideological.

"(3) Educational services and other benefits for such private school children shall be equitable in comparison to services and other benefits for public school children participating under this part.

"(4) Expenditures for educational services and other benefits to eligible private school children shall be equal to the proportion of funds allocated to participating school attendance areas based on the number of children from low-income families who attend private schools.

"(5) The local educational agency may provide such services directly or through contracts with public and private agencies, organizations, and institutions.

"(b) CONSULTATION.—(1) To ensure timely and meaningful consultation, a local educational agency shall consult with appropriate private school officials during the design and development of the agency's programs under this part, on issues such as—

"(A) how the children's needs will be identified;

"(B) what services will be offered;

"(C) how and where the services will be provided; and

"(D) how the services will be assessed.

"(2) Consultation shall occur before the local educational agency makes any decision that affects the opportunities of eligible private school children to participate in programs under this part.

"(3) Consultation shall include a discussion of the full range of service delivery mechanisms a local educational agency could use to provide equitable services to eligible private school children including, but not limited to, instruction provided at public school sites, at neutral sites, and in mobile vans, computer-assisted instruction, extended-day services, home tutoring, and instruction provided with take-home computers.

"(c) PUBLIC CONTROL OF FUNDS.—(1) The control of funds provided under this part, and title to materials, equipment, and property purchased with those funds, shall be in a public agency, and a public agency shall administer such funds and property.

"(2)(A) The provision of services under this section shall be provided—

"(i) by employees of a public agency; or

"(ii) through contract by such public agency with an individual, association, agency, or organization.

"(B) In the provision of such services, such employee, person, association, agency, or organization shall be independent of such private school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency.

"(d) STANDARDS FOR A BYPASS.—If a local educational agency is prohibited by law from providing for the participation on an equitable basis of eligible children enrolled in private elementary and secondary schools or if the Secretary determines that a local educational agency has substantially failed or is unwilling to provide for such participation, as required by this section, the Secretary shall—

"(1) waive the requirements of this section for such local educational agency; and

"(2) arrange for the provision of services to such children through arrangements that shall be subject to the requirements of this section and sections 9505 and 9506 of this Act.

"(e) CAPITAL EXPENSES.—(1)(A) From the amount appropriated for this subsection under section 1002(e) for any fiscal year, each State is eligible to receive an amount that bears the same ratio to the amount so appropriated as the number of private school children who received services under this part in the State in the most recent year for which data satisfactory to the Secretary are available bears to the number of such children in all States in that same year.

"(B) The Secretary shall reallocate any amounts allocated under subparagraph (A) that are not used by a State for the purpose of this subsection to other States on the basis of their respective needs, as determined by the Secretary.

"(2)(A) A local educational agency may apply to the State educational agency for

payments for capital expenses consistent with this subsection.

"(B) State educational agencies shall distribute such funds to local educational agencies based on the degree of need set forth in their respective applications.

"(3) Any funds appropriated to carry out this subsection shall be used only for capital expenses incurred to provide equitable services for private school children under this section.

"(4) For the purpose of this subsection, the term 'capital expenses' is limited to—

"(A) expenditures for noninstructional goods and services, such as the purchase, lease, or renovation of real and personal property, including, but not limited to, mobile educational units and leasing of neutral sites or spaces;

"(B) insurance and maintenance costs;

"(C) transportation; and

"(D) other comparable goods and services.

"SEC. 1119. ASSESSMENT AND SCHOOL AND DISTRICT IMPROVEMENT.

"(a) **LOCAL REVIEW.**—Each local educational agency receiving funds under this part shall—

"(1) use the State assessments described in the State plan and any additional measures described in the local educational agency's plan to review annually the progress of each school served under this part to determine whether the school is meeting, or making adequate progress as defined in section 1111(b)(2)(A)(i) toward enabling its students to meet, the State's performance standards;

"(2) publicize and disseminate to teachers, parents, students, and the community the results of the annual review under paragraph (1) of all schools served under this part in individual school performance profiles that include disaggregated results as required by section 1111(b)(3)(G); and

"(3) provide the results of the local annual review to schools so that they can continually refine the program of instruction to help all children in those schools meet the State's high performance standards.

"(b) **DISTINGUISHED SCHOOLS.**—(1) Each State shall designate as a Distinguished School—

"(A) any school served under this part that, for three consecutive years, has exceeded the State's definition of adequate progress as defined in section 1111(b)(2)(A)(i); and

"(B) any school in which virtually all students have met the State's 'advanced' performance standards.

"(2)(A) A State shall use funds available under section 1002(f) to recognize Distinguished Schools, including making monetary awards.

"(B) Funds awarded to a Distinguished School may be used by the school to further its educational program under this part, provide additional incentives for continued success, and reward individuals or groups in the school for past performance.

"(3) A local educational agency may also recognize the success of a Distinguished School by providing additional institutional and individual rewards, such as greater decisionmaking authority at the school building level, increased access to resources or supplemental services such as summer programs that may be used to sustain or increase success, additional professional development opportunities, opportunities to participate in special projects, and individual financial bonuses.

"(4) Schools designated as Distinguished Schools under paragraph (1) may serve as models and provide additional assistance to

other schools served under this part that are not making adequate progress.

"(c) **SCHOOL IMPROVEMENT.**—(1) A local educational agency shall identify for school improvement any school served under this part that—

"(A) has been in program improvement under section 1020 of chapter 1 of title I of the Elementary and Secondary Education Act of 1965, as in effect before the effective date of the Improving America's Schools Act of 1993, for at least two consecutive school years prior to that date;

"(B) has not made adequate progress as defined in the State's plan under section 1111(b)(2)(A)(i) for two consecutive school years and if it does not have virtually all students meeting the State's 'advanced' performance standards; or

"(C) has failed to meet the criteria established by the State through its interim procedure under section 1111(b)(5)(C) for two consecutive years.

"(2)(A) Each school identified under paragraph (1) shall—

"(i) in consultation with parents, the local educational agency, and, for schoolwide programs, the school support team, revise its school plan under section 1114 or 1115 in ways that have the greatest likelihood of improving the performance of participating children in meeting the State's performance standards; and

"(ii) submit the revised plan to the local educational agency for approval.

"(B) During the first year immediately following identification under paragraph (1), the school shall implement its revised plan.

"(3) For each school identified under paragraph (1), the local educational agency shall provide technical assistance as the school develops and implements its revised plan.

"(4)(A) The local educational agency may take corrective action at any time against a school that has been identified under paragraph (1), but, during the third year following identification under paragraph (1), shall take such action against any school that still fails to make adequate progress.

"(B) Corrective actions are those listed in the local educational agency plan adopted in compliance with State law, which may include, but are not limited to, decreasing decisionmaking authority at the school level; making alternative governance arrangements such as the creation of a charter school; reconstituting the school staff; withholding funds; and authorizing students to transfer, including paying transportation costs, to other schools in the local educational agency.

"(C)(1) At any time after a school has been identified under paragraph (1), the local educational agency may authorize students eligible for assistance under this title to transfer to another public school receiving funds under this title.

"(ii) During the third and subsequent years following the identification of a school under paragraph (1), the local educational agency shall authorize students eligible for assistance under this title to transfer to another public school receiving funds under this title.

"(iii) Funds allocated for a student under this title shall follow such student when transferring to another school.

"(5) The State educational agency shall—

"(A) make assistance from Distinguished Educators under subsection (e) available to the schools farthest from meeting the State's standards, if requested by the school or local educational agency; and

"(B) if it determines that a local educational agency failed to carry out its re-

sponsibility under paragraphs (3) and (4), take such corrective actions that it deems appropriate.

"(6) Schools that for at least two of the three years following identification under paragraph (1) make adequate progress toward meeting the State's 'proficient' and 'advanced' performance standards no longer need to be identified for school improvement.

"(d) **STATE REVIEW AND LOCAL EDUCATIONAL AGENCY IMPROVEMENT.**—(1) A State educational agency shall—

"(A) annually review the progress of each local educational agency receiving funds under this part to determine whether it is making adequate progress as defined in section 1111(b)(2)(A)(ii) toward meeting the State's performance standards; and

"(B) publicize and disseminate to teachers, parents, students, and the community the results of the State review, including disaggregated results, as required by section 1111(b)(3)(F).

"(2) In the case of a local educational agency that for three consecutive years has exceeded the State's definition of adequate progress as defined in section 1111(b)(2)(A)(ii), the State may make institutional and individual rewards of the kinds described for individual schools in subsection (b)(3).

"(3) A State educational agency shall identify for improvement any local educational agency that—

"(A) for two consecutive years, is not making adequate progress as defined in section 1111(b)(2)(A)(ii) toward meeting the State's performance standards; or

"(B) has failed to meet the criteria established by the State through its interim procedure under section 1111(b)(5)(C) for two consecutive years.

"(4) Each local educational agency identified under paragraph (3) shall, in consultation with schools, parents, and educational experts, revise its district-level plan under section 1112 in ways that have the greatest likelihood of improving the performance of its schools in meeting the State's performance standards.

"(5) For each local educational agency identified under paragraph (3), the State educational agency shall—

"(A) provide technical assistance to better enable the local educational agency to develop and implement its revised plan and work with schools needing improvement; and

"(B) make available to the districts farthest from meeting the State's standards, if requested, assistance from Distinguished Educators under subsection (e).

"(6)(A) The 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) Corrective actions are those listed in the local educational agency plan adopted in compliance with State law, which may include, but are not limited to, reconstitution of district personnel; appointment by the State educational agency of a receiver or trustee to administer the affairs of the local educational agency in place of the superintendent and school board; removal of particular schools from the jurisdiction of the local educational agency and establishment of alternative arrangements for governing and supervising such schools; the abolition or restructuring of the local educational agency; and the withholding of funds.

“(C)(i) At any time after a local education agency has been identified under paragraph (3), the State may authorize students eligible for assistance under this title to transfer to another public school in another local agency receiving funds under this title.

“(ii) During the fourth and subsequent years following the identification of a local education agency under paragraph (3), the State shall authorize students eligible for assistance under this title to transfer to another public school in another local education agency receiving funds under this title.

“(iii) Funds allocated for a student under this title shall follow such student when transferring to another school.

“(7) Local educational agencies that for at least two of the three years following identification under paragraph (3) make adequate progress toward meeting the State's standards no longer need to be identified for district improvement.

“(e) DISTINGUISHED EDUCATORS.—(1) In order to provide assistance to schools and local educational agencies identified as needing improvement under subsection (c) or (d), each State, using funds available under section 1002(f), shall establish a corps of Distinguished Educators.

“(2) When possible, these Distinguished Educators shall be chosen from schools served under this part that have been especially successful in enabling children to meet or make outstanding progress toward meeting the State's performance standards, such as those schools described in subsection (b).

“(3) Distinguished Educators shall provide, upon request, intensive and sustained assistance to the schools and districts farthest from meeting the State's standards as they revise and implement their plans.

“(4) If the State has devised an alternative approach to providing such intensive and sustained assistance to schools and districts farthest from meeting the State's standards, this approach shall meet the requirements of this subsection subject to the approval of the Secretary as part of the State plan.

“(f) STATE ALLOCATIONS FOR SCHOOL IMPROVEMENT.—From the amount appropriated under section 1002(f) for any fiscal year, each State shall be eligible to receive an amount that bears the same ratio to the amount appropriated as the amount allocated to the State under sections 1123 and 1124 bears to the total amount allocated to all States under those sections, except that each State shall receive at least \$180,000, or \$30,000 in the case of Guam, American Samoa, the Virgin Islands, the Northern Marianas, and Palau (until the Compact of Free Association goes into effect).

“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 9501 of this Act, including such effort for professional development activities.

“(b) FEDERAL FUNDS TO SUPPLEMENT, NOT SUPPLANT, NON-FEDERAL FUNDS.—(1)(A) Except as provided in subparagraph (B), a State or local educational agency shall use funds received under this part only to supplement the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs assisted under this part, and not to supplant such funds.

“(B) For the purpose of complying with subparagraph (A), a State or local educational agency may exclude supplemental State and local funds expended in any eligible school attendance area or school for programs that meet the requirements of section 1114 or 1115.

“(2) No local educational agency shall be required to provide services under this part through a particular instructional method or in a particular instructional setting in order to demonstrate its compliance with paragraph (1).

“(c) COMPARABILITY OF SERVICES.—(1)(A) Except as provided in paragraphs (4) and (5), a local educational agency may receive funds under this part only if State and local funds will be used in schools served under this part to provide services that, taken as a whole, are at least comparable to services in schools that are not receiving funds under this part.

“(B) If the local educational agency is serving all of its schools under this part, such agency may receive funds under this part only if it will use State and local funds to provide services that, taken as a whole, are substantially comparable in each school.

“(C) A local educational agency may meet the requirements of subparagraphs (A) and (B) on a grade-span by grade-span basis or a school-by-school basis.

“(2)(A) To meet the requirements of paragraph (1), a local educational agency shall demonstrate that—

“(i) expenditures per pupil from State and local funds in each school served under this part are equal to or greater than the average expenditures per pupil in schools not receiving services under this part; or

“(ii) it has adopted a districtwide salary schedule.

“(B) A local educational agency need not include unpredictable changes in student enrollment or personnel assignments that occur after the beginning of a school year in determining comparability of services under this subsection.

“(3) Each local educational agency shall—

“(A) develop procedures for compliance with this subsection; and

“(B) maintain records that are updated biennially documenting its compliance.

“(4) This subsection shall not apply to a local educational agency that does not have more than one building for each grade span.

“(5) For the purpose of determining compliance with paragraph (1), a local educational agency may exclude State and local funds expended for—

“(A) bilingual education for children of limited English proficiency; and

“(B) excess costs of providing services to children with disabilities.

“Subpart 2—Allocations

“SEC. 1122. 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 (b).

“(b) ALLOTMENT TO THE SECRETARY OF THE INTERIOR.—

“(1) The amount allotted for payments to the Secretary of the Interior under sub-

section (a)(2) for any fiscal year shall be, as determined pursuant to criteria established by the Secretary, the amount necessary to meet the special educational needs of—

“(A) Indian children on reservations served by elementary and secondary schools for Indian children operated or supported by the Department of the Interior; and

“(B) out-of-State Indian children in elementary and secondary schools in local educational agencies under special contracts with the Department of the Interior.

“(2) From the amount allotted for payments to the Secretary of the Interior under subsection (a)(2), the Secretary of the Interior shall make payments to local educational agencies, upon such terms as the Secretary of Education determines will best carry out the purposes of this part, with respect to out-of-State Indian children described in paragraph (1). The amount of such payment may not exceed, for each such child, the greater of—

“(A) 40 percent of the average per-pupil expenditure in the State in which the agency is located; or

“(B) 48 percent of such expenditure in the United States.

“SEC. 1123. ALLOCATIONS TO STATES.

“(a) GENERAL.—For each fiscal year, an amount of the appropriations for this part equal to the appropriation for fiscal year 1994 for part A of chapter 1, title I, Elementary and Secondary Education Act, shall be allocated in accordance with sections 1124 and 1124A. Any additional appropriations for this part for any fiscal year, after application of the preceding sentence, shall be allocated in accordance with section 1125.

“(b) ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS.—

“(1) If the sums available under this part for any fiscal year are insufficient to pay the full amounts that all local educational agencies in States are eligible to receive under sections 1124, 1124A, and 1125 for such year, the Secretary shall ratably reduce the allocations to such local educational agencies, subject to subsections (c) and (d) of this section.

“(2) If additional funds become available for making payments under sections 1124, 1124A, and 1125 for such fiscal year, allocations that were reduced under paragraph (1) shall be increased on the same basis as they were reduced.

“(c) HOLD-HARMLESS AMOUNTS.—Notwithstanding subsection (b), the total amount made available to each local educational agency under each of sections 1124 and 1125 for any fiscal year shall be at least 85 percent of the total amount such local educational agency was allocated under such sections (or, for fiscal year 1995, their predecessor authorities) for the preceding fiscal year.

“(d) DEFINITION.—For the purpose of this section and sections 1124 and 1125, the term State means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

“SEC. 1124. BASIC GRANTS TO LOCAL EDUCATIONAL AGENCIES.

“(a) AMOUNT OF GRANTS.—

“(1) GRANTS FOR LOCAL EDUCATIONAL AGENCIES AND PUERTO RICO.—

“(A) The grant which a local educational agency in a State is eligible to receive under this subpart for a fiscal year shall (except as provided in section 1126), be determined by multiplying the number of children counted under subsection (c) by 40 percent of the amount determined under the next sentence. 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 80 percent of the average per pupil expenditure in the United States, such amount shall be 80 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 120 percent of the average per pupil expenditure in the United States, such amount shall be 120 percent of the average per pupil expenditure in the United States. For each local educational agency serving an area with a total population of at least 20,000 persons, the grant under this section shall be the amount determined by the Secretary. For local educational agencies serving areas with total population of fewer than 20,000 persons, the State education agency may either (I) distribute to such local educational agencies grants under this section equal to the amounts determined by the Secretary; or (II) use an alternative method, approved by the Secretary, to distribute the share of the State's total grants under this section that is based on local educational agencies with total populations of fewer than 20,000 persons. Such an alternative method of distributing grants under this section among a State's local educational agencies serving areas with total populations of fewer than 20,000 persons shall be based upon population data that the State education agency determines best reflect the current distribution of children in poor families among the State's local educational agencies serving areas with total populations of fewer than 20,000 persons. If a local educational agency serving an area with total population of less than 20,000 persons is dissatisfied with the determination of its grant by the State education agency, then it may appeal this determination to the Secretary. The Secretary must respond to this appeal within 45 days of receipt. The Secretary shall consult with the Secretary of Commerce regarding whether available data on population for local educational agencies serving areas with total populations of fewer than 20,000 persons are sufficiently reliable to be used to determine final grants to such areas.

"(B) If, and only if, there are portions of any of the States for which the Department of Commerce has not prepared data on the number of children, aged 5-17, from families below the poverty level for local educational agencies, then the Secretary shall use such data compiled for counties in those portions of the States, treating the counties as if they were local educational agencies. In such cases, subject to section 1126, the grant for any local educational agency in such an area of a State shall be determined on the basis of the aggregate amount of such grants for all such agencies in the county or counties in which the school district of the particular agency is located, which aggregate amount shall be equal to the aggregate amount determined under subparagraph (A) for such county or counties, and shall be allocated among those agencies upon such equitable basis as may be determined by the State educational agency in accordance with basic criteria prescribed by the Secretary.

"(C) 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 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; and

"(ii) 32 percent of the average per pupil expenditure in the United States.

"(2) DEFINITION.—For purposes of this subsection, the term 'State' does not include Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and Palau.

"(b) MINIMUM NUMBER OF CHILDREN TO QUALIFY.—A local educational agency shall be eligible for a basic grant for a fiscal year under this subpart only if the number of children counted under subsection (c) in the school district of such local educational agency is at least 10.

"(c) CHILDREN TO BE COUNTED.—

"(1) CATEGORIES OF CHILDREN.—The number of children to be counted for purposes of this section is the aggregate of—

"(A) the number of children aged 5 to 17, inclusive, in the school district of the local educational agency from families below the poverty level as determined under paragraph (2)(A),

"(B) the number of children aged 5 to 17, inclusive, in the school district of such agency from families above the poverty level as determined under paragraph (2)(B), and

"(C) the number of children aged 5 to 17, inclusive, in the school district of such agency in institutions for neglected and delinquent children (other than such institutions operated by the United States) or attending community day programs for such children, but not counted pursuant to subpart 3 of part D for the purposes of a grant to a State agency, or being supported in foster homes with public funds.

"(2) DETERMINATION OF NUMBER OF CHILDREN.—

"(A) For the purposes of this section, the Secretary shall determine the number of children aged 5 to 17, inclusive, from families below the poverty level on the basis of the most recent satisfactory data available from the Department of Commerce for local educational agencies (as produced and published under section 181a of title 13, United States Code). If, and only if, there are portions of any of the States for which the Department of Commerce has not prepared data on the number of children, aged 5-17, from families below the poverty level for local educational agencies, then the Secretary shall use such data compiled for counties in those portions of the States, treating the counties as if they were local educational agencies. The District of Columbia and the Commonwealth of Puerto Rico shall be treated as individual local educational agencies. If a local educational agency contains two or more counties in their entirety, then each county will be treated as if it were a separate local educational agency for purposes of calculating grants under this part. The total of grants for such counties shall be allocated to such a local educational agency, which shall distribute to schools in each county within it a share of the local educational agency's total grant that is no less than the county's share of the population counts used to calculate the local educational agency's grant. If the Department of Commerce has updated data on the number of children, aged 5-17, from families below the poverty level for local educational agencies, then the Secretary shall use the updated data. 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, in such form as those criteria have been

updated by increases in the Consumer Price Index for all urban consumers, published by the Bureau of Labor Statistics.

"(B) For purposes of this section, the Secretary shall determine the number of children aged 5 to 17, inclusive, from families above the poverty level on the basis of the number of such children from families receiving an annual income, in excess of the current criteria of poverty, from payments under the program of aid to families with dependent children under a State plan approved under title IV of the Social Security Act; and in making such determinations the Secretary shall utilize 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, published by the Bureau of Labor Statistics. The Secretary shall determine the number of such children and the number of children of such ages living in institutions for neglected or delinquent children, or being supported in foster homes with public funds, on the basis of the caseload data for the month of October of the preceding fiscal year (using, in the case of children described in the preceding sentence, the criteria of poverty and the form of such criteria required by such sentence which were determined for the calendar year preceding such month of October) or, to the extent that such data are not available to the Secretary before January of the calendar year in which the Secretary's determination is made, then on the basis of the most recent reliable data available to the Secretary at the time of such determination. The Secretary of Health and Human Services shall collect and transmit the information required by this subparagraph to the Secretary not later than January 1 of each year.

"(C) When requested by the Secretary, the Secretary of Commerce shall make a special updated estimate of the number of children of such ages who are from families below the poverty level (as determined under subparagraph (A) of this paragraph) in each school district, and the Secretary is authorized to pay (either in advance or by way of reimbursement) the Secretary of Commerce the cost of making this special estimate. The Secretary of Commerce shall give consideration to any request of the chief executive of a State for the collection of additional census information. For purposes of this section, the Secretary shall consider all children who are in correctional institutions to be living in institutions for delinquent children.

"(d) STATE MINIMUM.—

"(1) 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)(A) No State shall, by reason of the application of the provisions of paragraph (1) of this subsection, be allotted more than—

"(i) 150 percent of the amount that the State received in the fiscal year preceding the fiscal year for which the determination is made, or

"(ii) the amount calculated under subparagraph (B), whichever is less.

"(B) For the purpose of subparagraph (A)(ii), the amount for each State equals—

"(i) the number of children in such State counted under subsection (c) in the fiscal year specified in subparagraph (A), multiplied by

"(ii) 150 percent of the national average per pupil payment made with funds available under this section for that year.

"SEC. 1124A. CONCENTRATION GRANTS TO LOCAL EDUCATIONAL AGENCIES.

"(a) ELIGIBILITY FOR AND AMOUNT OF GRANTS.—

"(1)(A) Except as otherwise provided in this paragraph, each local educational agency, in a State other than Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and Palau, which is eligible for a grant under this part for any fiscal year shall be entitled to an additional grant under this section for that fiscal year if—

"(i) the number of children counted under section 1124(c) of this part in the local educational agency for the preceding fiscal year exceeds 6,500, or

"(ii) the number of children counted under section 1124(c) exceeds 15 percent of the total number of children aged five to seventeen, inclusive, in the local educational agency in that fiscal year.

"(B) Except as provided in subparagraph (C), no State described in subparagraph (A) shall receive less than—

"(i) one-quarter of 1 percent of the sums appropriated under paragraph (6) of this section for such fiscal year; or

"(ii) \$250,000, whichever is higher.

"(C) No State shall, by reason of the application of the provisions of subparagraph (B)(i) of this paragraph, be allotted more than—

"(i) 150 percent of the amount that the State received in the fiscal year preceding the fiscal year for which the determination is made; or

"(ii) the amount calculated under subparagraph (D), whichever is less.

"(D) For the purpose of subparagraph (C), the amount for each State equals—

"(i) the number of children in such State counted for purposes of this section in the fiscal year specified in subparagraph (B), multiplied by

"(ii) 150 percent of the national average per pupil payment made with funds available under this section for that year.

"(2) For each local educational agency eligible to receive an additional grant under this section for any fiscal year the Secretary shall determine the product of—

"(A) the greater of—

"(i) the number of children in excess of 6,500 counted under section 1124(c) for the preceding fiscal year, in a local educational agency which qualifies on the basis of subparagraph (A)(i) of paragraph (1); or

"(ii) the number of children counted under section 1124(c) for the preceding fiscal year in a local educational agency which qualifies on the basis of subparagraph (A)(ii) of paragraph (1); and

"(B) the quotient resulting from the division of the amount determined for those agencies under section 1124(a)(1) for the fiscal year for which the determination is being made divided by the total number of children counted under section 1124(c) for that agency for the preceding fiscal year.

"(3) The amount of the additional grant to which an eligible local educational agency is entitled under this section for any fiscal year shall be an amount which bears the same ratio to the amount reserved under paragraph (6) for that fiscal year as the product determined under paragraph (2) for such local educational agency for that fiscal year bears to the sum of such products for all local educational agencies in the United States for that fiscal year.

"(4) For the purposes of this section, the Secretary shall determine the number of

children counted under section 1124(c) for any local educational agency, and the total number of children aged five to seventeen, inclusive, in local educational agencies, on the basis of the most recent satisfactory data available at the time the payment for such local educational agency is determined under section 1124.

"(5)(A) For each local educational agency serving an area with a total population of at least 20,000 persons, the grant under this section shall be the amount determined by the Secretary. For local educational agencies serving areas with total populations of fewer than 20,000 persons, the State education agency may either (i) distribute to such local educational agencies grants under this section equal to the amounts determined by the Secretary; or (ii) use an alternative method, approved by the Secretary, to distribute the share of the State's total grants under this section that is based on local educational agencies with total populations of fewer than 20,000 persons. Such an alternative method of distributing grants under this section among a State's local educational agencies serving areas with total populations of fewer than 20,000 persons shall be based upon population data that the State education agency determines best reflects the current distribution of children in poor families among the State's local educational agencies serving areas with total populations of fewer than 20,000 persons and meeting the eligibility criteria of paragraph (1)(A). If a local educational agency serving an area with total population of less than 20,000 persons is dissatisfied with the determination of its grant by the State education agency, then it may appeal this determination to the Secretary. The Secretary must respond to this appeal within 45 days of receipt. The Secretary shall consult with the Secretary of Commerce regarding whether available data on population for local educational agencies serving areas with total populations of fewer than 20,000 persons are sufficiently reliable to be used to determine final grants to such areas meeting the eligibility criteria of paragraph (1)(A).

"(B) If, and only if, there are portions of any of the States for which the Department of Commerce has not prepared data on the number of children, aged 5-17, from families below the poverty level for local educational agencies, then the Secretary shall use such data compiled for counties in those portions of the States, treating the counties as if they were local educational agencies. In such cases, subject to section 1126, the grant for any local educational agency in such an area of a State shall be determined on the basis of the aggregate amount of such grants for all such agencies in the county or counties in which the school district of the particular agency is located, which aggregate amount shall be equal to the aggregate amount determined under subparagraph (A) for such county or counties, and shall be allocated among those agencies upon such equitable basis as may be determined by the State educational agency in accordance with the basic criteria prescribed by the Secretary.

"(b) RESERVATION OF FUNDS.—Of the total amount of funds available for sections 1124 and 1124A, 10 percent of the amount appropriated for that fiscal year shall be available to carry out this section.

"(c) RATABLE REDUCTION RULE.—If the sums available under subsection (b) for any fiscal year for making payments under this section are not sufficient to pay in full the total amounts which all States are entitled to receive under subsection (a) for such fiscal

year, the maximum amounts which all States are entitled to receive under subsection (a) for such fiscal year shall be ratably reduced. In case additional funds become available for making such payments for any fiscal year during which the preceding sentence is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

"SEC. 1125. TARGETED GRANTS TO LOCAL EDUCATIONAL AGENCIES.

"(a) ELIGIBILITY OF LOCAL EDUCATIONAL AGENCIES.—A local educational agency in a State is eligible to receive a targeted grant under this section for any fiscal year if the number of children in the local educational agency under subsection 1124(c), before application of the weighting factor, is at least 10.

"(b) GRANTS FOR LOCAL EDUCATIONAL AGENCIES, THE DISTRICT OF COLUMBIA, AND PUERTO RICO.—(1) The amount of the grant that a local educational agency in a State or that the District of Columbia is eligible to receive under this section for any fiscal year shall be the product of—

"(A) the number of children counted under subsection (c); and

"(B) the amount in the second sentence of subparagraph 1124(a)(1)(A).

"(2) For each fiscal year, the amount of the grant for which the Commonwealth of Puerto Rico is eligible under this section shall be equal to the number of children counted under subsection (c) for Puerto Rico, multiplied by the amount determined in subparagraph 1124(a)(1)(C).

"(c) CHILDREN TO BE COUNTED.—

"(1) CATEGORIES OF CHILDREN.—The number of children to be counted for purposes of this section shall be the number counted in subsection 1124(c) 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 section 1124(c) represents of the total population aged 5-17 years in the local educational agency or the number of such children. Weighted pupil counts will be calculated based upon both percentage and number and the larger of the two counts will be used in calculating grants for each local educational agency. Weighting factors shall be assigned according to the following scale: if the percentage is greater than 0 but less than 14.265, the weighting factor shall be 1.00 for all children counted in section 1124(c); 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 in section 1124(c) equal to 14.265 percent of the total school age population and 1.50 for children counted under section 1124(c) 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 in section 1124(c) equal to 14.265 percent of the total school age population, 1.50 for a number of children counted under section 1124(c) equal to 7.288 percent of the total school age population, and 2.00 for children counted under section 1124(c) 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 in section 1124(c) equal to 14.265 percent of the total school age population, 1.50 for a number of children counted under section 1124(c) equal to 7.288 percent of the total school age population, 2.00 for a number of children counted under section 1124(c) equal to 7.67 percent of the

total school age population, and 2.50 for children counted under section 1124(c) 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 in section 1124(c) equal to 14.265 percent of the total school age population, 1.50 for a number of children counted under section 1124(c) equal to 7.288 percent of the total school age population, 2.00 for a number of children counted under section 1124(c) equal to 7.67 percent of the total school age population, 2.50 for a number of children counted in section 1124(c) equal to 7.315 percent of the total school age population, and 3.00 for children counted in section 1124(c) in excess of 36,538 percent of the total school age population. Separately, if the number of children counted under section 1124(c) is greater than 0 but less than 575, the weighting factor shall be 1.00 for all children counted in section 1124(c); 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 in section 1124(c) equal to 575, and 1.50 for children counted under section 1124(c) 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 in section 1124(c) equal to 575, 1.50 for a number of children counted under section 1124(c) equal to 1,295, and 2.00 for children counted under section 1124(c) 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 in section 1124(c) equal to 575, 1.50 for a number of children counted under section 1124(c) equal to 1,295, 2.00 for a number of children counted under section 1124(c) equal to 5,040, and 2.50 for children counted under section 1124(c) 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 in section 1124(c) equal to 575, 1.50 for a number of children counted under section 1124(c) equal to 1,295, 2.00 for a number of children counted under section 1124(c) equal to 5,040, 2.50 for a number of children counted in section 1124(c) equal to 35,090 and 3.00 for children counted in section 1124(c) in excess of 42,000. For the Commonwealth of Puerto Rico, the weighting factor shall be no greater than 1.62.

“(d) LOCAL EDUCATIONAL AGENCY ALLOCATIONS.—For each local educational agency serving an area with a total population of at least 20,000 persons, the grant under this section shall be the amount determined by the Secretary. For local educational agencies serving areas with total populations of fewer than 20,000 persons, the State education agency may either (1) distribute to such local educational agencies grants under this section equal to the amounts determined by the Secretary; or (2) use an alternative method, approved by the Secretary, to distribute the share of the State's total grants under this section that is based on local educational agencies with total populations of fewer than 20,000 persons. Such an alternative method of distributing grants under this section among a State's local educational agencies serving areas with total populations of fewer than 20,000 persons shall be based upon population data that the State education agency determines best reflects the current distribution of children in poor families among the State's local educational agencies serving areas with total populations of fewer than 20,000 persons. If a local educational agency serving an area with total populations of less than 20,000 persons is dis-

satisfied with the determination of its grant by the State education agency, then it may appeal this determination to the Secretary. The Secretary must respond to this appeal within 45 days of receipt. If, and only if, there are portions of any of the States for which the Department of Commerce has not prepared data on the number of children, aged 5-17, from families below the poverty level for local educational agencies, then the Secretary shall use such data compiled for counties in those portions of the States, treating the counties as if they were local educational agencies. The Secretary shall consult with the Secretary of Commerce regarding whether available data on population for local educational agencies serving areas with total populations of fewer than 20,000 persons are sufficiently reliable to be used to determine final grants to such areas.

“(d) STATE MINIMUM.—Notwithstanding any other provision of this section, from the total amount available for any fiscal year to carry out this section, each State shall be allotted at least the lesser of—

“(1) one quarter of one percent of such amount;

“(2) 150 percent of the national average grant under this section per child described in section 1124(c), without application of a weighting factor, multiplied by the State's total number of children described in section 1124(c), without application of a weighting factor.

“SEC. 1126. SPECIAL ALLOCATION PROCEDURES.

“(a) ALLOCATIONS FOR NEGLECTED OR DELINQUENT CHILDREN.—(1) If a State educational agency determines that a local educational agency in the State is unable or unwilling to provide for the special educational needs of children who are living in institutions for neglected or delinquent children as described in subparagraph 1124(c)(1)(C), the State educational agency shall, if it assumes responsibility for the special educational needs of such children, receive the portion of such local educational agency's allocation under sections 1124, 1124A, and 1125 that is attributable to such children.

“(2) If the State educational agency does not assume such responsibility, any other State or local public agency that does assume such responsibility shall receive that portion of the local educational agency's allocation.

“(b) ALLOCATIONS AMONG LOCAL EDUCATIONAL AGENCIES.—The State educational agency may allocate the amounts of grants under sections 1124, 1124A, and 1125 between and among the affected local educational agencies when—

“(1) two or more local educational agencies serve, in whole or in part, the same geographical area; or

“(2) a local educational agency provides free public education for children who reside in the school district of another local educational agency.

“(c) REALLOCATION.—If a State educational agency determines that the amount of a grant a local educational agency would receive under sections 1124, 1124A, and 1125 is more than such local agency will use, the State educational agency shall make the excess amount available to other local educational agencies in the State that need additional funds in accordance with criteria established by the State educational agency.

“SEC. 1127. CARRYOVER AND WAIVER.

“(a) LIMITATION ON CARRYOVER.—Notwithstanding section 412 of the General Education Provisions Act or any other provision of law, not more than 15 percent of the funds allocated to a local educational agency for

any fiscal year under this subpart (but not including funds received through any reallocation under this subpart) may remain available for obligation by such agency for one additional fiscal year.

“(b) WAIVER.—A State educational agency may, once every three years, waive the percentage limitation in subsection (a) if—

“(1) the agency determines that the request of a local educational agency is reasonable and necessary; or

“(2) supplemental appropriations for this subpart become available.

“(c) EXCLUSION.—The percentage limitation under subsection (a) shall not apply to any local educational agency that receives less than \$50,000 under this subpart for any fiscal year.

“Subpart 3—Presidential Awards Program

“SEC. 1131. PRESIDENTIAL AWARDS PROGRAM.

“(a) DEVELOPMENT.—The Secretary shall, in consultation with the chairpersons and ranking minority members of the Committee on Education and Labor for the House of Representatives and the Committee on Labor and Human Resources of the Senate and educational leaders, develop a Presidential awards program that will recognize and provide a cash award to schools that excel in educating their students to high levels as defined by the National Education Goals and the standards certified by the National Education Standards and Improvement Council established under the Goals 2000: Educate America Act.

“(b) NOMINATIONS.—Schools recognized under this program will be selected by the Secretary from a list of nominees. Each State shall select a nominee to be submitted to the Secretary from among schools designated as distinguished schools under section 1119.

“(c) SELECTION.—The Secretary shall annually convene a panel of experts who will review nominated schools and select those who will receive awards. In addition to Presidential recognition, selected schools will receive a cash award which may be applied without restriction to enhance the educational programs in those schools or to provide cash awards to personnel in the school.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subpart such sums as may be necessary for each of fiscal years 1995, 1996, 1997, 1998, and 1999.

“PART B—EVEN START FAMILY LITERACY PROGRAMS

“SEC. 1201. 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’, that is implemented through cooperative projects that build on existing community resources to create a new range of services, that promotes achievement of the National Education Goals, and that assists children and adults from low-income families to achieve challenging State standards.

“SEC. 1202. PROGRAM AUTHORIZED.

“(a) RESERVATION FOR MIGRANT PROGRAMS, OUTLYING AREAS, INDIAN TRIBES, AND OTHER PURPOSES.—(1) In each fiscal year, the Secretary shall reserve not less than 5 percent of the amount appropriated under section 1002(b) of this title for programs, under such terms and conditions as the Secretary shall establish, that are consistent with the pur-

pose of this part, and according to their relative needs, for—

- “(A) children of migratory workers;
- “(B) the outlying areas;
- “(C) Indian tribes and tribal organizations; and

“(2) If the amount of funds made available under subsection (a) exceeds \$4,600,000, the Secretary shall make a grant of sufficient size and for a period of sufficient duration to demonstrate the effectiveness of a family literacy program in a prison that houses women and their preschool age children and that has the capability of developing a program of high quality.

“(b) RESERVATION FOR FEDERAL ACTIVITIES.—From amounts appropriated under section 1002(b), the Secretary may reserve not more than three percent of such amounts or the amount reserved for such purposes in the fiscal year 1994, whichever is greater, for purposes of—

“(1) carrying out the evaluation required by section 1209; and

“(2) providing, through grants or contracts, technical assistance, program improvement, and replication activities through eligible organizations.

“(c) STATE ALLOCATION.—(1) After reserving funds under subsections (a) and (b), the Secretary shall allocate the remaining funds appropriated for this part to States, to be used in accordance with section 1203.

“(2) Except as provided in paragraph (3), from the total amount available for allocation to States in any fiscal year, each State shall be eligible to receive a grant under paragraph (1) in an amount that bears the same ratio to such total amount as the amount allocated to such State under section 1122 of this title bears to the total amount allocated under that section to all the States.

“(3) No State shall receive less than \$250,000 under paragraph (1) for any fiscal year.

“(d) DEFINITIONS.—For the purpose of this part—

“(1) the term ‘eligible entity’ means a partnership composed of both—

- “(A) a local educational agency; and
- “(B) a nonprofit community-based organization, public agency, institution of higher education, or other public or private nonprofit organization of demonstrated quality;

“(2) the terms ‘Indian tribe’ and ‘tribal organization’ have the meanings given such terms in section 4 of the Indian Self-Determination and Education Assistance Act;

“(3) the term ‘State’ includes each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico; and

“(4) 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., and the Home Instruction Program for Preschool Youngsters.

“SEC. 1203. STATE PROGRAMS.

“(a) STATE-LEVEL ACTIVITIES.—Each State that receives a grant under section 1202(c)(1) may use not more than 5 percent for—

- “(1) administrative costs; and
- “(2) the provision, through one or more subgrants or contracts, of access to technical assistance for program improvement and replication to eligible entities that receive subgrants under subsection (b).

“(b) SUBGRANTS FOR LOCAL PROGRAMS.—(1) Each State shall use the remainder of its grant to make subgrants to eligible entities to carry out Even Start programs.

“(2) No State shall award a subgrant under paragraph (1) for an amount less than \$75,000.

“SEC. 1204. USES OF FUNDS.

“(a) IN GENERAL.—In carrying out an Even Start program under this part, a recipient of funds under this part shall use such funds to pay the Federal share of the cost of providing family-centered education programs that involve parents and children, from birth through age 7, in a cooperative effort to help parents become full partners in the education of their children and to assist children in reaching their full potential as learners.

“(b) FEDERAL SHARE LIMITATION.—(1)(A) Except as provided in paragraph (2), the Federal share under this part may not exceed—

“(i) 90 percent of the total cost of the program in the first year that that program receives assistance under this part or its predecessor authority;

“(ii) 80 percent in the second such year;

“(iii) 70 percent in the third such year;

“(iv) 60 percent in the fourth such year;

“(v) 50 percent in any subsequent such year.

“(B) The remaining cost of a program under this part may be provided in cash or in kind, fairly evaluated, and may be obtained from any source other than funds received under this title.

“(2) The State educational agency may waive, in whole or in part, the cost-sharing requirement of paragraph (1) if an eligible entity—

“(A) demonstrates that it otherwise would not be able to participate in the program under this part; and

“(B) negotiates an agreement with the State educational agency with respect to the amount of the remaining cost to which the waiver would be applicable.

“(3) Federal funds under this part may not be used for the indirect costs of an Even Start program, except that the Secretary may waive this limitation if a recipient of funds reserved under section 1202(a)(3) demonstrates to the Secretary’s satisfaction that it otherwise would not be able to participate in the program under this part.

“SEC. 1205 PROGRAM ELEMENTS.

“Each Even Start program assisted under this part shall—

“(1) include the identification and recruitment of families most in need of services provided under this part, as indicated by a low level of income, a low level of adult literacy or English language proficiency of the eligible parent or parents, and other need-related indicators;

“(2) include screening and preparation of parents and children to enable them to participate fully in the activities and services provided under this part, including testing, referral to necessary counselling, other developmental and support services, and related services;

“(3) be designed to accommodate the participants’ work schedule and other responsibilities, including the provision of support services, when unavailable from other sources, necessary for participation, such as—

“(A) scheduling and locating 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, empower parents to support the educational growth of

their children, developmentally appropriate early childhood educational services, and preparation of children for success in regular school programs;

“(5) include special training of staff, including child care staff, to develop the skills necessary to work with parents and young children in the full range of instructional services offered through this part;

“(6) provide and monitor integrated instructional services to participating parents and children through home-based programs;

“(7) operate on a year-round basis, including the provision of some program services, either instructional or enrichment, or both, during the summer months;

“(8) be coordinated with—

“(A) programs assisted under other parts of this title and this Act;

“(B) any relevant programs under the Adult Education Act, the Individuals With Disabilities Education Act, and the Job Training Partnership Act; and

“(C) the Head Start program, volunteer literacy programs, and other relevant programs; and

“(9) provide for an independent evaluation of the program.

“SEC. 1206. 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 parent described in paragraph (1).

“(b) ELIGIBILITY FOR CERTAIN OTHER PARTICIPANTS.—(1) Family members other than those described in subsection (a) may participate in program activities and services, when deemed by the program to serve the purpose of this part.

“(2) Any family participating in a program under this part that becomes ineligible for such participation as a result of one or more members of the family becoming ineligible for such participation may continue to participate in the program until all members of the family become ineligible for participation, which—

“(A) in the case of a family in which ineligibility was due to the child or children of such family attaining the age of eight, shall be in two years or when the parent or parents become ineligible due to educational advancement, whichever occurs first; and

“(B) in the case of a family in which ineligibility was due to the educational advancement of the parent or parents of such family, shall be when all children in the family attain the age of eight.

“SEC. 1207. 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) REQUIRED DOCUMENTATION.—Each application shall include documentation, satisfactory to the State educational agency, that the eligible entity has the qualified personnel needed—

“(1) to develop, administer, and implement an Even Start program under this part; and

“(2) to provide access to the special training necessary to prepare staff for the pro-

gram, which may be offered by an eligible organization.

"(c) PLAN.—Such application shall also include a plan of operation for the program which shall include—

"(1) a description of the program goals;

"(2) a description of the activities and services that will be provided under the program, including a description of how the program will incorporate the program elements required by section 1205;

"(3) a description of the population to be served and an estimate of the number of participants;

"(4) as appropriate, a description of the applicant's collaborative efforts with institutions of higher education, community-based organizations, the State educational agency, private elementary schools, or other eligible organizations in carrying out the program for which assistance is sought;

"(5) a statement of the methods that will be used—

"(A) to ensure that the programs will serve families most in need of the activities and services provided by this part;

"(B) to provide services under this part to individuals with special needs, such as individuals with limited English proficiency and individuals with disabilities; and

"(C) to encourage participants to remain in the program for a time sufficient to meet the program's purpose; and

"(6) a description of how the plan—

"(A)(i) is consistent with and promotes the goals of the State and local plans, either approved or being developed, under title III of the Goals 2000: Educate America Act; and

"(ii) is consistent with the State and local plans under sections 1111 and 1112; or

"(B) is consistent with the State and local plans under sections 1111 and 1112 is the State does not have an approved plan under title III of the Goals 2000: Educate America Act and is not developing such a plan.

"(d) The plan described in subsection (c)(6) may be submitted as part of a consolidated application under section 9302.

"SEC. 1208. AWARD OF SUBGRANTS.

"(a) SELECTION PROCESS.—(1) The State educational agency shall establish a review panel that will approve applications that—

"(A) are most likely to be successful in meeting the purpose of this part, and in effectively implementing the program elements required under section 1205;

"(B) demonstrate that the area to be served by such program has a high percentage or a large number of children and families who are in need of such services as indicated by high levels of poverty, illiteracy, unemployment, or limited English proficiency;

"(C) provide services for at least a three-year age range, which may begin at birth;

"(D) demonstrate the greatest possible cooperation and coordination between a variety of relevant service providers in all phases of the program;

"(E) include cost-effective budgets, given the scope of the application;

"(F) demonstrate the applicant's ability to provide the additional funding required by section 1204(b);

"(G) are representative of urban and rural regions of the State; and

"(H) show the greatest promise for providing models that may be adopted by other local educational agencies.

"(2) The State educational agency shall give priority for subgrants under this subsection to proposals that either—

"(A) target services primarily to families described in paragraph (1)(B); or

"(B) are located in areas designated as empowerment zones or enterprise communities.

"(b) REVIEW PANEL.—A review panel shall consist of at least three members, including one early childhood professional, one adult education professional, and one or more of the following individuals:

"(1) A representative of a parent-child education organization.

"(2) A representative of a community-based literacy organization.

"(3) A member of a local board of education.

"(4) A representative of business and industry with a commitment to education.

"(5) An individual who has been involved in the implementation of programs under this title in the State.

"(c) DURATION.—(1) Subgrants may be awarded for a period not to exceed four years.

"(2) The State educational agency may provide a subgrantee, at the subgrantee's request, a 3- to 6-month start-up period during the first year of the four-year period, which may include staff recruitment and training, and the coordination of services, before requiring full implementation of the program.

"(3)(A) In reviewing any application for a subgrant to continue a program for the second, third, or fourth year, the State educational agency shall review the progress being made toward meeting the objectives of the program after the conclusion of the start-up period, if any.

"(B) The State educational agency may refuse to award a subgrant if such agency finds that sufficient progress has not been made toward meeting such objectives, but only after affording the applicant notice and an opportunity for a hearing.

"(4)(A) An eligible entity that has previously received a subgrant under this part may reapply under the terms of this part for a second project period.

"(B) During the second project period, the Federal share of the subgrant shall not exceed 50 percent in any year.

"SEC. 1209. EVALUATION.

"From funds reserved under section 1202(b)(1), the Secretary shall provide for an independent evaluation of programs under this part—

"(1) to determine the performance and effectiveness of programs; and

"(2) to identify effective Even Start projects that can be replicated and used in providing technical assistance to national, State, and local programs.

"PART C—EDUCATION OF MIGRATORY CHILDREN

"SEC. 1301. 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 performance standards that all children are expected to meet;

"(4) design programs to help migratory children overcome educational disruption, cultural and language barriers, social isolation, various health-related problems, and other factors that inhibit their ability to do

well in school, and to prepare these children to make a successful transition to post-secondary education or employment; and

"(5) ensure that migratory children benefit from State and local systemic reforms.

"SEC. 1302. PROGRAM AUTHORIZED.

"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.

"SEC. 1303. STATE ALLOCATIONS.

"(a) STATE ALLOCATIONS.—Each State (other than the Commonwealth of Puerto Rico) is entitled to receive under this part, for each fiscal year, an amount equal to—

"(1) the sum of the estimated number of migratory children aged three through 21 who reside in the State full time and the full-time equivalent of the estimated number of migratory children aged three through 21 who reside in the State part time, as determined in accordance with subsection (e); multiplied by

"(2) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this paragraph shall not be less than 32 percent, or more than 48 percent, of the average expenditure per pupil 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 expenditure per pupil in Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States; and

"(B) 32 percent of the average expenditure per pupil in the United States.

"(c) RATABLE REDUCTIONS; REALLOCATIONS.—(1)(A) If, after the Secretary reserves funds under section 1308(c), the amount appropriated to carry out this part for any fiscal year is insufficient to pay in full the amounts for which all States are eligible, the Secretary shall ratably reduce each such amount.

"(B) If additional funds become available for making such payments for any fiscal year, the Secretary shall allocate such funds to States in amounts that the Secretary finds would best carry out the purpose of this part.

"(2)(A) The Secretary shall further reduce the amount of any grant to a State under this part for any fiscal year if the Secretary determines, based on available information on the numbers and needs of migratory children in the State and the program proposed by the State to address such needs, that such amount exceeds the amount required under section 1304.

"(B) The Secretary shall reallocate such excess funds to other States whose grants under this part would otherwise be insufficient to provide an appropriate level of services to migratory children, in such amounts as the Secretary determines are appropriate.

"(d) CONSORTIUM ARRANGEMENTS.—(1) In the case of a State that receives a grant of \$1,000,000 or less under this section, the Secretary shall consult with the State educational agency to determine whether consortium arrangements with another State or other appropriate entity would result in delivery of services in a more effective and efficient manner.

"(2) A State, irrespective of the amount of its allocation, may propose a consortium arrangement.

"(3) The Secretary shall approve a consortium arrangement under paragraph (1) or (2) if the proposal demonstrates that the arrangement will—

"(A) reduce administrative costs or program function costs for State programs; and

"(B) make more funds available for direct services to add substantially to the welfare or educational attainment of children to be served under this part.

"(e) DETERMINING NUMBERS OF ELIGIBLE CHILDREN.—In order to determine the estimated number of migratory children residing in each State for purposes of this section, the Secretary shall—

"(1) use such information as the Secretary finds most accurately reflects the actual number of migratory children;

"(2) as soon as feasible develop and implement a procedure for more accurately reflecting cost factors for different types of summer program designs which will be used to adjust the estimated number of children who reside in a State in order to reflect the number of migratory children who are served in summer programs (which may include intersession programs) in the State and the additional costs of operating such programs; and

"(3) conduct an analysis of the options for adjusting the formula so as to better direct services to the child whose education has been interrupted.

"SEC. 1304. 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 under this part, the State and its operating agencies will ensure that the special educational needs of migratory children are identified and addressed through a comprehensive plan for needs assessment and service delivery that meets the requirements of section 1306, including, when feasible, recording the migratory status of such children and their average daily attendance on State student collection data;

"(2) a description of the steps the State is taking to provide migratory students with the opportunity to meet the same challenging performance standards that all children are expected to meet;

"(3) a description of how the State will use its funds to promote interstate and intrastate coordination of services for migratory children, including how, consistent with procedures the Secretary may require, it will provide for educational continuity through the timely transfer of pertinent school records, including information on health, when children move from one school to another, whether or not during the regular school year;

"(4) a description of the State's priorities for the use of funds received under this part, and how they relate to the State's assessment of needs for services in the State;

"(5) a description of how the State will determine the amount of any subgrants it will award to local operating agencies, taking into account the requirements of paragraph (1); and

"(6) such budgetary and other information as the Secretary may require.

"(c) ASSURANCES.—Each such application shall also include assurances, satisfactory to the Secretary, that—

"(1) funds received under this part will be used only—

"(A) for programs and projects, including the acquisition of equipment, in accordance with section 1306(b)(1); and

"(B) to coordinate such programs and projects with similar programs and projects within the State and in other States, as well as with other Federal programs that can benefit migratory children and their families;

"(2) such programs and projects will be carried out in a manner consistent with the objectives of sections 1114, 1115(b) and (d), 1120, and 1121(b) and (c), and part F of this title;

"(3) in the planning and operation of programs and projects at both the State and local operating agency level, there is appropriate consultation with parent advisory councils for programs lasting a school year, and that all such programs and projects are carried out, to the extent feasible, in a manner consistent with section 1118 of this title;

"(4) in planning and carrying out such programs and projects, there has been, and will be, adequate provision for addressing the unmet education needs of preschool migratory children;

"(5) the effectiveness of such programs and projects will be determined, where feasible, using the same approaches and standards that will be used to assess the performance of students, schools, and local educational agencies under part A of this title; and

"(6) the State will assist the Secretary in determining the number of migratory children under section 1303(e), through such procedures as the Secretary may require.

"(d) PRIORITY FOR SERVICES.—In providing services with funds received under this part, each recipient of such funds shall give priority to migratory children who are failing, or most at risk of failing, to meet the State's challenging performance standards, and whose education has been interrupted during the regular school year.

"(e) CONTINUATION OF SERVICES.—Notwithstanding any other provision of this part—

"(1) a child who ceases to be a migratory child during a school term shall be eligible for services until the end of such term;

"(2) a child who is no longer a migratory child may continue to receive services for one additional school year, but only if comparable services are not available through other programs; and

"(3) secondary school students who were eligible for services in secondary school may continue to be served through credit accrual programs until graduation.

"SEC. 1305. SECRETARIAL APPROVAL; PEER REVIEW.

"(a) SECRETARIAL APPROVAL.—The Secretary shall approve each State application that meets the requirements of this part.

"(b) PEER REVIEW.—The Secretary may review any such application with the assistance and advice of State officials and other individuals with relevant expertise.

"SEC. 1306. COMPREHENSIVE NEEDS ASSESSMENT AND SERVICE-DELIVERY PLAN; AUTHORIZED ACTIVITIES.

"(a) COMPREHENSIVE PLAN.—Each State that receives a grant under this part shall ensure that the State and its local operating agencies identify and address the special educational needs of migratory children in accordance with a comprehensive State plan that—

"(1)(A) is integrated with the State's plan, either approved or being developed, under

title III of the Goals 2000: Educate America Act and satisfies the requirements of this section that are not already addressed by such State plan; and

"(B) is integrated with other State plans, if any, under the School-To-Work Opportunities Act of 1993 and the Carl D. Perkins Vocational and Applied Technology Act to the extent that such plans have not already been incorporated in the State's plan under title III of the Goals 2000: Educate America Act;

"(2) if the State does not have an approved plan under title III of the Goals 2000: Educate America Act and is not developing such a plan—

"(A) is integrated with other State plans, such as those under the School-To-Work Opportunities Act of 1993 and the Carl D. Perkins Vocational and Applied Technology Act, where such plans exist; and

"(B) satisfies the requirements of this section;

"(3) may be submitted as a part of a consolidated application under section 9302;

"(4) provides that migratory children will have an opportunity to meet the same challenging performance standards, set out in those plans, that all children are expected to meet;

"(5) specifies measurable program goals and outcomes;

"(6) encompasses the full range of services that are available for migratory children from appropriate local, State and Federal educational programs;

"(7) is the product of joint planning among such local, State, and Federal programs, including those under part A of this title, early childhood programs, and bilingual education programs under title VII of this Act;

"(8) provides for the integration of services available under this part with services provided by such other programs; and

"(9) to the extent feasible, provides for—

"(A) advocacy and outreach activities for migratory children and their families, including informing them of, or helping them gain access to, other education, health, nutrition, and social services;

"(B) professional development programs, including mentoring, for teachers and other program personnel;

"(C) parent involvement programs (as defined under section 1117) and, when feasible, the establishment of instructional programs such as use of the model developed under the Even Start Family Literacy Programs that promote adult literacy and train parents to support the educational growth of their children;

"(D) the integration of communication and information technology into educational and related programs; and

"(E) programs to facilitate the transition of high school students to postsecondary education or employment.

A State may satisfy all or part of the requirements of this section by referencing applicable sections of its approved plan under title III of the Goals 2000: Educate America Act.

"(b) AUTHORIZED ACTIVITIES.—(1) In implementing the comprehensive plan described in subsection (a), each local operating agency shall have the flexibility to determine the activities to be provided with funds made available under this part, provided that—

"(A) before funds provided under this part are used to provide services described in subparagraph (B), those funds shall be used to meet the identified needs of migratory children that—

"(i) result from the effects of their migratory lifestyle, or are needed to permit migra-

tory children to participate effectively in school; and

"(ii) are not addressed by services provided under other programs, including part A of this title; and

"(B) all migratory children who are eligible to receive services under part A of this title shall receive such services with funds provided under this part or under part A of this title.

"(2) This subsection shall not apply to funds under this part that are used for schoolwide programs under section 1114 of this title.

"SEC. 1307. BYPASS.

"The Secretary may use all or part of any State's allocation under this part to make arrangements with any public or private 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. 1308. COORDINATION OF MIGRANT EDUCATION ACTIVITIES.

"(a) IMPROVEMENT OF COORDINATION.—The Secretary, in consultation with the States, may make grants to, or enter into contracts with, State educational agencies, local educational agencies, institutions of higher education, and other public and private nonprofit entities to improve the interstate and intrastate coordination among State and local educational agencies of their educational programs, including the establishment or improvement of programs for credit accrual and exchange, available to migratory students. Grants under this subpart may be made for up to 5 years.

"(b) ASSISTANCE AND REPORTING.—(1) Within 60 days of enactment, the Secretary shall convene a panel of Chief State School Officers and technical experts to assess alternative methods by which student records may be transferred from one school to another. Within 150 days of having been convened, the panel shall make recommendations to the Secretary on how schools may adopt the most cost-effective means of exchanging of school records. The Secretary shall also develop the most cost-effective and accurate method of determining the number of students or full-time equivalent students in each State on a yearly basis. The Secretary shall report to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate the panel's findings and the Secretary's recommendations.

"(2) The Secretary may contract for services for purposes of this section.

"(c) AVAILABILITY OF FUNDS.—For the purpose of carrying out this section, the Secretary shall reserve up to \$6,000,000 from the amount appropriated under section 1002(3) for each fiscal year to carry out this part.

"(d) COMPETITIVE GRANTS.—From the amounts made available for this section, the Secretary shall reserve not more than \$1,500,000 to award, on a competitive basis, grants in the amount of up to \$100,000 each to State educational agencies with consortium agreements described under section 1303(d). Not less than 10 of such grants shall be awarded to States which receive allocations of less than \$1,000,000 if such States have approved agreements.

"SEC. 1309. DISTANCE LEARNING.

"(a) PROGRAM.—The Secretary may establish a distance learning program to provide, through competitive grants, continuity in the education of migrant children using technology, interactive learning, computers, and automated technology links achieved with modems and telephone networks.

"(b) FUNDS.—Not more than \$3,000,000 may be used to establish the program under subsection (a).

"SEC. 1310. DEFINITIONS.

"As used in this part, the following terms have the following meanings:

"(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 nonprofit private agency with which a State educational agency or the Secretary makes an arrangement to carry out a project under this part; or

"(C) a State educational agency, if the State educational agency operates the State's migrant education program or projects directly.

"(2) The term 'migratory child' means—

"(A) for fiscal year 1996 and subsequent years, a child who is, or whose parent or spouse is, a migratory agricultural worker (including a migratory dairy worker) or a migratory fisher, and who, in the preceding 24 months, in order to obtain, or accompany such parent or spouse in order to obtain, temporary or seasonal employment in agricultural or fishing work—

"(i) has moved from one local educational agency to another; or

"(ii) in a State that is comprised of a single local educational agency, has moved from one administrative area to another within such agency; or

"(B) for fiscal year 1995 only, a child fulfilling the requirements of subparagraph (A) for a period of 36 months instead of for 24 months; and

"PART D—PREVENTION AND INTERVENTION SERVICES FOR DELINQUENT YOUTH AND YOUTH AT RISK OF DROPPING OUT

"SEC. 1401. FINDINGS; PURPOSE; PROGRAM AUTHORIZED.

"(a) FINDINGS.—Congress finds the following:

"(1) A large percentage of youth in the juvenile justice system have poor academic achievement, are a year or more behind grade level, and have dropped out of school.

"(2) There is a strong correlation between academic failure and involvement in delinquent activities.

"(3) Preventing students from dropping out of local schools and addressing the educational needs of delinquent youth can help reduce the dropout rate and involvement in delinquent activities at the same time.

"(4) Many schools and correctional facilities fail to communicate regarding a youth's academic needs and students often return to their home school ill-prepared to meet current curriculum requirements.

"(5) Schools are often reluctant to deal with youth returning from facilities and receive no funds to deal with the unique educational and other needs of such youth.

"(6) A continuing need exists for activities and programs to reduce the incidence of youth dropping out of school.

"(7) Federal dropout prevention programs have demonstrated effectiveness in keeping children and youth in school.

"(8) Pregnant and parenting teens are a high at-risk group for dropping out of school

and should be targeted by dropout prevention programs.

"(9) Such youth need a strong dropout prevention program which provides them with high level skills and which provides supports to youth returning from correctional facilities in order to keep them in school.

"(b) PURPOSE.—It is the purpose of this part—

"(1) to improve educational services to children in local and State institutions for delinquent children so that they have the opportunity to meet the same challenging State performance standards that all children in the State will be expected to meet;

"(2) to provide such children the services they need to make a successful transition from institutionalization to further schooling or employment; and

"(3) to prevent at-risk youth from dropping out of school and to provide dropouts and youth returning from institutions with a support system to ensure their continued education.

"(c) PROGRAM AUTHORIZED.—In order to carry out the purpose of this part, the Secretary shall make grants to State educational agencies, which shall make subgrants to State agencies and local educational agencies to establish or improve programs of education for delinquent children and youth at risk of dropping out of school before graduation.

"SEC. 1402. PAYMENTS FOR PROGRAMS UNDER THIS PART.

"(a) AGENCY SUBGRANTS.—Based on the allocation amount computed under section 1403, the Secretary shall allocate to each State educational agency amounts necessary to make subgrants to State agencies.

"(b) LOCAL SUBGRANTS.—Each State shall retain, for purposes of subpart 2, funds generated throughout the State under part A based on youth residing in local correctional facilities, or attending community day programs for delinquent children.

"(c) USE OF REMAINING FUNDS.—Each State shall use any funds remaining after allocations are made under subsection (a).

"Subpart 1—State Agency Programs

"SEC. 1403. AMOUNT OF ALLOCATION TO STATE.

"(a) STATE ALLOCATION.—Each State educational agency is eligible to receive under this part, for each fiscal year, an amount equal to the product of—

"(1) the number of delinquent children in State correctional facilities serving youth under the age of 21 who are enrolled for at least 20 hours per week in education programs operated or supported by facilities serving youth, and 10 hours a week in adult facilities serving youth.

"(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) SUBGRANTS TO STATE AGENCIES IN PUERTO RICO.—For each fiscal year, the amount of the grant for which a State agency in the Commonwealth of Puerto Rico is eligible under this part shall be equal to—

"(1) the number of children counted under subsection (a)(1) for Puerto Rico; multiplied by the product of—

"(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.

"SEC. 1404. STATE PLAN.

"(a) STATE PLAN.—(1)(A) Each State educational agency that desires to receive pay-

ments under this part shall submit, for approval by the Secretary, a plan, which shall be revised and updated as needed, for meeting the needs of delinquent youth and children at risk of dropping out that—

“(i) is integrated with the State’s plan, either approved or being developed, under title III of the Goals 2000: Educate America Act, and satisfies the requirements of this section that are not already addressed by such State plan; or

“(ii) if the State does not have an approved plan under title III of the Goals 2000: Educate America Act or is not developing such a plan, is integrated with other State plans under this Act and satisfies the requirements of this section.

“(B) A State plan submitted under paragraph (1)(A)(i) may, if necessary, be submitted as an amendment to the State’s plan under title III of the Goals 2000: Educate America Act.

“(2) Each such plan shall also—

“(A) describe the State-established program goals, objectives, and performance measures that will be used to assess the effectiveness of the program in improving academic and vocational skills of children in the program;

“(B) provide that, to the extent feasible, such children will have the same opportunities to learn as they would have if they were in schools of local educational agencies in the State;

“(C) describe the manner in which such State educational agency will make subgrants; and

“(D) contain assurances that the State educational agency will—

“(i) ensure that programs assisted under this part will be carried out in accordance with the State plan described in this subsection;

“(ii) carry out the evaluation requirements of section 1408;

“(iii) ensure that its State agencies comply with all applicable statutory and regulatory requirements; and

“(iv) provide such other information as the Secretary may reasonably require.

“(b) SECRETARIAL APPROVAL; PEER REVIEW.—(1) The Secretary shall approve each State plan that meets the requirements of this part.

“(2) The Secretary may review any such plan with the assistance and advice of individuals with relevant expertise.

“(c) SUBGRANTS TO STATE AGENCIES.—A State agency is eligible for assistance under this part if it is responsible for providing free public education for children in institutions for delinquent children.

“(d) STATE AGENCY APPLICATIONS.—A State agency that desires to receive funds to carry out a program under this part shall submit an application to the State educational agency that—

“(1) describes the procedures to be used, consistent with the State plan under part A of this title, to assess the educational needs of the children to be served;

“(2) provides assurances that in making services available to youth in adult correctional facilities, priority will be given to such youth who are likely to complete incarceration within a 2-year period;

“(3) describes the program, including a budget for the first year of the program, with annual updates to be provided;

“(4) describes how the program will meet the goals and objectives of the State plan under this part;

“(5) describes how the State agency will consult with experts and provide the nec-

essary training for appropriate staff, to ensure that the planning and operation of institution-wide projects under section 1406 are of high quality;

“(6) describes how the agency will carry out the evaluation requirements of section 1408 and how the results of the most recent evaluation are used to plan and improve the program;

“(7) includes data showing that the agency has maintained fiscal effort required of a local educational agency, in accordance with section 9501 of this title;

“(8) describes how the programs will be coordinated with other appropriate State and Federal programs, including the Job Training Partnership Act, vocational education, State and local dropout prevention programs, and special education;

“(9) describes how appropriate professional development will be provided to teachers and other instructional and administrative personnel;

“(10) designates an individual in each affected institution to be responsible for issues relating to the transition of children from an institution to locally operated programs;

“(11) describes how the agency will, endeavor to coordinate with businesses for training and mentoring for participating youth;

“(12) describes how the agency will assist in locating alternative programs through which students can continue their education if they are not returning to school after leaving the correctional facility;

“(13) describes how the agency will work with parents to secure their assistance in improving the educational achievement of their children and preventing their further involvement in delinquent activities;

“(14) describes how the agency works with special education youth in order to meet an existing individualized education program and an assurance that the agency will notify the youth’s local school if such youth is identified as in need of special education services while the youth is in the facility and if the youth intends to return to the local school;

“(15) describes how the agency will work with youth who dropped out of school before entering the facility to encourage such youth to reenter school once their term has been completed or provide the youth with the skills necessary to gain employment, continue their education, or achieve a high school equivalency certificate if the youth does not intend to return to school;

“(16) provides assurances that teachers and other qualified staff are also trained to work with children with disabilities and other students with special needs taking into consideration the unique needs of such students;

“(17) describes any additional services provided to youth, including career counseling, assistance in securing student loans, grants; and

“(18) describes how this program will be coordinated with any programs operated under the Juvenile Justice and Delinquency Act, if applicable.

“SEC. 1405. USE OF FUNDS.

“(a) GENERAL.—(1) A State agency shall use funds received under this part only for programs and projects that—

“(A) are consistent with the State plan referred to in section 1404(a); and

“(B) concentrate on providing participants with the knowledge and skills needed to make a successful transition to high school completion, further education, or employment.

“(2) Such programs and projects—

“(A) may include the acquisition of equipment;

“(B) shall be designed to support educational services that—

“(i) except for institution-wide projects under section 1406, are provided to children identified by the State agency as failing, or most at risk of failing, to meet the State’s challenging performance standards;

“(ii) supplement and improve the quality of the educational services provided to such children by the State agency; and

“(iii) afford such children an opportunity to learn to such challenging State standards;

“(C) shall be carried out in a manner consistent with section 1119(b) and part F of this title; and

“(D) may include the costs of meeting the evaluation requirements of section 1408.

“(b) SUPPLEMENT, NOT SUPPLANT.—A program under this part that supplements the number of hours of instruction students receive from State and local sources shall be considered to comply with the ‘supplement, not supplant’ requirement of section 1119(b) of this title without regard to the subject areas in which instruction is given during those hours.

“SEC. 1406. INSTITUTION-WIDE PROJECTS.

“A State agency that provides free public education for children in an institution for delinquent children may use funds received under this part to serve all children in, and upgrade the entire educational effort of, such institution or program if the State agency has developed, and the State educational agency has approved, a comprehensive plan for such institution or program that—

“(1) provides for a comprehensive assessment of the educational needs of all youth in the institution or program serving juveniles;

“(2) provides for a comprehensive assessment of the educational needs of youth aged 20 and younger in adult facilities who are expected to complete incarceration within a 2-year period;

“(3) describes the steps the State agency has taken, or will take, to provide all children under 21 with the opportunity to meet challenging academic and vocational standards in order to improve the likelihood that the students will complete high school, attain high school equivalency, or find employment after leaving the institution;

“(4) describes the instructional program, pupil services, and procedures that will be used to meet the needs described in paragraph (1), including, to the extent feasible, the provision of mentors for secondary school students;

“(5) specifically describes how such funds will be used;

“(6) describes the measures and procedures that will be used to assess student progress;

“(7) describes how the agency has planned, and will implement and evaluate, the institution-wide or program-wide project in consultation with personnel providing direct instructional services and support services in institutions for delinquent children and personnel from the State educational agency; and

“(8) includes an assurance that the State agency has provided for appropriate training to teachers and other instructional and administrative personnel to enable them to carry out the project effectively.

“SEC. 1407. THREE-YEAR PROJECTS.

“If a State agency operates a program under this part in which individual children are likely to participate for more than one year, the State educational agency may approve the State agency’s application for a subgrant under this part for a period not to exceed 3 years.

SEC. 1408. TRANSITION SERVICES.

"(a) **TRANSITION SERVICES.**—Each State agency shall reserve not more than 10 percent of the amount it receives under this part for any fiscal year to support projects that facilitate the transition of children from State-operated institutions to local educational agencies.

"(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 transitional educational services, which may include counseling and mentoring, to delinquent children in schools other than State-operated institutions.

"Subpart 2—Local Agency Programs**SEC. 1410. PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES.**

"(a) **LOCAL SUBGRANTS.**—With funds retained under section 1402(2), the State educational agency shall make subgrants to local educational agencies with—

"(1) a high number or percentage of youth who are residing in local (including county) correctional facilities for youth (including those involved in day programs); and

"(2) which have the highest numbers or percentage of youth in the State which have dropped out of school in the preceding fiscal year.

"(b) **NOTIFICATION.**—A State educational agency shall notify local educational agencies which meet the criteria of subsection (a) of their eligibility for participation in the program.

"(c) **PURPOSE OF LOCAL EDUCATIONAL AGENCY PROGRAMS.**—The purpose of this section is the operation of local educational agency programs which involve collaboration between local educational agencies and local correctional facilities serving such youth to—

"(1) continue transition activities for youth returning from such facilities;

"(2) to operate dropout prevention programs in local schools for youth at risk of dropping out and youth returning from correctional facilities; and

"(3) to prepare youth who have finished their period of incarceration for employment, high school completion, and further education.

"(d) **LOCAL EDUCATIONAL AGENCY APPLICATIONS.**—(1) Eligible local educational agencies which choose to take part in programs funded under this section shall submit an application to the State educational agency, containing such information on programs to be operated under this section as the State educational agency may require, and which shall include—

"(1) a description of formal agreements between the local educational agency and correctional facilities and alternative school programs serving youth involved with the juvenile justice system to operate programs for delinquent youth;

"(2) a description of how participating schools will coordinate with facilities working with delinquent youth to ensure that such youth are participating in an education program comparable to one operating in the local school such youth would attend;

"(3) a description of the dropout prevention program operated by participating schools and the types of services such schools will provide to at risk youth in participating schools and youth returning from correctional facilities;

"(4) a description of the youth expected to be served by the dropout prevention program and how the school will be coordinating existing educational programs to meet unique education needs;

"(5) a description of how schools will coordinate with existing social and health services to meet the needs of students at risk of dropping out of school and other participating students, including prenatal health care and nutrition services related to the health of the parent and child, parenting and child development classes, child care, targeted re-entry and outreach programs, referrals to community resources, and scheduling flexibility;

"(6) a description of any partnerships with local businesses to develop training and mentoring services for participating students;

"(7) a description of how the program will involve parents in efforts to improve the education achievement of their children, assist in dropout prevention activities, and prevent the involvement of their children in delinquent activities;

"(8) a description of how this program will be coordinated with other Federal, State, and local programs, including the Job Training and Partnership Act and vocational education programs serving this at risk population of youth;

"(9) a description of how the program will be coordinated with programs operated under the Juvenile Justice and Delinquency Prevention Act, if applicable;

"(10) a description of how schools will work with probation officers to assist in meeting the needs of youth returning from correctional facilities;

"(11) a description of efforts participating schools will make to ensure correctional facilities working with youth are aware of a child's existing individualized education program; and

"(12) a description of the steps participating schools will take to find alternative placements for youth interested in continuing their education but unable to participate in a regular public school program.

"(e) **USES OF FUNDS.**—Funds provided to local educational agencies under this section may be used for—

"(1) dropout prevention programs which serve youth at educational risk, including pregnant and parent teens, youth who have come in contact with the juvenile justice system, youth at least one year behind their expected grade level, migrants, immigrants, students with limited-English proficiency and gang members;

"(2) the coordination of health and social services for such youth if there is a likelihood that the provision of such services including day care and drug and alcohol counseling, will improve the likelihood such students will complete their education; and

"(3) programs to meet the unique education needs of youth at risk of dropping out, which may include vocational education, special education, career counseling, and assistance in securing student loans or grants.

"(f) **PROGRAM REQUIREMENTS FOR CORRECTIONAL FACILITIES RECEIVING FUNDS UNDER THIS SECTION.**—Each facility entering into a partnership with a local educational agency to provide services to youth under this section shall—

"(1) ensure educational programs in juvenile facilities are coordinated with the student's home school, particularly with respect to special education students with an individualized education program;

"(2) notify the local school of a youth if the youth is identified as in need of special education services while in the facility;

"(3) provide transition assistance to help the youth stay in school, including coordination of services for the family, counseling, assistance in accessing drug and alcohol abuse prevention programs, tutoring, and family counseling;

"(4) provide support programs which encourage the youth who have dropped out to reenter school once their term has been completed or provide such youth with the skills necessary for them to gain employment or seek a high school equivalency certificate;

"(5) work to ensure facilities are staffed with teachers and other qualified staff who are also trained to work with children with disabilities and other special needs students taking into consideration such unique needs;

"(6) ensure educational programs in correctional facilities are related to assisting students meet high educational standards;

"(7) use, to the extent possible, technology to assist coordinating educational programs between the juvenile facility and community school;

"(8) involve parents in efforts to improve the educational achievement of their children and prevent the further involvement of such children in delinquent activities;

"(9) coordinate funds received under this program with other available State, local, and Federal funds to provide services to participating youth, including the Job Training Partnership Act, and vocational education;

"(10) coordinate programs operated under this section with activities funded under the Juvenile Justice and Delinquency Prevention Act, if applicable; and

"(11) if appropriate, work with local businesses to develop training and mentoring programs for participating youth.

"(g) **ACCOUNTABILITY.**—The State educational agency may—

"(1) reduce or terminate funding for projects funded under this section in local educational agencies if such agencies do not show progress in reducing dropout rates for male students and for female students over a 3-year period; and

"(2) require juvenile facilities to demonstrate, after 3 years, that there has been an increase in the number of youth returning to school, obtaining high school equivalency certificates, or obtaining employment after such youth are released.

SEC. 1411. PROGRAM EVALUATIONS.

"(a) **SCOPE OF EVALUATION.**—Each State agency or local educational agency that conducts a program under subpart 1 or 2 shall evaluate the program, disaggregating data on participation by sex, and if feasible, by race, ethnicity, and age, not less than once every 3 years to determine its impact on the ability of participants to—

"(1) maintain and improve educational achievement;

"(2) accrue school credits that meet State requirements for grade promotion and high school graduation;

"(3) for delinquent youth, make the transition to a regular program or other education program operated by a local educational agency; and

"(4) complete high school (or high school equivalency requirements) and obtain employment after leaving the institution.

"(b) **EVALUATION MEASURES.**—In conducting each such evaluation with respect to subsection (a)(1), a State agency or local educational agency shall use multiple and appropriate measures of student progress.

"(c) **EVALUATION RESULTS.**—Each State agency and local educational agency shall —

"(1) submit evaluation results to the State educational agency; and

"(2) use the results of evaluations under this section to plan and improve subsequent programs for participating children.

"SEC. 1412. DEFINITIONS.

"For the purpose of this part, the following terms have the following meanings:

"(1) The term 'adult correctional institution' means a facility in which persons are confined as a result of a conviction for a criminal offense, including persons under 21 years of age.

"(2) The term 'at risk youth' means school aged youth who are at risk of academic failure, have drug or alcohol problems, are pregnant or are parents, have come into contact with the juvenile justice system in the past, are at least one year behind the expected grade level for such age, have limited-English proficiency, are gang members, have dropped out in the past, or have high absenteeism rates.

"(3) The term 'community-day program' means a regular program of instruction provided by a State agency at a community-day school operated specifically for delinquent children.

"(4) 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.

"PART E—FEDERAL EVALUATIONS, DEMONSTRATIONS, AND TRANSITION PROJECTS

"SEC. 1501. EVALUATIONS.

"(a) NATIONAL ASSESSMENT.—(1) The Secretary shall conduct a national assessment of programs under this title, in coordination with the ongoing Chapter 1 Longitudinal Study under subsection (b) of this section, that shall be planned, reviewed, and conducted in consultation with an independent panel of researchers, State practitioners, local practitioners, and other appropriate individuals.

"(2) The assessment shall examine how well schools, local educational agencies, and States—

"(A) are progressing toward the goal of all children served under this title reaching the State's content and performance standards; and

"(B) are accomplishing the specific purposes set out in section 1001(d) of this title to achieve this goal, including—

"(i) ensuring high standards for all children and aligning the efforts of States, local educational agencies, and schools to help children reach them;

"(ii) providing children an enriched and accelerated educational program through schoolwide programs or through additional services that increase the amount and quality of instructional time that children receive;

"(iii) promoting schoolwide reform and access of all children to effective instructional strategies and challenging academic content;

"(iv) significantly upgrading the quality of the curriculum and instruction by providing staff in participating schools with substantial opportunities for professional development;

"(v) coordinating services under all parts of this title with each other, with other educational services, including preschool services, and, to the extent feasible, with health and social service programs funded from other sources;

"(vi) affording parents meaningful opportunities to participate in the education of their children at home and at school, includ-

ing the provisions of family literacy services;

"(vii) distributing resources to areas where needs are greatest;

"(viii) improving accountability, as well as teaching and learning, by making assessments under this title congruent with State assessment systems; and

"(ix) providing greater decisionmaking authority and flexibility to schools in exchange for greater responsibility for student performance.

"(3) Where feasible, the Secretary shall use information gathered from a variety of sources, including the National Assessment of Educational Progress, State evaluations, and available research studies in carrying out this subsection.

"(4) The Secretary shall submit a biennial report summarizing the cumulative findings to date of the assessment to the President and the appropriate committees of the Congress.

"(b) STUDIES AND DATA COLLECTION.—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.

"(c) NATIONAL EVALUATION OF TITLE I.—The Secretary shall carry out an ongoing evaluation of the program under part A of this title in order to provide the public, Congress, and educators involved in such program, an accurate description of the effectiveness of such program and provide information that can be used to improve such program's effectiveness. Such evaluation shall—

"(1) have a longitudinal design tracking cohorts of students 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;

"(2) be separate and independent from State and local assessments and evaluations as required under this part;

"(3) utilize the highest available content standards that are generally accepted as national in scope;

"(4) provide information on all students, students served under this part, and, if funds are sufficient, information on students from low-income families and limited English proficient students; and

"(5) when feasible, collect, cross-tabulate, and report data by sex within race or ethnicity and socioeconomic status.

The Secretary shall use the information from this evaluation as part of the national assessment required by subsection (a) and shall report the data from this evaluation to the Congress and the public at least as frequently as that assessment.

"(d)(1) In conducting the National Assessment under subsection (a) and the National Evaluation under subsection (b), the Secretary shall not assess the progress of students in grade 1, kindergarten, and pre-kindergarten on the basis of outcome measures such as content and performance standards;

"(2) any assessments of children in grade 2 shall utilize matrix sampling and be performance-based; and

"(3) any data collected regarding children in grade 2 shall—

"(A) be collected at multiple points in time;

"(B) not be used to stigmatize, label, or place any child; and

"(C) be collected in multiple domains.

"(e) PARENTAL INVOLVEMENT, STUDY, REPORT AND DISSEMINATION.—(1) The Secretary, through the Office of Education Research and Improvement, shall conduct a study to identify and describe—

"(A) common barriers to effective parental involvement in the education of participating children; and

"(B) successful local policies and programs which improve parental involvement and the performance of participating children.

"(2) The Secretary shall—

"(A) complete such study by December 31, 1995;

"(B) report the findings of such study to the Committee on Education and Labor of the House of Representatives and to the Committee on Labor and Human Resources of the Senate; and

"(C) disseminate the findings, relating to the successful local policies and programs which improve parental involvement and the performance of participating children, to local educational agencies.

"SEC. 1502. DEMONSTRATIONS OF INNOVATIVE PRACTICES.

"(a) DEMONSTRATION PROGRAMS TO IMPROVE ACHIEVEMENT.—(1) From the funds appropriated for any fiscal year under section 1002(7)(B), the Secretary may make grants to State educational agencies, local educational agencies, other public agencies, nonprofit organizations, public/private partnerships involving business and industry organizations, and consortia of such bodies to carry out demonstration projects that show the most promise of enabling children served under this title to meet challenging State standards. Such projects shall include promising strategies such as—

"(A) accelerated curricula, the application of new technologies to improve teaching and learning, extended learning time, and a safe and enriched full-day environment for children to provide them the opportunity to reach high standards;

"(B) integration of education services with each other and with health, family, and other social services such as mentoring programs, particularly in empowerment zones and enterprise communities;

"(C) effective approaches to whole school reform;

"(D) programs that have been especially effective with limited English proficient children, migratory children and other highly mobile students, children leaving institutions for neglected or delinquent children and returning to school, and homeless children and youth; and

"(E) 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) The Secretary shall evaluate the demonstration projects supported under this title, using rigorous methodological designs and techniques, including control groups and random assignment, to the extent feasible, to produce reliable evidence of effectiveness.

"(b) PARTNERSHIPS.—(1) From funds appropriated under section 1002(7)(B) for any fiscal

year, the Secretary may, directly or through grants or contracts, work in partnership with State educational agencies, local educational agencies, other public agencies, and non-profit organizations to disseminate and use the highest quality research and knowledge about effective practices to improve the quality of teaching and learning in schools supported under this title.

"PART F—GENERAL PROVISIONS

"SEC. 1601. FEDERAL REGULATIONS.

"(a) IN GENERAL.—The Secretary is authorized to issue such regulations as are necessary to reasonably ensure that there is compliance with this title.

"(b) NEGOTIATED RULEMAKING PROCESS.—(1) Prior to publishing proposed regulations in the Federal Register to carry out this title, the Secretary shall obtain the advice and recommendations of representatives of Federal, State, and local administrators, parents, teachers, and members of local boards of education involved with the implementation and operation of programs under this title.

"(2) Such advice and recommendations may be obtained through such mechanisms as regional meetings and electronic exchanges of information.

"(3) After obtaining such advice and recommendations, and prior to publishing proposed regulations, the Secretary shall—

"(A) establish a negotiated rulemaking process on a minimum of 4 key issues, including—

- "(i) schoolwide projects;
- "(ii) standards and assessment;
- "(iii) parental involvement; and
- "(iv) professional development;

"(B) select individuals to participate in such process from among individuals or groups which provided advice and recommendations, with representation from all geographic regions; and

"(C) prepare a draft of proposed policy options that shall be provided to the individuals selected by the Secretary under subparagraph (A) not less than 45 days prior to the first meeting under such process.

"(4) Such process—

"(A) shall be conducted in a timely manner to ensure that final regulations are issued by the Secretary not later than the 240-day period required by section 437 of the General Education Provisions Act;

"(B) shall not be subject to the Federal Advisory Committee Act but shall otherwise follow the provisions of the Negotiated Rulemaking Act of 1990 (5 U.S.C. 561 et seq.).

"(5) In an emergency situation in which regulations to carry out this title must be issued with a very limited time to assist State and local educational agencies with the operation of the program, the Secretary may issue proposed regulations without following such process but shall, immediately thereafter and prior to issuing final regulations, conduct regional meetings to review such proposed regulations.

"(c) SPECIAL RULE.—Funds made available under section 1002(7) may not be released by the Secretary for expenditure until such time as final regulations to carry out part A are published in the Federal Register.

"(d) LIMITATION.—Regulations to carry out this part may not require local programs to follow a particular instructional model, such as the provision of services outside the regular classroom or school program.

"SEC. 1602. COORDINATION OF FEDERAL, STATE, AND LOCAL ADMINISTRATION.

"(a) PROGRAM ASSISTANCE MANUAL.—The Secretary shall, not later than 6 months after the publication of final regulations

under this title, prepare and distribute to State educational agencies, State agencies operating programs under parts C and D, and local educational agencies, and shall make available to parents and other interested individuals, organizations, and agencies, a manual for this title to—

"(1) assist such agencies in—

"(A) enhancing the quality, increasing the depth, or broadening the scope of activities for programs under this title;

"(B) applying for program funds under this title; and

"(C) meeting the program objectives under this title;

"(2) assist State educational agencies in achieving proper and efficient administration of programs funded under this title;

"(3) assist parents to become involved in the planning for, and implementation and evaluation of, programs and projects under this title; and

"(4) ensure that officers and employees of the Department of Education, including officers and employees of the Secretary and officers and employees of such Department charged with auditing programs carried on under this title, uniformly interpret, apply, and enforce requirements under this title throughout the United States.

"(b) CONTENTS OF POLICY MANUAL.—The policy manual shall, with respect to programs carried out under this title, contain descriptions, statements, procedural and substantive rules, opinions, policy statements and interpretations and indices to and amendments of the foregoing, and in particular, whether or not such items are required under section 552 of title 5, United States Code, to be published or made available. The manual shall include—

"(1) a statement of the requirements applicable to the programs carried out under this title, including such requirements contained in this title, the General Education Provisions Act, other applicable statutes, and regulations issued under the authority of such statutes;

"(2) an explanation of the purpose of each requirement and its interrelationship with other applicable requirements; and

"(3) model forms and instructions developed by the Secretary for use by State and local educational agencies, at their discretion, including, application forms, application review checklists, and instruments for monitoring programs under this title.

"(c) RESPONSE TO INQUIRIES.—The Secretary shall respond with written guidance not more than 90 days after any written request (return receipt requested) from a State or local educational agency regarding a policy, question, or interpretation under this title. In the case of a request from a local educational agency, such agency is required to address its request to the State educational agency first.

"SEC. 1603. STATE ADMINISTRATION.

"(a) RULEMAKING.—(1) Each State that receives funds under this title shall—

"(A) ensure that any State rules, regulations, and policies relating to this title conform to the purposes of this title and provide any such proposed rules, regulations, and policies to the Committee of Practitioners for their review and comment;

"(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) State rules, regulations, and policies under this title shall support and facilitate local educational agency and school-level

systemic reform designed to enable all children to meet the State's standards.

"(b) COMMITTEE OF PRACTITIONERS.—(1) Each State educational agency shall create a State committee of practitioners to advise the State in carrying out its responsibilities under this title.

"(2) Each such committee shall include—

"(A) as a majority of its members, representatives from local educational agencies;

"(B) administrators;

"(C) teachers, including vocational educators;

"(D) parents;

"(E) members of local boards of education;

"(F) representatives of private school children; and

"(G) counselors.

"(3) The duties of the committee shall include a review, prior to publication, of any proposed or final State rule or regulation pursuant to this title. In an emergency situation where such rule or regulation must be issued within a very limited time to assist local educational agencies with the operation of the program, the State educational agency may issue a regulation without prior consultation, but shall immediately thereafter convene the State committee of practitioners to review the emergency regulation prior to issuance in final form.

"(c) PAYMENT FOR STATE ADMINISTRATION.—Each State may reserve for the proper and efficient performance of its duties under this title the greater of—

"(1) one percent of the funds received under section 1002(a) and (c) through (f); or

"(2) \$325,000, or \$50,000 in the case of Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and Palau (until the Compact of Free Association takes effect).

"TITLE II—IMPROVING TEACHING AND LEARNING

"PART A—DWIGHT D. EISENHOWER PROFESSIONAL DEVELOPMENT PROGRAM

"SEC. 2101. FINDINGS.

"The Congress finds that—

"(1) reaching the National Education Goals 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 goals is ensuring, through sustained and intensive high-quality professional development, and through the development and adoption of high quality curriculum, that all teachers are capable of providing challenging learning experiences in the core academic subjects for their students;

"(3) decisionmaking as to what activities a State or local educational agency should undertake to improve teaching and learning are best made by individuals in the schools closest to the classroom and most knowledgeable about the needs of schools and students;

"(4) 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; and

"(B) effective professional development focuses on discipline-based knowledge and subject-specific pedagogical skills, involves teams of teachers and administrators in a school and, through professional networks of teachers and administrators, is interactive and collaborative, motivates by its intrinsic content and relationship to practice, builds

on experience and learning-by-doing, and becomes incorporated into the everyday life of the school;

"(5) engaging teachers in the development of high quality curricula is a powerful professional development activity that improves teaching and learning;

"(6) 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;

"(7) States and local educational agencies also need to engage teachers in the development of high quality curricula that are aligned with State or local content and performance standards in order to improve teaching and learning and ensure that students achieve the State standards;

"(8) professional development is often a victim of budget reductions in fiscally difficult times and curricula development is almost nonexistent in many State and local school systems; and

"(9) the Federal Government has a vital role in helping States and local educational agencies 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 and in providing assistance to such agencies to engage teachers in the development of high quality curricula that are aligned with State or local content and performance standards.

"SEC. 2102. PURPOSES.

"The purposes of this part are to provide assistance to States and local educational agencies and to institutions of higher education with teacher education programs so that such agencies can determine how best to improve the teaching and learning of all students through—

"(1) helping to ensure that teachers, other staff, and administrators have access to sustained and intensive high-quality professional development that is aligned to challenging State content and performance standards in the CORE academic subjects and that—

"(A) is tied to challenging State and local curriculum content and student performance standards;

"(B) reflects recent research on teaching and learning;

"(C) incorporates effective strategies, techniques, methods, and practices for meeting the educational needs of diverse students, 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 performance standards."

"(D) includes strong academic content and pedagogical components;

"(E) is of sufficient intensity and duration to have a positive and lasting impact on the teacher's performance in the classroom; and

"(F) is part of the everyday life of the school and creates an orientation toward continuous improvement throughout the school; and

"(2) assisting States and local educational agencies to engage teachers in the development of high quality curriculum that is aligned with State or local content and performance standards.

"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 such sums for fiscal year 1995, 1996, 1997, 1998, and 1999.

"(b) ALLOCATION BETWEEN SUBPARTS.—Of the funds appropriated to carry out this part for a fiscal year, the Secretary shall use—

"(1) 5 percent to carry out subpart 1; and

"(2) 95 percent to carry out subpart 2.

"Subpart 1—Federal Activities

"SEC. 2111. PROGRAM AUTHORIZED.

"(a) PROGRAM AUTHORIZED.—The Secretary is authorized to make grants to, and enter into contracts and cooperative agreements with, local educational agencies, State educational agencies, State agencies for higher education, educational service agencies, institutions of higher education, and other public and private agencies, other organizations, and institutions to—

"(1) support activities of national significance that will contribute to the development and implementation of high-quality professional development activities in the core academic subject areas;

"(2) support the development of challenging curriculum that is aligned with State or local content and performance standards;

"(3) evaluate activities carried out under this subpart and under subpart 2.

"(b) COORDINATION WITH OTHER AGENCIES.—In carrying out this program, the Secretary shall consult and coordinate with the National Science Foundation, the National Endowment for the Humanities, the National Endowment for the Arts, and other appropriate Federal agencies and entities.

"SEC. 2112. AUTHORIZED ACTIVITIES.

"(a) ACTIVITIES.—The Secretary shall use funds available to carry out this subpart—

"(1) to provide seed money to eligible entities to develop their capacity to offer sustained and intensive high-quality professional development;

"(2) for the development and maintenance of a national clearinghouse for science, mathematics, and technology education materials which shall be administered as an adjunct clearinghouse of the ERIC system of clearinghouses supported by the Office of Educational Research and Improvement;

"(3) to support consortia of educational agencies and organizations in disseminating information and providing assistance regarding curricula, teaching methods, and assessment tools that support national or State content standards in mathematics and science; and

"(4) the evaluation of programs under this subpart and under subpart 2.

"(b) CLEARINGHOUSES.—The Secretary may use funds available to carry out this subpart—

"(1) for the development and maintenance of national clearinghouses for core academic subjects as the Secretary determines are needed and which shall be administered as adjunct clearinghouses of the ERIC system of clearinghouses supported by the Office of Educational Research and Improvement;

"(2) to provide grants to entities to develop high quality curricula that are aligned with voluntary national or State content standards;

"(3) to sponsor institutes that provide teachers and administrators with professional development that is based on strong and integrated disciplinary content and pedagogical components;

"(4) for efforts to train teachers in the innovative uses and applications of technology to enhance student learning;

"(5) to encourage the development of local and national professional networks of educators;

"(6) to disseminate standards in the core academic subjects, including information on voluntary national content and performance standards and related models of high-quality professional development;

"(7) for efforts to train teachers in innovative uses of applied learning strategies such as service learning;

"(8) to disseminate 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 performance standards; and

"(9) to promote the transferability of licensure and certification of teachers and administrators among State and local jurisdictions.

"(c) ALLOCATION.—In carrying out subsection (a), the Secretary shall ensure that each program, project, and activity contained in such subsection receives an allocation that is no less than the amount that each such program, project, or activity received in fiscal year 1994.

"Subpart 2—State and Local Activities

"SEC. 2121. PROGRAM AUTHORIZED.

"The Secretary is authorized to make grants to State educational agencies for the improvement of teaching and learning through sustained and intensive high-quality professional development activities in the core academic subjects at the State and local levels and the development by teachers and others of high-quality curricula that are aligned with State or local content and performance standards.

"SEC. 2122. ALLOCATION OF FUNDS.

"(a) RESERVATION OF FUNDS.—From the amount made available to carry out this subpart for any fiscal year, the Secretary shall—

"(1) reserve one half of one percent for the outlying areas, to be distributed among them on the basis of relative need, as determined by the Secretary in light of the purposes of this part; and

"(2) reserve one half of one percent for the Secretary of the Interior for programs under this subpart for professional development activities for teachers, other staff, and administrators in schools operated or funded by the Bureau of Indian Affairs.

"(b) STATE ALLOTMENTS.—The Secretary shall allocate the remaining amount to each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico as follows, except that no State shall receive less than one-half of one percent of such remaining amount:

"(1) 50 percent shall be allocated among such jurisdictions on the basis of their relative populations of individuals aged 5 through 17, as determined by the Secretary on the basis of the most recent satisfactory data.

"(2) 50 percent shall be allocated among such jurisdictions in accordance with the relative amounts such jurisdictions received under part A of title I of this Act for the preceding fiscal year.

"(c) REALLOCATION.—If any jurisdiction does not apply for its allotment under subsection (b) for any fiscal year, the Secretary shall reallocate such amount to the remaining jurisdictions in accordance with such subsection.

"SEC. 2123. WITHIN-STATE ALLOCATIONS.

"(a) RESERVATIONS.—Of the amounts received by a State under this subpart for a fiscal year—

"(1) not more than 5 percent shall be used for the administrative costs of programs carried out by the State educational agency and the State agency for higher education;

"(2) not more than 5 percent may be used for State-level activities, as described in section 2125; and

"(3) of the remaining amount—

"(A) 87 percent shall be distributed to local educational agencies, to be used in accordance with section 2129, as follows:

"(i) 50 percent of such amount shall be distributed in accordance with the relative enrollments in public and private nonprofit schools within their boundaries.

"(ii) 50 percent of such amount shall be distributed in accordance with the relative amount such agencies received under part A of title I of this Act for the preceding fiscal year; and

"(B) 13 percent shall be used for competitive grants to institutions of higher education as described in section 2129.

"(b) LIMITATION.—

"(1) GENERAL RULE.—Except as provided in paragraph (2), any local educational agency that receives an allocation of less than \$10,000 under subsection (a) shall, for the purpose of providing services under this subpart, form a consortium with at least 1 other local educational agency or institution of higher education receiving assistance under this section.

"(2) WAIVER.—The State educational agency shall waive the application of paragraph (1) in the case of any local educational agency that demonstrates that the amount of its allocation is sufficient to provide a program of sufficient size, scope, and quality to be effective. In granting waivers under the preceding sentence, the State educational agency shall—

"(A) give special consideration to local educational agencies serving rural areas; and

"(B) consider cash or in-kind contributions provided from State or local sources that may be combined with the local educational agency's allocation for the purpose of providing services under this part.

"SEC. 2124. STATE APPLICATIONS.

"(a) APPLICATIONS REQUIRED.—Each State educational agency that wishes to receive its allotment under this subpart for any fiscal year shall submit an application to the Secretary at such time and in such form as the Secretary may require.

"(b) STATE PLAN TO IMPROVE TEACHING AND LEARNING—(1) Each application under this section shall include a State plan that—

"(A) is integrated with the State's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act, and satisfies the requirements of this section that are not already addressed by that State plan; or

"(B) if the State does not have an approved plan under title III of the Goals 2000: Educate America Act and is not developing such a plan, is integrated with other State plans under this Act and satisfies the requirements of this section.

"(2) Each such plan shall also—

"(A) be developed in conjunction with the State agency for higher education, institutions of higher education, schools of education, and with the extensive participation of teachers and administrators and members of the public who are interested in improving education in the State and show the role of each in implementation;

"(B) be designed to give teachers and administrators in the State the knowledge and skills to provide all students the opportunity to meet challenging State performance standards;

"(C) include an assessment of State and local needs for professional development and for the development of curricula that are aligned with State or local content and performance standards;

"(D) include a description of how the plan has assessed the needs of local education agencies serving rural areas, and what actions are planned to meet those needs;

"(E) include a description of how the plan has maintained funding for professional development activities in mathematics and science education;

"(F) include a description of how the activities funded under this subpart will address the needs of teachers in schools receiving assistance under part A of title I of this Act;

"(G) a description of how programs in all core academic subjects, but especially in mathematics and science, will take into account the need for greater access to, and participation in, such disciplines by students from historically underrepresented groups, including females, minorities, individuals with limited-English proficiency, the economically disadvantaged, and the disabled, by incorporating pedagogical strategies and techniques which meet their educational need;

"(H) if the State's needs assessment under subsection (C) demonstrates a need for professional development, describe how the State will—

"(i) work with teachers, including teachers in schools receiving assistance under part A of title I of this Act, administrators, local educational agencies, schools, and institutions of higher education to ensure that they develop the capacity to support sustained and intensive, high-quality professional development programs in all the core academic subject areas, but especially in mathematics and science;

"(ii) take specific steps to review and, if necessary, reform State requirements for licensure of teachers and administrators, including certification and recertification, to align such requirements with challenging State content and performance standards; and

"(iii) address the need for improving teaching and learning through teacher development beginning with recruitment, pre-service, and induction, and continuing throughout the professional teaching career; and

"(I) if the State's needs assessment under subparagraph (C) demonstrates a need for curricula development, describe—

"(i) a strategy for engaging teachers in the development of curricula that are aligned with State or local content and performance standards; and

"(ii) how the State will also work with administrators, parents, school board members, and other members of the community in developing high quality curricula that are aligned with State or local content and performance standards.

"(c) ADDITIONAL MATERIAL.—Each State application shall also include—

"(1) a description of how the activities funded under this subpart will be coordinated, as appropriate, with—

"(A) other activities conducted with Federal funds, especially activities supported under part A of title I of this Act;

"(B) State and local funds;

"(C) resources from business and industry; and

"(D) funds 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, and the National Endowment for the Humanities; and

"(2) a description of the activities to be sponsored under the State-level activities and the higher education components of its program under this subpart.

"(d) PEER REVIEW AND SECRETARIAL APPROVAL.—(1) The Secretary shall approve the application of a State educational agency if it meets the requirements of this section and holds reasonable promise of achieving the purposes of this part.

"(2) In reviewing applications, the Secretary shall obtain the advice of non-Federal experts on education in the core academic subjects and on teacher education, including teachers and administrators.

"SEC. 2125. STATE-LEVEL ACTIVITIES.

"(a) ACTIVITIES.—Each State may use funds reserved under section 2123(a)(2) to carry out activities referred to in section 2124(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 content standards and ensure that teachers and administrators have the knowledge and skills necessary to help students meet challenging State performance standards;

"(2) developing performance assessments and peer review procedures, as well as other methods, for licensing teachers and administrators;

"(3) providing technical assistance to schools and local educational agencies especially schools and local educational agencies that receive assistance under part A of title I of this Act, to help such schools and agencies provide effective professional development in the core academic subjects and develop high quality curricula;

"(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 assessment and pedagogy;

"(5) supporting partnerships between schools, consortia of schools, or local education agencies and institutions of higher education, including but not limited to schools of education, which would encourage teachers to participate in intensive, ongoing professional development programs, both academic and pedagogical, at institutions of higher education, and to encourage students at institutions of higher education studying to become teachers to have direct, practical experience at the schools;

"(6) enhancing the effective use of educational technology as an instructional tool for increasing student understanding of the core academic subject areas including—

"(A) efforts to train teachers in the innovative uses and application of instructional technology;

"(B) utilizing and strengthening existing telecommunications infrastructure dedicated to educational purposes; and

"(C) efforts to train teachers in methods for achieving gender equity both in access to and teaching practices used in the application of educational technology;

"(7) providing incentives for teachers to be involved in curriculum development and technical assistance processes for teachers and students;

"(8) professional development enabling teachers and other school staff to ensure that girls, young women, minorities, limited English proficient students, individuals with disabilities, and economically disadvantaged individuals have the opportunity to achieve challenging State performance standards in the core academic subjects by, for example, encouraging girls, young women, and minorities to pursue advanced courses in mathematics and science;

"(9) designing professional development activities that increase the numbers of members of minority and other underrepresented groups in the teaching force in the core subjects; and

"(10) developing high quality curriculum that is aligned with State or local content and performance standards.

"(b) ALTERNATIVE METHODS.—Nothing in this section shall be construed to prevent a State from implementing alternative methods of teacher certification.

"SEC. 2126. LOCAL PLAN AND APPLICATION FOR IMPROVING TEACHING AND LEARNING.

"(a) LOCAL APPLICATION.—(1) Each local educational agency that wishes to receive a subgrant under this subpart shall submit an application (singly or as a consortia as described in section 2123(b)) to the State educational agency at such time as the State educational agency shall require, but not less frequently than every 3rd year.

"(2) If the local educational agency has an application approved by the State under title III of the Goals 2000: Educate America Act, the application required by this section shall be a component of (or, if necessary, an addendum to) its Goals 2000 application.

"(3) A local education agency shall set specific performance indicators for improving teaching and learning through professional development and curriculum development.

"(4) A local educational agency shall submit, as part of its application, the results of the needs assessment conducted under subsection (b), and the local educational agency plan developed in accordance with subsection (c).

"(b) NEEDS ASSESSMENT.—(1) A local educational agency that wishes to receive a subgrant under this subpart shall include in its application an assessment of such agency's need for professional development, for the development of high quality curricula that are aligned with State or local content and performance standards.

"(2) Such needs assessment shall be carried out with the involvement of teachers, including teachers in schools receiving assistance under part A of title I of this Act, and shall take into account what activities need to be conducted in order to give teachers and administrators the means, including the knowledge and skills, to provide students with the opportunity to meet challenging State or local performance standards.

"(c) PLAN DEVELOPMENT.—(1) The plan required under this subsection shall be developed jointly by the local educational agency and by teachers from the core academic disciplines.

"(2) Such teachers shall also be representative of the grade spans within schools to be served and of schools which receive assistance under part A of title I of this Act.

"(3) Based on the needs assessment required under subsection (b), the local educational agency's plan shall include the following—

"(A) a description of the local educational agency's strategy to improve teaching and learning in every school;

"(B) a description of how the plan contributes to the local educational agency's overall efforts for school reform and educational improvement;

"(C) a description of the activities the local educational agency intends to undertake under this subpart consistent with such agency's needs assessment conducted under subsection (b);

"(D) a description of how the plan has maintained funding for professional development activities in mathematics and science education;

"(E) a description of how the activities funded under this section will address the needs of teachers in schools receiving assistance under part A of title I of this Act;

"(F) a description of how programs in all core academic subjects, but especially in mathematics and science, will take into account the need for greater access to, and participation in, such disciplines by students from historically underrepresented groups, including females, minorities, individuals with limited-English proficiency, the economically disadvantaged, and the disabled, by incorporating pedagogical strategies and techniques which meet their educational need;

"(G) an assurance that the activities conducted with funds received under this program will be assessed at least every 3 years using the performance indicators;

"(H) a description of how the program funded under this subpart will be coordinated, as appropriate, with—

"(i) activities conducted under section 2130 and other services of institutions of higher education;

"(ii) similar State and local activities;

"(iii) resources provided under part A of title I and other parts of this Act, particularly part B of this title;

"(iv) resources from business, industry, private nonprofit organizations (including museums, libraries, educational television stations, community-based organizations, professional organizations and associations specializing in, or with a demonstrated expertise in the core academic disciplines);

"(v) funds or programming 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 Humanities, and the National Endowment for the Arts; and

"(vi) an identification of funding that will provide the local educational agency's contribution under section 2127.

"SEC. 2127. LOCAL COST SHARING.

"(a) IN GENERAL.—Each local educational agency shall bear not less than 33 percent of the cost of any program carried out under this subpart, but not including the cost of services provided to private schoolteachers.

"(b) AVAILABLE RESOURCES FOR COST-SHARING.—A local educational agency may meet the requirements of subsection (a) through one or more of the following:

"(1) Cash expenditures from non-Federal sources, including private contributions, directed toward professional development and curriculum development activities.

"(2) Release time for teachers participating in professional development or curricula development funded under this subpart.

"(3) Funds received under one or more of the following programs, if used for professional development or curricula development activities consistent with this subpart and consistent with the statutes under which such funds are provided, then such funds must be used for the benefit of students and

teachers in the schools that would otherwise have been served with such funds:

"(A) Part A of title I of this Act.

"(B) The Safe and Drug Free Schools program under title IV of this Act.

"(C) The bilingual education program under title VII of this Act.

"(D) The Women's Educational Equity Program under title III of this Act.

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

"(F) Programs that are related to the purposes of this Act that are administered by other agencies, including the National Science Foundation, the National Endowment for the Humanities, the National Endowment for the Arts, and the Department of Energy.

"(c) WAIVER.—The State educational agency may approve an application which has not fully met the requirements of subsection (a) and waive the requirements of subsection (a) if a local educational agency can demonstrate that it is unable to meet the requirements of subsection (a) due to economic hardship and that compliance with such requirements would preclude its participation in the program.

"SEC. 2128. ALLOWABLE ACTIVITIES.

"(a) AUTHORIZED ACTIVITIES.—Each local educational agency and school that receives funds under this subpart shall use such funds for activities that give teachers and administrators the knowledge and skills to provide students with the opportunity to meet challenging State or local content and performance standards. Funds received by local educational agencies under this subpart only shall be used for the activities specified under subsections (b) and (c).

"(b) PROFESSIONAL DEVELOPMENT.—If a needs assessment conducted under section 2126(b) determines that funds under this subpart should be used to provide professional development in the core academic subjects for teachers and other school staff, the local educational agency shall use such funds for professional development for teachers and other staff to support teaching consistent with State, or local content standards, and shall, to the extent practicable, coordinate such activities with institutions of higher education and activities under section 2129:

"(1) Professional development activities funded under this subpart shall—

"(A) be tied to challenging State or local content and student performance standards;

"(B) reflect recent research on teaching and learning;

"(C) incorporate effective strategies, techniques, methods, and practices for meeting the educational needs of diverse students, 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 performance standards;

"(D) include strong academic content and pedagogical components;

"(E) be of sufficient intensity and duration to have a positive and lasting impact on the teacher's performance in the classroom; and

"(F) be part of the everyday life of the school and create an orientation toward continuous improvement throughout the school.

"(2) Funds under this subpart may be used for professional development activities such as—

"(A) professional development for teams of teachers, administrators, or other staff from individual schools, to support teaching consistent with State or local content standards;

“(B) support and time for teachers and other school staff to participate in professional development in the core subjects offered through professional associations, universities, community-based organizations, and other providers including museums and educational partnership organizations;

“(C) activities that provide followup for teachers who have participated in professional development activities that are designed to ensure that knowledge and skills learned by the teacher are implemented in the classroom;

“(D) support for partnerships between schools, consortia of schools, or local education agencies and institutions of higher education, including but not limited to schools of education, which would encourage teachers to participate in intensive, ongoing professional development programs, both academic and pedagogical, at institutions of higher education, and to encourage students at institutions of higher education studying to become teachers to have direct, practical experience at the schools;

“(E) the establishment and maintenance of local professional networks that provide a forum for interaction among teachers and that allow exchange of information on advances in content and pedagogy;

“(F) activities to prepare teachers in the effective use of educational technology as an instructional tool for increasing student understanding of the core academic subject areas;

“(G) activities to enable teachers to ensure that girls, young women, minorities, limited-English proficient students, individuals with disabilities, and economically disadvantaged individuals the opportunity to achieve the challenging State performance standards in the core academic subjects;

“(H) professional development and recruitment activities designed to increase the number of minorities, individuals with disabilities, and females teaching in the core academic subject in which they are underrepresented;

“(I) other sustained and intensive high-quality professional development activities in the core academic subjects.

“(c) CURRICULUM DEVELOPMENT.—(1) If the needs assessment of a local educational agency determines that funds under this subpart should be used for curriculum development including the development of high quality standards, assessments, and other methods needed to provide teachers with the tools necessary to improve student achievement, such agency shall use the funds provided to develop high quality curricula that is aligned with State or local content and performance standards.

“(2) Funds may be used to purchase the curriculum materials to the extent such materials are essential components of the local educational agency's plan to improve teaching and learning in the core academic subjects.

“SEC. 2129. HIGHER EDUCATION ACTIVITIES.

“(a) GENERAL.—(1) The State agency for higher education, working in conjunction with the State educational agency (if it is a separate agency), shall make grants to, or enter into contracts or cooperative agreements with, institutions of higher education and nonprofit organizations including museums and educational partnership organizations, which demonstrate consultation and cooperation with a local education agency, consortium of local education agencies, or schools, for—

“(A) professional development activities in the core academic subject areas that con-

tribute to the State plan for professional development;

“(B) engaging teachers in the development of high-quality curricula that are aligned with State or local content and performance standards;

“(C) developing and providing assistance to local education agencies, and the teachers and staff of each such agency, for sustained, high-quality professional development activities;

“(D) improving teacher education programs in order to promote further innovation in teacher education programs within an institution of higher education and to better meet the needs of the local education agencies for well-prepared teachers;

“(2) All such awards shall be made on a competitive basis.

“(3) No institution of higher education may receive assistance under subsection (a)(1) of this subsection unless the institution enters into an agreement with a local education agency, or consortium of such agencies, to provide sustained, high-quality professional development for the elementary and secondary school teachers in the schools of each such agency.

“(4) Each project funded under this section shall involve a joint effort of the recipient's school or department of education and the schools or departments in the specific disciplines in which assistance may be provided.

“(b) ALLOWABLE ACTIVITIES.—A recipient of funds under this section shall use those funds for—

“(1) sustained and intensive high-quality professional development for teams of teachers, or teachers and administrators from individual schools or districts;

“(2) other sustained and intensive professional development activities related to achievement of the State plan for professional development such as—

“(A) establishment and maintenance of professional networks of teachers that provide a forum for interaction among teachers and that allow exchange of information on advances in content and pedagogy;

“(B) programs that prepare teachers to be effective users of information technology, able to integrate technology into their pedagogy and their instructional practices, and able to enhance their curricular offerings by appropriate applications of technology;

“(C) programs that utilize information technology to deliver sustained and intensive high quality professional development activities for teachers;

“(D) activities to enable teachers to ensure that girls, young women, minorities, limited-English proficient students, individuals with disabilities, and economically disadvantaged individuals have the opportunity to achieve the challenging State performance standards in the core academic subjects;

“(E) professional development and recruitment activities designed to increase the number of minorities, individuals with disabilities, and other underrepresented groups teaching in the core academic subjects, particularly in mathematics and science;

“(F) establishment of professional development academies operated as partnerships between one or more elementary or secondary schools and one or more institutions of higher education to provide school-based teacher training that provides prospective, novice, and experienced teachers with an opportunity to work under the guidance of master teachers and college faculty members; and

“(G) technical assistance to local educational agencies in providing sustained and

intensive high quality professional development activities for teachers.

“Subpart 3—General Provisions

“SEC. 2131. REPORTING AND ACCOUNTABILITY.

“(a) STATES.—Each State that receives funds under this part shall submit a report to the Secretary every 3 years on the State's progress toward the performance indicator identified in its State plan, as well as on the effectiveness of State and local activities under this part.

“(b) LOCAL EDUCATIONAL AGENCIES.—Each local educational agency that receives funds under this part shall submit a report to the State every 3 years on its progress toward the outcome performance indicators in its plan.

“(c) FEDERAL EVALUATION.—The Secretary shall report to the President and Congress on the effectiveness of programs and activities funded under this part.

“(d) PROHIBITION ON FUNDS BEING USED FOR CONSTRUCTION OR RENOVATION.—Funds received under this part shall not be used for construction or renovation of buildings, rooms, or any other facilities.

“SEC. 2132. DEFINITIONS.

“As used in this part, the following terms have the following meanings:

“(1) The term ‘core academic subjects’ means those subjects listed in the State plan under title III of the Goals 2000: Educate America Act or under National Education Goal Three as set out in section 102(3) of such Act.

“(2) The term ‘performance indicators’ means measures of specific outcomes that the State or local educational agency identifies as assessing progress toward the goal of ensuring that all teachers have the knowledge and skills to assist their students to meet challenging State standards in the core academic subject areas. Examples of such indicators include—

“(A) the degree to which licensure requirements are tied to State standards;

“(B) specific increases in the number of elementary and secondary teachers with strong content backgrounds in the core academic subjects; and

“(C) effective strategies, techniques, methods, and practices for meeting the educational needs of diverse students, 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 performance standards.

“(3) The term ‘sustained and intensive high-quality professional development’ means professional development activities that—

“(A) are tied to challenging State or voluntary national content and performance standards;

“(B) reflect up-to-date research in teaching and learning and include integrated content and pedagogical components;

“(C) incorporates effective strategies, techniques, methods, and practices for meeting the educational needs of diverse students, including females, minorities, individuals with disabilities, limited English proficient individuals, and economically disadvantaged individuals, in order to assure that all students have the opportunity to achieve challenging performance standards;

“(D) 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

"(E) recognize teachers as an important source of knowledge that should inform and help shape professional development.

"(4) The term 'local standard' means challenging content and performance standards in the core subjects (in addition to State content and performance standards approved by the State for title I).

"PART B—INNOVATIVE EDUCATION PROGRAM STRATEGIES

"SEC. 2201. FINDINGS AND STATEMENT OF PURPOSE.

"(a) FINDINGS.—The Congress finds that chapter 2 of the Education Consolidation and Improvement Act of 1981 has been successful in achieving the goals of increasing local flexibility, reducing administrative burden, providing services for private school students, encouraging innovation, and contributing to the improvement of elementary and secondary educational programs.

"(b) STATEMENT OF PURPOSE.—It is the purpose of programs under this part:

"(1) To support local education reform efforts which are consistent with and support statewide reform efforts under the Goals 2000 Educate America Act.

"(2) To support State and local efforts to accomplish the National Education Goals.

"(3) To provide funding to enable State and local educational agencies to implement promising educational reform programs that can be supported by State and local sources of funding after such programs are demonstrated to be effective.

"(4) To provide a continuing source of innovation, educational improvement, and support for library services and instructional materials, including media materials and.

"(5) To meet the special educational needs of at risk and high cost students.

"(c) STATE AND LOCAL RESPONSIBILITY.—The basic responsibility for the administration of funds made available under this part is within the State educational agencies, but it is the intent of Congress that the responsibility be carried out with a minimum of paperwork and that the responsibility for the design and implementation of programs assisted under this part will be mainly that of local educational agencies, school superintendents and principals, and classroom teachers and supporting personnel, because they have the most direct contact with students and are most likely to be able to design programs to meet the educational needs of students in their own districts.

"SEC. 2202. DEFINITION.

"For the purposes of this part the term "effective schools programs" means school-based programs that may encompass preschool through secondary school levels and that have the objectives of (1) promoting school-level planning, instructional improvement, and staff development, (2) increasing the academic achievement levels of all children and particularly educationally deprived children, and (3) achieving as ongoing conditions in the school the following factors identified through effective schools research as distinguishing effective from ineffective schools:

"(A) strong and effective administrative and instructional leadership that creates consensus on instructional goals and organizational capacity for instructional problem solving;

"(B) emphasis on the acquisition of basic and higher order skills;

"(C) a safe and orderly school environment that allows teachers and pupils to focus their energies on academic achievement;

"(D) a climate of expectation that virtually all children can learn under appropriate conditions; and

"(E) continuous assessment of students and programs to evaluate the effects of instruction.

"SEC. 2203. AUTHORIZATION OF APPROPRIATIONS; DURATION OF ASSISTANCE.

"(a) AUTHORIZATION.—To carry out the purposes of this part, there are authorized to be appropriated such sums for fiscal years 1995 through 1999.

"(b) DURATION OF ASSISTANCE.—During the period beginning October 1, 1994, and ending, September 30, 1999, the Secretary shall, in accordance with the provisions of this part, make payments to State educational agencies for the purpose of this section.

"Subpart 1—State and Local Programs

"SEC. 2211. ALLOTMENT TO STATES.

"(a) RESERVATIONS.—From the sums appropriated to carry out this subpart in any fiscal year, the Secretary shall reserve not to exceed 1 percent for payments to Guam, American Samoa, the Virgin Islands, Palau (until the effective date of the Compact of Free Association with the Government of Palau), and the Northern Mariana Islands, to be allotted in accordance with their respective needs.

"(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 subpart:

"(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. 2212. ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.

"(a) DISTRIBUTION RULE.—From the sums made available each year to carry out this part, the State educational agency shall distribute not less than 85 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) 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 part, 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 part.

"(2)(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) From the funds paid to it pursuant to section 2203 for a fiscal year, a State educational agency shall distribute to each eligible local educational agency which has submitted an application as required in section 2223 the amount of its allocation as determined under subsection (a).

"(2)(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.

"Subpart 2—State Programs

"SEC. 2221. STATE USES OF FUNDS.

"(a) AUTHORIZED ACTIVITIES.—A State educational agency may use funds reserved for State use under this section only for—

"(1) State administration of programs under this section 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 part; and

"(2) technical assistance and direct grants to local educational agencies and statewide education reform activities, including effective schools programs, which assist local educational agencies to provide targeted assistance.

"(b) LIMITATIONS AND REQUIREMENTS.—Not more than 25 percent of funds available for State programs under this part in any fiscal year may be used for State administration under subsection (a)(1).

"SEC. 2223. STATE APPLICATIONS.

"(a) APPLICATION REQUIREMENTS.—Any State which desires to receive a grant under this subpart shall submit to the Secretary an application which—

"(1) designates the State educational agency as the State agency responsible for ad-

ministration and supervision of programs assisted under this part;

"(2)(A) provides for an annual submission of data on the use of funds, the types of services furnished, and the students served under this section; and

"(B) in fiscal year 1998 provides for an evaluation of the effectiveness of programs assisted under this subpart;

"(3) sets forth the allocation of such funds requested to implement section 2252;

"(4) 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 section);

"(5) provides assurance that, apart from technical and advisory assistance and monitoring compliance with this part, the State educational agency has not exercised and will not exercise any influence in the decision making processes of local educational agencies as to the expenditure made pursuant to an application under section 2233; and

"(6) contain assurances that there is compliance with the specific requirements of this part.

"(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 of \$5,000 each under this section need not be audited more frequently than once every 5 years.

"Subpart 3—Local Targeted Assistance Programs

"SEC. 2231. TARGETED USE OF FUNDS.

"(a) GENERAL RULE.—Funds allocated for use under this subpart shall be used by local educational agencies for targeted assistance described in subsection (b).

"(b) TARGETED ASSISTANCE.—The targeted assistance programs referred to in subsection (a) include—

"(1) technology related to the implementation of school-based reform programs, including professional development to assist teachers and other school officials regarding how to use effectively such equipment and software;

"(2) instructional and educational materials, assessments, and library services and materials (including media materials) tied to high academic standards and which are part of an overall education reform program;

"(3) promising education reform projects, including effective schools and 21st Century Learning Center school projects in accordance with subpart 4; and

"(4) computer hardware and software purchased under this section should be used only for instructional purposes.

"SEC. 2232. ADMINISTRATIVE AUTHORITY.

"In order to conduct the activities authorized by this part, each State or local educational agency may use funds reserved for this part to make grants to and to enter into contracts with local educational agencies, institutions of higher education, libraries, museums, and other public and private nonprofit agencies, organizations, and institutions.

"SEC. 2233. LOCAL APPLICATIONS.

"(a) CONTENTS OF APPLICATION.—A local educational agency or consortia of local educational agencies may receive an allocation of funds under this subpart 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)(A) sets forth the planned allocation of funds among targeted assistance programs described in section 2231 of this part and describes the programs, projects and activities designed to carry out such targeted assistance which it intends to support, together with the reasons for selection of such programs, projects and activities; and

"(B) sets forth the allocation of such funds required to implement section 2252;

"(2) describes how assistance under this section will contribute to meeting the National Education Goals and improving student achievement or improving the quality of education for students;

"(3) provides assurances of compliance with the provisions of this part, including the participation of children enrolled in private, nonprofit schools in accordance with section _____;

"(4) agrees to keep such records, and provide such information to the State educational agency as may reasonably be required for fiscal audit and program evaluation, concession with the responsibilities of the State agency under this part; and

"(5) provides in the allocation of funds for the assistance authorized by this part, 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 education agency, with teachers and administrative personnel in such schools, and with other groups involved in the implementation of this section (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 to programs 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 part, a local educational agency shall have complete discretion in determining how funds under this subpart shall be divided among the areas of targeted assistance. In exercising such discretion, a local educational agency shall ensure that expenditures under this subpart carry out the purposes of this subpart and are used to meet the educational needs within the schools of such local educational agency.

"Subpart 4—21st Century Community Learning Centers

"SEC. 2241. FINDINGS.

"The Congress finds that—

"(1) there are influences outside of school which affect the ability of a child to achieve academically and schools are in a unique position to identify student and family needs to coordinate programs;

"(2) access to health and social service programs can assist children and their families to improve the ability of the family to take an active role in their child's education;

"(3) coordination of health and social service programs with education can help the Nation meet the National Education Goals and ensure better outcomes for children;

"(4) the high technology, global economy of the 21st century will require lifelong

learning to keep America's workforce competitive and successful;

"(5) 21st Century Community Learning Centers enable the entire community to develop an education strategy that addresses the educational needs of all members of local communities; and

"(6) local public schools should provide centers for lifelong learning and educational opportunities for individuals of all ages.

"SEC. 2242. FUNDS FOR COMMUNITY LEARNING CENTERS.

"(a) IN GENERAL.—Local educational agencies may use funds provided under section 2212 to pay the Federal share of the cost for enabling schools to serve as centers for the delivery of education and human services for members of a community.

"(b) USES OF FUNDS.—Local educational agencies may use funds provided under section 2212 for projects described under this subpart.

"SEC. 2243. PROGRAMS.

"Local educational agencies that receive funds under this subpart may develop programs that include—

"(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 in conjunction with summer recreation programs;

"(6) nutrition programs;

"(7) expanded library service hours to serve community needs;

"(8) telecommunications and technology education programs for 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 students who withdraw from school before graduating high school, regardless of age; and

"(13) services for individuals who are either physically or mentally challenged.

"SEC. 2244. REQUIREMENTS.

"A local educational agency that uses funds to develop programs under this subpart shall, at the end of the first year for which funds are used for this purpose, provide information to the State educational agency which describes the activities and projects established with funds under this subpart and includes—

"(1) information on the comprehensive local plan that enables such school to serve as a center for the delivery of education and human services for members of a community; and

"(2) information on the initial evaluation of needs, available resources, and goals and objectives for the proposed community education program and how such evaluation was used to determine the program developed to address such needs; including—

"(A) the mechanism used to disseminate information in a manner understandable and accessible to the community;

"(B) identification of Federal, State, and local programs merged or coordinated so that public resources could be maximized;

"(C) a description of the collaborative efforts of community-based organizations, related public agencies, businesses, or other appropriate organizations;

"(D) a description of how the school will assist as a delivery center for existing and new services; and

"(E) the establishment of the facility utilization policy that specifically states rules

and regulations for building and equipment use and supervision guidelines.

"SEC. 2245. DEFINITION.

"For purposes of this subpart, the term 'Community Learning Center' means the provision of educational, recreational, health, and social service programs for residents of all ages of a local community in public school buildings, primarily in rural and inner city areas, operated by the local educational agency in conjunction with local governmental agencies, businesses, vocational education programs, community colleges, universities, cultural, recreational, and other community and human service entities.

"Subpart 5—General Administrative Provisions

"SEC. 2251. MAINTENANCE OF EFFORT; FEDERAL FUNDS SUPPLEMENTARY.

"(a) MAINTENANCE OF EFFORT.—(1) Except as provided in paragraph (2), a State is entitled to receive its full allocation of funds under this part for any fiscal year if the Secretary finds that either the combined fiscal effort per student or the aggregate expenditures within the State with respect to the provision of free public education 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.

"(2) The Secretary shall reduce the amount of the allocation of funds under this part in any fiscal year in the exact proportion to which the State fails to meet the requirements of paragraph (1) by falling below 90 percent of both the fiscal effort per student and aggregate expenditures (using the measure most favorable to the State), and no such lesser amount shall be used for computing the effort required under paragraph (1) for subsequent years.

"(3) The Secretary may waive, for 1 fiscal year only, the requirements of this subsection if the Secretary determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

"(b) FEDERAL FUNDS SUPPLEMENTARY.—A State or local educational agency may use and allocate funds received under this part only so as to supplement and, to the extent practical, increase the level of funds that would, in the absence of Federal funds made available under this part, be made available from non-Federal sources, and in no case may such funds be used so as to supplant funds from non-Federal sources.

"SEC. 2252. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

"(a) PARTICIPATION ON EQUITABLE BASIS.—(1) To the extent consistent with the number of children in the school district of a local educational agency which is eligible to receive funds under this part or which serves the area in which a program or project assisted under this part is located who are enrolled in private nonprofit elementary and secondary schools, or with respect to instructional or personnel training programs funded by the State educational agency from funds reserved for State use, such agency, after consultation with appropriate private school officials, shall provide for the benefit of such children in such schools secular, neutral, and nonideological services, materials, and equipment, including the participation of the teachers of such children (and other educational personnel serving such children) in training programs, and the repair, minor remodeling, or construction of public facilities

as may be necessary for their provision (consistent with subsection (c) of this section), or, if such services, materials, and equipment are not feasible or necessary in one or more such private schools as determined by the local educational agency after consultation with the appropriate private school officials, shall provide such other arrangements as will assure equitable participation of such children in the purposes and benefits of this part.

"(2) If no program or project is carried out under subsection (a)(1) of this section in the school district of a local educational agency, the State educational agency shall make arrangements, such as through contracts with nonprofit agencies or organizations, under which children in private schools in that district are provided with services and materials to the extent that would have occurred if the local educational agency had received funds under this part.

"(3) The requirements of this section relating to the participation of children, teachers, and other personnel serving such children shall apply to programs and projects carried out under this part by a State or local educational agency, whether directly or through grants to or contracts with other public or private agencies, institutions, or organizations.

"(b) EQUAL EXPENDITURES.—Expenditures for programs pursuant to subsection (a) shall be equal (consistent with the number of children to be served) to expenditures for programs under this part for children enrolled in the public schools of the local educational agency, taking into account the needs of the individual children and other factors which relate to such expenditures, and when funds available to a local educational agency under this part are used to concentrate programs or projects on a particular group, attendance area, or grade or age level, children enrolled in private schools who are included within the group, attendance area, or grade or age level selected for such concentration shall, after consultation with the appropriate private school officials, be assured equitable participation in the purposes and benefits of such programs or projects.

"(c) FUNDS.—(1) The control of funds provided under this part, and title to materials, equipment, and property repaired, remodeled, or constructed therewith, 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.

"(2) The provision of services pursuant to this section shall be provided by employees of a public agency or through contract by such public agency with a person, an association, agency, or corporation who or which, in the provision of such services, is independent of such private school and of any religious organizations, and such employment or contract shall be under the control and supervision of such public agency, and the funds provided under this part shall not be commingled with State or local funds.

"(d) STATE PROHIBITION WAIVER.—If by reason of any provision of law a State or local educational agency is prohibited from providing for the participation in programs of children enrolled in private elementary and secondary schools, as required by this section, the Secretary shall waive such requirements and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of this section.

"(e) WAIVER AND PROVISION OF SERVICES.—(1) If the Secretary determines that a State or a local educational agency has substan-

tially failed or is unwilling to provide for the participation on an equitable basis of children enrolled in private elementary and secondary schools as required by this section, the Secretary may waive such requirements and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of this section.

"(2) Pending final resolution of any investigation or complaint that could result in a determination under this subsection or subsection (d), 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.

"(f) DETERMINATION.—Any determination by the Secretary under this section shall continue in effect until the Secretary determines that there will no longer be any failure or inability on the part of the State or local educational agency to meet the requirements of subsections (a) and (b).

"(g) 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 allotment of the State under this part.

"(h) REVIEW.—(1) The Secretary shall not take any final action under this section until the State educational agency and the local educational agency affected by such action have had an opportunity, for at least 45 days after receiving written notice thereof, to submit written objections and to appear before the Secretary or the Secretary's designee to show cause why that action should not be taken.

"(2) If a State or local educational agency is dissatisfied with the Secretary's final action after a proceeding under paragraph (1) of this subsection, it may, within 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. 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) 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. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(4) 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. 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. 2253. EVALUATIONS AND REPORTING.

"(a) LOCAL EDUCATIONAL AGENCIES.—A local educational agency which receives financial assistance under this part shall report annually to the State educational agency on the use of funds under section 2431. Such reporting shall be carried out in a man-

ner which minimizes the amount of paperwork required while providing the State educational agency with the necessary information under the preceding sentence. Such report shall be made available to the public.

"(b) STATE EDUCATIONAL AGENCIES.—A State educational agency which receives financial assistance under this part shall evaluate the effectiveness of State and local programs under this part in accordance with section 2423(a)(4)(B). That evaluation shall be submitted for review and comment by the State advisory committee and shall be made available to the public. The State educational agency shall submit to the Secretary a copy of the evaluation and a summary of the reports under subsection (a).

"(c) REPORTS.—(1) The Secretary, in consultation with State and local educational agency representatives, shall develop a model system which State educational agencies may use for data collection and reporting under this part.

"(2)(A) The Secretary shall submit annually a report to the Congress for the use of funds, the types of services furnished, and the students served under this part.

"(B) The Secretary shall not later than October 1, 1998, submit a report to the Congress summarizing evaluations under subsection (b) in order to provide a national overview of the uses of funds and effectiveness of programs under this part.

"SEC. 2254. FEDERAL ADMINISTRATION.

"(a) TECHNICAL ASSISTANCE.—The Secretary, upon request, shall provide technical assistance to State and local educational agencies under this part.

(b) RULEMAKING.—The Secretary shall issue regulations under this part only to the extent that such regulations are necessary to ensure that there is compliance with the specific requirements and assurances required by this part.

(c) AVAILABILITY OF APPROPRIATIONS.—Notwithstanding any other provision of law, unless expressly in limitation of this subsection, funds appropriated in any fiscal year to carry out activities under this part shall become available for obligation on July 1 of such fiscal year and shall remain available for obligation until the end of the subsequent fiscal year.

"SEC. 2255. APPLICATION OF GENERAL EDUCATION PROVISIONS ACT.

"(a) GENERAL RULE.—Except as otherwise specifically provided by this section, the General Education Provisions Act shall apply to the programs authorized by this part.

"(b) APPLICABILITY.—The following provisions of the General Education Provisions Act shall be superseded by the specified provisions of this part with respect to the programs authorized by this part:

"(1) Section 410(a)(1) of the General Education Provisions Act is superseded by section 2254(b) of this part.

"(2) Section 433(a) of such Act is superseded by section 2254(a) of this part.

"(3) Section 436 of such Act is superseded by sections 2223 and 2233 of this part.

(c) SPECIAL RULE.—Sections 440, 441, and 442 of the General Education Provisions Act, except to the extent that such sections relate to fiscal control and fund accounting procedures, may not apply to the programs authorized by this part and shall not be construed to authorize the Secretary to require any reports or take any actions not specifically authorized by this part.

"PART C—SUPPORT AND ASSISTANCE FOR ESEA PROGRAMS

"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 under this Act;

"(2) comprehensive technical assistance is an essential ingredient of the overall strategy of the 1994 reauthorization of this Act to improve programs and to provide all children opportunities to meet challenging State performance standards;

"(3) States, local educational agencies, and schools serving students with special needs, such as students with limited English proficiency, have great need for comprehensive technical assistance in order to use funds under this Act to provide such students with opportunities to meet challenging State standards;

"(4) current technical assistance efforts are fragmented and categorical in nature, and thus fail to address adequately the needs of States and local educational agencies for help in integrating into a coherent strategy for improving teaching and learning the various programs under this Act with State and local programs and other education reform efforts;

"(5) too little creative use is made of technology as a means of providing information and assistance in a cost-effective way;

"(6) comprehensive technical assistance can help schools and school systems focus on improving opportunities for all children to reach challenging State performance standards, as they implement programs under this Act;

"(7) comprehensive technical assistance would provide 'one-stop shopping' to help States, local educational agencies, participating colleges and universities, and schools integrate Federal, State, and local education programs in ways that contribute to improving schools and entire school systems; and

"(8) technical assistance in support of programs under this Act should be coordinated with the Department's regional offices, the regional educational laboratories, and other technical assistance efforts supported by the Department.

"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 in a manner that is consistent with State and local plans under the Goals 2000: Educate America Act; and

"(2) coordinating those programs with other Federal, State, and local education activities, so that all students are provided opportunities to meet challenging State performance standards.

"SEC. 2303. PROGRAM AUTHORIZED.

"(a) COMPREHENSIVE REGIONAL CENTERS.—The Secretary is authorized to establish one center in each of the Department's ten regions to provide comprehensive technical assistance to States, local educational agencies, schools, and other recipients of funds under this Act in their administration and implementation of programs authorized by this Act. In allocating resources among the centers, the Secretary shall consider the geographic distribution of students with special needs.

"(b) TECHNOLOGY-BASED TECHNICAL ASSISTANCE.—The Secretary is also authorized to provide a technology-based technical assistance service that will—

"(1) support the administration and implementation of programs authorized by this Act by providing information, including

legal and regulatory information, and technical guidance and information about best practices; and

"(2) be accessible to all States, local educational agencies, schools, and others who are recipients of funds under this Act.

"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 those agencies and organizations.

"SEC. 2305. COMPREHENSIVE REGIONAL CENTERS.

"Each comprehensive regional center established under section 2203(a) shall—

"(1) maintain staff expertise in at least all of the following areas:

"(A) Instruction, curriculum improvement, school reform, and other aspects of title I of this Act.

"(B) Development and operation of successful schoolwide programs under title I of this Act, including integrating programs to serve children in high-poverty areas, migratory children, children with limited English proficiency, neglected and delinquent children, homeless children and youth, Indian children, and children with disabilities.

"(C) 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.

"(D) Professional development for teachers, other school staff, and administrators to help students meet challenging State performance standards.

"(E) Bilingual education, including programs that emphasize English and native language proficiency, and promote multicultural understanding.

"(F) Safe and drug-free schools.

"(G) Educational applications of technology.

"(H) Parent involvement and participation.

"(I) The reform of schools and school systems.

"(J) Program evaluation;

"(2) ensure that technical assistance staff have sufficient training, knowledge, and expertise in how to integrate and coordinate programs under this Act with each other, as well as with other Federal, State, and local programs and reforms;

"(3) work collaboratively with the Department's regional offices;

"(4) provide technical assistance using the highest quality and most cost-effective strategies possible;

"(5) provide information and assistance regarding exemplary and promising practices;

"(6) work collaboratively, and coordinate the services it provides, with the general reform assistance provided by the regional educational laboratories supported by the Office of Educational Research and Improvement; and

"(7) consult with representatives of State educational agencies, local educational agencies, and populations served under this Act.

"SEC. 2306. INFORMATION COLLECTION AND EVALUATION.

"The Secretary shall evaluate activities under this part to determine their effectiveness in advancing the purposes of this part, and report to the President and Congress on the effectiveness of such activities.

"SEC. 2307. TRANSITION.

"(a) GENERAL.—The Secretary may use funds appropriated for this part for fiscal

year 1995 in such manner as the Secretary finds necessary in order to ensure a smooth implementation of this part.

"(b) EXTENSION OF PREVIOUS CENTERS.—In accordance with subsection (a), and notwithstanding any other provisions of law, the Secretary may use such funds for existing contracts and to extend the award of any categorical technical assistance center under this Act that was in operation on the day before enactment of the Improving America's Schools Act of 1993.

"SEC. 2308. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated \$70,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

"PART D—TECHNOLOGY FOR EXCELLENCE

"SEC. 2411. SHORT TITLE.

"This part may be cited as the 'Technology for Excellence in Education Act'.

"SEC. 2412. DEFINITIONS.

"(a) IN GENERAL.—The terms used in this part, unless otherwise specified, shall have the same meaning given to such terms in section 9101 of this Act.

"(b) ADDITIONAL DEFINITIONS.—For the purposes of this part—

"(1) the term 'Director' means the Director of Educational Technology as established in subpart 1; and

"(2) the term 'educational technology' includes closed circuit television systems, public telecommunications entities, cable television, satellite, copper and fiber optic transmission, computer hardware and software, video and audio laser, and CD ROM disc, video and audio tapes, and other technologies related to educational services.

"Subpart 1—National Leadership for Educational Technology

"SEC. 2421. PURPOSES.

"The purposes of this subpart are—

"(1) to establish a national agenda for the use of technology in education to assist all students in attaining world-class academic standards as a means to increasing academic achievement and learning and reaching the National Education Goals;

"(2) to assure that all children in the United States start school ready to learn;

"(3) to increase the high school graduation rate to at least 90 percent;

"(4) to provide all students the opportunity to demonstrate competency in challenging subject matter in core areas and ensure that all students learn to use their minds well;

"(5) to increase the mathematics and science achievement of all students;

"(6) to provide the opportunity for all adult Americans to achieve literacy;

"(7) to ensure that every school in the United States is free of drugs and violence and will offer a disciplined environment conducive to learning;

"(8) to coordinate Federal programs—whose support already accounts for 50 percent of all funds used by schools to purchase software, integrated learning systems, and hardware—that provide for the development, purchase, or use of technology in education, including programs administered by the Department of Education and those administered by other Federal Departments;

"(9) to develop national standards and guidelines for State and local educational agencies to guide future projects and coordinate existing projects to ensure the compatibility of education-related computer and telecommunications networks on a national level; and

"(10) to permit funds distributed to the States and localities under existing Federal programs to be used for education-related technology purposes.

"SEC. 2422. DIRECTOR OF EDUCATIONAL TECHNOLOGY.

"The Secretary shall appoint a Director of Educational Technology within the Department of Education. The Director shall be compensated at an annual rate of not less than a level GS-15 employee under section 5332 of title 5, United States Code.

"SEC. 2423. DUTIES OF DIRECTOR.

"(a) DUTIES.—The duties of the Director of Educational Technology are—

"(1) to provide national leadership regarding the use of technology in education at all levels in achieving the National Education Goals, including—

"(A) submission of an annual report to Congress regarding education-related technology use and recommendations for the continuation of current and the development of future uses of technology to achieve the National Education Goals;

"(B) promotion of the use of technology to achieve the National Education Goals in programs that receive Federal assistance, particularly programs under titles I and II of this Act;

"(C) the development of support programs designed to increase the access of all children, particularly disadvantaged children from rural and urban poverty areas, to high-level learning through the use of quality technologies; and

"(D) the support of research, development, evaluation, and dissemination of educational technologies;

"(2) to provide a mechanism for coordinating existing Federal programs across agencies to encourage joint funding, planning, and implementation of projects;

"(3) to provide a mechanism for the development of standards and guidelines for State and local educational agencies in conjunction with industry to ensure the compatibility of educational computer and telecommunications networks on a national level; and

"(4) to provide support and training programs to educators in the use of technology to help obtain the National Education Goals.

"Subpart 2—State Planning Grants

"SEC. 2431. PURPOSES.

"The purposes of this subpart are—

"(1) to ensure that State educational agencies have a clear, long-term strategic plan for incorporating the use of technology in education; and

"(2) to allow States which have developed a State technology plan to allocate planning funds to local educational agencies to implement strategies developed in such plan.

"SEC. 2432. STATE PLANNING GRANTS.

"The Secretary of Education is authorized to provide a one-time competitive grant to State educational agencies 50 percent of which shall be allocated in accordance with the relative amount the State received under title 1 of this Act for the preceding fiscal year and 50 percent of which shall be allocated in accordance with the relative amount the State received under part B of this title for the preceding fiscal year.

"SEC. 2433. AUTHORIZED ACTIVITIES.

"(a) STATE PLANS.—A State educational agency which receives a grant under this subpart shall not later than 1 year after receipt of funds under this subpart undertake public hearings and complete a comprehensive State plan which includes—

"(1) overall strategic goals for the use of technology in education at all levels within the State;

"(2) a 5-year standards and assessment process to measure progress toward the goals in paragraph (1);

"(3) a follow-up 10-year standards and assessment process to measure progress toward the goals in paragraph (1);

"(4) guidelines for local educational agencies for the incorporation of educational technology into institutions of education at all levels;

"(5) a plan for the dissemination and sharing of information to local educational agencies about innovative and cost-effective uses of educational technology;

"(6) a plan for training educational personnel in the use of technology in the classroom;

"(7) a coordination plan providing mechanisms for the use of educational technology to assist existing and future education reform efforts at both the State and local levels; and

"(8) a plan to leverage public and private support for the funding and provision of educational technology in a cost-effective manner to institutions of education at all levels.

"(b) DEMONSTRATION SUBGRANTS.—States that have completed the State technology plan under subsection (a) may allocate funds received under this section as competitive subgrants to local educational agencies to implement strategies in such plan following the procedures in subpart 3.

"SEC. 2434. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated \$10,000,000 for fiscal year 1994 and such sums for fiscal years 1995-1999 to carry out the purposes of this subpart.

"Subpart 3—Local Challenge Grants

"SEC. 2441. PURPOSE.

"The purposes of this subpart are—

"(1) to challenge local communities to incorporate quality, innovative educational technology in their education systems at all levels; and

"(2) to provide practical models of educational technology as provided for in the goals and guidelines under the State plans required in subpart 2.

"SEC. 2442. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

"(a) IN GENERAL.—(1) The Secretary is authorized to provide grants to State educational agencies for the use by local educational agencies of 3-year competitive demonstration grants to implement State technology plans.

"(2) Such grants may be awarded only to States which have completed the State technology plan required by subpart 2. The Secretary may waive this requirement if a State has a plan in place which meets the criteria established in subpart 2.

"(3) The State shall give priority consideration to demonstration programs that provide access to quality educational technology to disadvantaged urban and rural areas.

"(4) The State shall give priority consideration to demonstration programs that may be replicated in other areas throughout the Nation.

"(b) DISSEMINATION OF MODEL PROGRAMS.—The Secretary shall reserve not more than 5 percent of the funds authorized under this title to allow the Director of Educational Technology to disseminate effective models of the use of high-quality educational technology on a national basis.

"(c) MATCHING REQUIREMENT.—(1) The Federal share under this subpart may not exceed—

"(A) 100 percent of the total cost of a program for the first year for which a State receives funds under this subpart;

"(B) 85 percent of the total cost of a program for the second year for which a State receives funds under this subpart;

"(C) 60 percent of the total cost of a program for the third year for which a State receives funds under this subpart;

"(D) 45 percent of the total cost of a program for the fourth year for which a State receives funds under this subpart; and

"(E) 33 percent of the total cost of a program for the fifth and any succeeding year for which a State receives funds under this subpart.

"(2) The remaining cost may be provided in cash or in kind, fairly evaluated, and may be obtained from any source other than funds made available for programs under this subpart.

"SEC. 2443. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated \$25,000,000 for fiscal year 1994 and such sums as may be necessary to carry out the projects under this subpart for each of the fiscal years 1995 through 1999.

"Subpart 4—Star Schools Program

"SEC. 2451. FINDINGS.

"The Congress finds that—

"(1) the Star Schools program has helped to encourage the use of distance learning strategies to serve multi-State regions primarily by means of satellite and broadcast television;

"(2) in general, distance learning programs have been used effectively to provide students in small, rural, and isolated schools with courses and instruction, such as science and foreign language instruction, that the local educational agency would not otherwise have been able to provide; and

"(3) distance learning programs could also be used to—

"(A) provide students in all types of schools and local educational agencies with greater access to high-quality instruction in the full range of core academic subjects that would enable them to meet challenging, internationally competitive, educational standards;

"(B) expand professional development opportunities for teachers;

"(C) contribute to achievement of the National Education Goals; and

"(D) expand learning opportunities for everyone.

"SEC. 2452. STATEMENT OF PURPOSE.

"The purpose of this subpart is to encourage the expansion and use of distance learning programs and technologies to help—

"(1) improve teaching and learning;

"(2) achieve the National Education Goals;

"(3) all students learn to challenging State content standards; and

"(4) increase participation in State and local educational reform.

"SEC. 2453. PROGRAM AUTHORIZED.

"(a) STAR SCHOOL AWARDS.—The Secretary is authorized, in accordance with this subpart, to make grants to eligible entities for the Federal share of the cost of providing distance learning programs, including—

"(1) developing, constructing, and acquiring telecommunications facilities and equipment;

"(2) developing and acquiring instructional programming; and

"(3) providing technical assistance regarding the use of such facilities and instructional programming.

"(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subpart, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(c) LIMITATIONS.—(1) A grant under this section shall not exceed—

"(A) five years in duration; and

"(B) \$10,000,000 in any one fiscal year.

"(2) Not less than 25 percent of the funds available to the Secretary for any fiscal year under this subpart shall be used for the cost of instructional programming.

"(3) Not less than 50 percent of the funds available to the Secretary for any fiscal year under this subpart shall be used for the cost of facilities, equipment, teacher training or retraining, technical assistance, or programming, for local educational agencies that are eligible to receive assistance under part A of title I of this Act.

"(d) FEDERAL SHARE.—(1) The Federal share of the cost of projects funded under this section shall not exceed 75 percent for the first and second years of the award, 60 percent for the third and fourth years, and 50 percent for the fifth year.

"(2) The Secretary may reduce or waive the requirement of the non-Federal share under paragraph (1) upon a showing of financial hardship.

"(e) AUTHORITY TO ACCEPT FUNDS FROM OTHER AGENCIES.—The Secretary is authorized to accept funds from other agencies to carry out the purposes of this section, including funds for the purchase of equipment.

"SEC. 2454. ELIGIBLE ENTITIES.

"(a) ELIGIBLE ENTITIES.—(1) The Secretary may make a grant under section 2221 to any eligible entity, provided that at least one local educational agency is participating in the proposed project.

"(2) An eligible entity may include—

"(A) a public agency or corporation established for the purpose of developing and operating telecommunications networks to enhance educational opportunities provided by educational institutions, teacher training centers, and other entities, except that any such agency or corporation shall represent the interests of elementary and secondary schools that are eligible to participate in the program under part A of title I of this Act; or

"(B) any two or more of the following, which will provide a telecommunications network:

"(i) a local educational agency that has a significant number of elementary and secondary schools that are eligible for assistance under part A of title I of this Act, or elementary and secondary schools operated or funded for Indian children by the Department of the Interior eligible under section 1121(b)(1) of this Act;

"(ii) a State educational agency;

"(iii) an institution of higher education or a State higher education agency;

"(iv) a teacher training center or academy that—

"(I) provides teacher pre-service and in-service training; and

"(II) receives Federal financial assistance or has been approved by a State agency;

"(v) (I) a public or private entity with experience and expertise in the planning and operation of a telecommunications network, including entities involved in telecommunications through satellite, cable, telephone, or computer; or

"(II) a public broadcasting entity with such experience; or

"(vi) a public or private elementary or secondary school.

"SEC. 2455. APPLICATIONS.

"(a) GENERAL REQUIREMENT.—Each eligible entity that desires to receive a grant under this subpart shall submit an application to the Secretary in such form, at such time, and containing such information and assurances as the Secretary may require.

"(b) STAR SCHOOL AWARD APPLICATIONS.—Each application for a grant authorized under section 2221 shall—

"(1) describe—

"(A) how the proposed project will assist in achieving the National Education Goals set out in title I of the Goals 2000: Educate America Act, how it will assist all students to have an opportunity to learn to challenging State standards, and how it will assist State and local educational reform efforts;

"(B) the telecommunications facilities and equipment and technical assistance for which assistance is sought, which may include—

"(i) the design, development, construction, and acquisition of district, multidistrict, State, or multistate educational telecommunications networks and technology resource centers;

"(ii) microwave, fiber optics, cable, and satellite transmission equipment, or any combination thereof;

"(iii) reception facilities, satellite time, production facilities, and other telecommunications equipment capable of serving the intended geographic area;

"(iv) the provision of training services to instructors who will be using the facilities and equipment for which assistance is sought in using such facilities and equipment, and in integrating programs into the class curriculum; and

"(v) the development of educational and related programming for use on a telecommunications network;

"(C) the types of programming that will be developed to enhance instruction and training, including an assurance that such programming will be designed in consultation with professionals who are experts in the applicable subject matter and grade level;

"(D) how the eligible entity has engaged in sufficient survey and analysis of the area to be served to ensure that the services offered by the eligible entity will increase the availability of courses of instruction in English, mathematics, science, foreign languages, arts, history, geography, or other disciplines;

"(E) the professional development policies for teachers and other school personnel to be implemented to ensure the effective use of the telecommunications facilities and equipment for which assistance is sought;

"(F) the manner in which historically underserved students (such as students from low-income families, limited English proficient students, disabled students, or students who have low literacy skills) and their families will participate in the benefits of the telecommunications facilities, equipment, technical assistance, and programming assisted under this subpart;

"(G) how existing telecommunications equipment, facilities, and services, where available, will be used;

"(H) the activities or services for which assistance is sought, such as—

"(i) providing facilities, equipment, training services, and technical assistance;

"(ii) making programs accessible to individuals with disabilities through mechanisms such as closed captioning and descriptive video services;

"(iii) linking networks around issues of national importance (such as elections) or to

provide information about employment opportunities, job training, or student and other social service programs;

"(iv) sharing curriculum materials between networks;

"(v) providing teacher and student support services;

"(vi) incorporating community resources such as libraries and museums into instructional programs;

"(vii) providing professional development for teachers, including, as appropriate, training to early childhood development and Head Start teachers and staff and vocational education teachers and staff; and

"(viii) providing programs for adults at times other than the regular school day in order to maximize the use of telecommunications facilities and equipment; and

"(I) how the proposed project as a whole will be financed and how arrangements for future financing will be developed before the project expires;

"(2) provide an assurance that a significant portion of any facilities, equipment, technical assistance, and programming for which assistance is sought for elementary and secondary schools will be made available to schools in local educational agencies that have a high percentage of children counted for the purpose of part A of title I of this Act; and

"(3) provide an assurance that the applicant will provide such information and cooperate in any evaluation that the Secretary may conduct under this subpart.

"(c) PRIORITIES.—The Secretary shall, in approving applications for grants authorized under section 2221, give priority to applications that—

"(1) propose high-quality plans to assist in achieving one or more of the National Education Goals as set out in title I of the Goals 2000: Educate America Act, would provide instruction consistent with State content standards, or would otherwise provide significant and specific assistance to States and local educational agencies undertaking systemic education reform under title III of the Goals 2000: Educate America Act; and

"(2) would serve schools with significant numbers of children counted for the purposes of part A of title I of this Act.

"(d) GEOGRAPHIC DISTRIBUTION.—In approving applications for grants authorized under section 2221, the Secretary shall, to the extent feasible, ensure an equitable geographic distribution of services.

"SEC. 2456. LEADERSHIP AND EVALUATION ACTIVITIES.

"(a) SET-ASIDE.—From amounts appropriated under section 2221(b), the Secretary may reserve up to 10 percent for national leadership, evaluation, and peer review activities.

"(b) METHOD OF FUNDING.—The Secretary may fund the activities described in subsection (a) directly or through grants, contracts, and cooperative agreements.

"(c) USES OF FUNDS.—(1) Funds reserved for leadership activities may be used for—

"(A) disseminating information, including lists and descriptions of services available from recipients; and

"(B) other activities designed to enhance the quality of distance learning activities nationwide.

"(2) Funds reserved for evaluation activities shall be used to conduct independent evaluations of the Star Schools program under this subpart and of distance learning in general, including—

"(A) analyses of distance learning efforts, including both Star Schools projects and ef-

forts not funded by the program under this subpart; and

"(B) comparisons of the effects, including student outcomes, of different technologies in distance learning efforts.

"(3) Funds reserved for peer review activities may be used for peer review of both proposals and funded projects.

"SEC. 2457. DEFINITIONS.

"For the purpose of this subpart, the following terms have the following meanings:

"(1) The term 'educational institution' means an institution of higher education, a local educational agency, or a State educational agency.

"(2) The term 'instructional programming' means courses of instruction and training courses for elementary and secondary students, teachers, and others, and materials for use in such instruction and training that have been prepared in audio and visual form on tape, disc, film, or live, and presented by means of telecommunications devices.

"(3) The term 'public broadcasting entity' has the same meaning given that term in section 397 of the Communications Act of 1934.

"Subpart 5—Commission on Technology

"SEC. 2461. ESTABLISHMENT OF COMMISSION.

"The Secretary, in cooperation with the Congressional Office of Technology Assessment, shall appoint a Commission that will make recommendations regarding the development and implementation of technology-based education at the State and local levels.

**"TITLE III—FUND FOR THE IMPROVEMENT OF EDUCATION
"PART A—IMPROVEMENT FUND**

"SEC. 3201.

"(a) FUND AUTHORIZED.—From funds appropriated under subsection (d), the Secretary is authorized to support nationally significant programs and projects to improve the quality of education, assist all students to meet challenging standards, and contribute to achievement of the National Education Goals. The Secretary is authorized to carry out such programs and projects directly or through grants to, or contracts with, State and local education agencies, institutions of higher education, and other public and private agencies, organizations, and institutions.

"(b) USES OF FUNDS.—(1) Funds under this section may be used for—

"(A) activities that will promote systemic education reform at the State and local levels, such as—

"(i) research and development related to content and performance standards for student learning; and

"(ii) the development and evaluation of model strategies for assessment of student learning, professional development for teachers and administrators, parent and community involvement, and other aspects of systemic reform;

"(B) demonstrations at the State and local levels that are designed to yield nationally significant results, including approaches to charter schools, public school choice and school based decision-making;

"(C) joint activities with other agencies to assist the effort to achieve the National Education Goals, including activities related to improving the transition from preschool to school and from school to work;

"(D) activities to promote and evaluate counseling and mentoring for students, including intergenerational mentoring;

"(E) activities to promote environmental education;

"(F) activities to assist students to demonstrate competence in foreign languages;

"(G) studies and evaluation of various education reform strategies and innovations being pursued by the Federal Government, States, and local educational agencies;

"(H) the identification and recognition of exemplary schools and programs, such as Blue Ribbon Schools; and

"(I) other programs and projects that meet the purposes of this section.

"(2) The Secretary may also use funds under this section to complete the project periods for direct grants or contracts awarded under the provisions of the Elementary and Secondary Education Act of 1965, part B of title III of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, or title III of the Education for Economic Security Act, as these Acts were in effect on the day before enactment of the Improving America's Schools Act of 1993.

"(c) AWARDS.—(1) The Secretary may make awards under this section on the basis of competitions announced by the Secretary and may also support meritorious unsolicited proposals.

"(2) The Secretary shall ensure that projects and activities supported under this section are designed so that their effectiveness is readily ascertainable.

"(3) The Secretary shall use a peer review process in reviewing applications for grants under this section and may use funds appropriated under subsection (d) for this purpose.

"(d) AUTHORIZATION.—For the purpose of carrying out this section, there are authorized to be appropriated \$35,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996 through 1999.

"PART B—GIFTED AND TALENTED CHILDREN

"SEC. 3301. SHORT TITLE.

"This part may be cited as the 'Jacob K. Javits Gifted and Talented Students Education Act of 1994'.

"SEC. 3302. 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 its 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 high 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 as-

sistance 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 develop a rich and challenging curriculum for all students.

"(b) STATEMENT OF PURPOSE.—

"(1) It is the purpose of this part 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. In addition, the purpose of this part is 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.

"(2) It is also the purpose of this part to supplement and make more effective the expenditure of State and local funds, for the education of gifted and talented students.

"SEC. 3303. DEFINITIONS.

"For purposes of this part, the term 'gifted and talented students' means children and 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.

"SEC. 3304. AUTHORIZED PROGRAMS.

"(a) ESTABLISHMENT OF PROGRAM.—

"(1) From the sums appropriated under section 3308 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 organizations as 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 Act 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) Applications for funds must include a section on how the proposed gifted and talented services, materials, and methods could be adapted, if appropriate, for use by all students and a section on 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 tradi-

tional gifted and talented programs, summer programs, mentoring programs, service learning programs, and cooperative programs involving business, industry, and education;

"(3) training of personnel 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) 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;

"(5) programs of technical assistance and information dissemination which would include how gifted and talented programs and methods, where appropriate, could be adapted for use by all students; and

"(6) 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) 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 (5) of subsection (b).

"(2) 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 30 percent 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 subsections (b)(5) 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 Office; and

"(2) may include collaborative research activities which are jointly funded and carried out with the Office of Education Research and Improvement.

"SEC. 3305. PROGRAM PRIORITIES.

"(a) GENERAL PRIORITY.—In the administration of this part the Secretary shall give highest priority—

"(1) to the identification of and 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 service to gifted and talented students, such as mentoring and apprenticeship programs.

"(b) SERVICE PRIORITY.—In approving applications under section 3304(a) of this part, the Secretary shall assure that in each fiscal year at least one-half of the applications approved address the priority in section 3305(a)(1).

"SEC. 3306. 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) REVIEW, DISSEMINATION, AND EVALUATION.—The Secretary shall—

"(1) use a peer review process in reviewing applications under this part;

"(2) ensure that information on the activities and results of projects funded under this part is disseminated to appropriate State and local agencies and other appropriate organizations, including nonprofit private organizations; and

"(3) evaluate the effectiveness of programs under this part, both in terms of the impact on students traditionally served in separate gifted and talented programs and on other students, and submit the results of such evaluation to Congress not later than January 1, 1998.

"SEC. 3307. ADMINISTRATION.

"The Secretary shall establish or designate an administrative unit within the Department of Education—

"(1) to administer the programs authorized by this part;

"(2) to coordinate all programs for gifted and talented students administered by the Department;

"(3) to serve as a focal point of national leadership and information on the educational needs of gifted and talented students and the availability of educational services and programs designed to meet such needs; and

"(4) to assist the Assistant Secretary of the Office of Educational Research and Improvement in identifying research priorities which reflect the needs of gifted and talented students.

The administrative unit established or designated pursuant to this section shall be headed by a person of recognized professional qualifications and experience in the field of the education of gifted and talented students.

"SEC. 3308. 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 fiscal years 1996, 1997, 1998, and 1999 to carry out the provisions of this part.

"PART C—PUBLIC CHARTER SCHOOLS**"SEC. 3401. PURPOSE.**

"It is the purpose of this part to increase national understanding of the charter schools model by—

"(1) providing financial assistance for the design and initial implementation of charter schools; and

"(2) evaluating the effects of those schools on improving student achievement, including their effects on students, staff, and parents.

"SEC. 3402. PROGRAM AUTHORIZED.

"(a) GENERAL.—The Secretary may make grants to eligible applicants for the design and initial operation of charter schools.

"(b) PROJECT PERIODS.—Each such grant shall be for a period of not more than three years, of which the grantee may use—

"(1) no more than 18 months for planning and program design; and

"(2) no more than two years for the initial implementation of the charter school.

"(c) LIMITATION.—The Secretary shall not make more than one grant to support a particular charter school.

"SEC. 3403. APPLICATIONS.

"(a) APPLICATIONS REQUIRED.—Any eligible applicant that desires to receive a grant under this part shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

"(b) SCOPE OF APPLICATION.—Each such application may request assistance for a single charter school or for a cluster of schools, which may include a high school and its feeder elementary and middle schools, within a community.

"(c) APPLICATION CONTENTS.—Each such application shall include, for each charter school for which assistance is sought—

"(1) a description of the educational program to be implemented by the proposed charter school, including—

"(A) how the program will enable all students to meet challenging State performance standards;

"(B) the grade levels or ages of children to be served; and

"(C) the curriculum and instructional practices to be used;

"(2) a description of how the school will be managed;

"(3) a description of—

"(A) the objectives of the school; and

"(B) the methods by which the school will determine its progress toward achieving those objectives;

"(4) a description of the administrative relationship between the charter school and the local educational agency that will authorize or approve the school's charter and act as the grantee under this part;

"(5) a description of how parents and other members of the community will be involved in the design and implementation of the charter school;

"(6) a description of how the local educational agency will provide for continued operation of the school once the Federal grant has expired, if such agency determines that the school is successful;

"(7) a request and justification for waivers of any Federal statutory or regulatory provisions that the applicant believes are necessary for the successful operation of the charter school, and a description of any State or local rules, generally applicable to public schools, that will be waived for, or otherwise not apply to, the school;

"(8) a description of how the grant funds would be used;

"(9) a description of how grant funds would be used in conjunction with other Federal programs administered by the Secretary;

"(10) a description of how students in the community will be—

"(A) informed about the school; and

"(B) given an equal opportunity to attend the school;

"(11) an assurance that the applicant will annually provide the Secretary such information as the Secretary may require to determine if the charter school is making satisfactory progress toward achieving the objectives described under paragraph (3);

"(12) an assurance that the applicant will cooperate with the Secretary in evaluating the program authorized by this part; and

"(13) such other information and assurances as the Secretary may require.

"(d) STATE EDUCATIONAL AGENCY APPROVAL REQUIRED.—(1) A local educational agency that desires to receive a grant under this part shall obtain the State educational agency's approval of its application before submitting it to the Secretary.

"(2) A State educational agency that approves an application of a local educational agency shall provide the local educational agency, and such local agency shall include in its application to the Secretary, a statement that the State has granted, or will grant, the waivers and exemptions from State requirements described in such local agency's application.

"SEC. 3404. SELECTION OF GRANTEE; WAIVERS.

"(a) CRITERIA.—The Secretary shall select projects to be funded on the basis of the quality of the applications, taking into consideration such factors as—

"(1) the quality of the proposed curriculum and instructional practices;

"(2) the degree of flexibility afforded by the State and, if applicable, the local educational agency to the school;

"(3) the extent of community support for the application;

"(4) the ambitiousness of the objectives for the school;

"(5) the quality of the plan for assessing achievement of those objectives; and

"(6) the likelihood that the school will meet those objectives and improve educational results for students.

"(b) PEER REVIEW.—The Secretary shall use a peer review process to review applications for grants under this section.

"(c) DIVERSITY OF PROJECTS.—The Secretary may approve projects in a manner that ensures, to the extent possible, that they—

"(1) are distributed throughout different areas of the Nation, including in urban and rural areas; and

"(2) represent a variety of educational approaches.

"(d) WAIVERS.—The Secretary may waive any statutory or regulatory requirement that the Secretary is responsible for enforcing, except for any such requirement relating to the elements of a charter school described in section 3407(1), if—

"(1) the waiver is requested in an approved application or by a grantee under this part; and

"(2) the Secretary determines that granting such a waiver would promote the purpose of this part.

"SEC. 3405. USES OF FUNDS.

"A recipient of a grant under this part may use the grant funds only for—

"(1) post-award planning and design of the educational program, which may include—

"(A) refinement of the desired educational results and of the methods for measuring progress toward achieving those results; and

"(B) professional development of teachers and other staff who will work in the charter school; and

"(2) initial implementation of the charter school, which may include—

"(A) informing the community about the school;

"(B) acquiring necessary equipment;

"(C) acquiring or developing curriculum materials; and

"(D) other operational costs that cannot be met from State or local sources.

"SEC. 3406. NATIONAL ACTIVITIES.

"The Secretary may reserve up to 10 percent of the funds appropriated for this part for any fiscal year for—

"(1) peer review of applications under section 3404(b); and

"(2) an evaluation of the impact of charter schools on student achievement, including those assisted under this part.

"SEC. 3407. DEFINITIONS.

"As used in this part, the following terms have the following meanings:

"(1) The term 'charter school' means a school that—

"(A) in accordance with an enabling State statute, is exempted from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this paragraph;

"(B) is created by a developer as a public school, or is adapted by a developer from an existing public school;

"(C) operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the local educational agency applying for a grant on behalf of the school;

"(D) provides a program of elementary or secondary education, or both;

"(E) is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;

"(F) does not charge tuition;

"(G) complies with the Age Discrimination Act, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and part B of the Individuals with Disabilities Education Act;

"(H) admits students on the basis of a lottery, if more students apply for admission than can be accommodated;

"(I) agrees to comply with the same Federal and State audit requirements as do other public schools in the State, unless such requirements are specifically waived for the purpose of this program;

"(J) meets all applicable Federal, State, and local health and safety requirements; and

"(K) operates in accordance with State law.

"(2) The term 'developer' means an individual or group of individuals (including a public or private nonprofit organization), which may include teachers, administrators and other school staff, parents, or other members of the local community in which a charter school project will be carried out.

"(3) The term 'eligible applicant' means a local educational agency, in partnership with a developer with an application approved under section 3403(d).

"SEC. 3408. 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 fiscal years 1996, 1997, 1998, and 1999.

"PART D—ARTS IN EDUCATION**"SEC. 3501. 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) this transformation is best realized in the context of comprehensive, systemic education reform;

"(5) demonstrated competency in the arts for American students is among the National Education Goals;

"(6) the arts can motivate at-risk students to stay in school and become active participants in the educational process; and

"(7) arts education should be an integral part of the elementary and secondary school curriculum.

"(b) PURPOSE.—The purposes of this part are to—

"(1) support systemic education reform by strengthening arts education as an integral part of the elementary and secondary school curriculum;

"(2) help ensure that all students have the opportunity to meet challenging standards in the arts; and

"(3) support the national effort to enable all students to demonstrate competence in the arts in accordance with the National Education Goals.

"(c) ELIGIBLE RECIPIENTS.—In order to carry out the purposes of this part, the Secretary is authorized to make grants to, or enter into contracts or cooperative agreements with—

"(1) State educational agencies;

"(2) local educational agencies;

"(3) institutions of higher education; and

"(4) other public and private agencies, institutions, and organizations.

"(d) AUTHORIZED ACTIVITIES.—Funds under this part may be used for—

"(1) research on arts education;

"(2) the development of, and dissemination of information about, model arts education programs;

"(3) the development of model arts education assessments based on high standards;

"(4) the development and implementation of curriculum frameworks for arts education;

"(5) the development of model preservice and inservice professional development programs for arts educators and other instructional staff;

"(6) supporting collaborative activities with other Federal agencies or institutions involved in arts education, such as the National Endowment for the Arts, the Institute of Museum Services, the John F. Kennedy Center for the Performing Arts, and the National Gallery of Art;

"(7) supporting model projects and programs in the performing arts for children and youth through arrangements made with the John F. Kennedy Center for the Performing Arts;

"(8) supporting model projects and programs in the arts for individuals with disabilities through arrangements with the organization, Very Special Arts;

"(9) supporting model projects and programs to integrate arts education into the regular elementary and secondary school curriculum; and

"(10) other activities that further the purposes of this part.

"(e) COORDINATION.—(1) A recipient of funds under this part shall, to the extent

possible, coordinate its project with appropriate activities of public and private cultural agencies, institutions, and organizations, including museums, arts education associations, libraries, and theaters.

"(2) In carrying out this part, the Secretary shall coordinate with the National Endowment for the Arts, the Institute of Museum Services, the John F. Kennedy Center for the Performing Arts, and the National Gallery of Art.

"SEC. 3502. COMMUNITY ARTS PARTNERSHIP.

"(a) PURPOSE.—The purpose of this section is to make demonstration grants to eligible entities to improve the educational performance and future potential of at-risk children and youth by providing comprehensive and coordinated educational and cultural services.

"(b) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—The Secretary is authorized to award grants to eligible entities to pay the Federal share of the costs of the activities described in subsection (e).

"(2) SPECIAL REQUIREMENTS.—The Secretary shall award grants under this Act only to programs designed to—

"(A) promote educational and cultural services;

"(B) provide multi-year services to at-risk children and youth;

"(C) serve the target population described in subsection (e);

"(D) provide integration of community cultural resources in the regular curriculum;

"(E) focus school and cultural resources in the community on coordinated cultural services to address the needs of at-risk children and youth;

"(F) provide effective cultural linkages from preschool programs, including the Head Start Act and preschool grants under the Individuals with Disabilities Education Act, to elementary schools;

"(G) facilitate school-to-work transition from secondary schools and alternative schools to job training, higher education, and employment;

"(H) increase parental and community involvement in the educational, social, and cultural development of at-risk youth; or

"(I) replicate programs and strategies that provide high quality coordinated educational and cultural services and that are designed to integrate such coordination into the regular curriculum.

"(3) REQUIREMENT OF COORDINATION.—Grants may only be awarded under this section to eligible entities that agree to coordinate activities carried out under other Federal, State, and local grants, received by the members of the partnership for purposes and target populations described in this section, into an integrated service delivery system located at a school, cultural, or other community-based site accessible to and utilized by at-risk youth.

"(4) DURATION.—Grants made under this section may be renewable for a maximum of 5 years if the Secretary determines that the eligible recipient has made satisfactory progress toward the achievement of the program objectives described in application.

"(5) GEOGRAPHIC DISTRIBUTION.—In awarding grants under this part, the Secretary shall ensure—

"(A) an equitable geographic distribution; and

"(B) an equitable distribution to both urban and rural areas with a high proportion of at-risk youth as defined in subsection (e).

"(c) ELIGIBILITY.—

"(1) SERVICES FOR IN-SCHOOL YOUTH.—For the purpose of providing a grant under this

section to serve in-school children and youth, the term 'eligible entity' means a partnership between a local education agency that is eligible for funds under title I of this Act, and at least 1 institution of higher education or cultural entity located within or accessible to the geographical boundaries of the local education agency with a history of providing quality services to the community, and which may include—

"(A) nonprofit institutions of higher education; museums; libraries; performing, presenting and exhibiting arts organizations; literary arts organizations; local arts organizations; and zoological and botanical organizations; and

"(B) private for-profit entities with a history of training children and youth in the arts.

"(2) SERVICES FOR OUT-OF-SCHOOL YOUTH.—For purposes of providing a grant under this part to serve out-of-school youth, the term 'eligible entity' means a partnership between at least 1 entity of the type described in paragraph (A) or (B) of subsection (1), or a local education agency eligible for funds under chapter 1 of title I of this Act and at least 1 cultural entity described in subsection (1).

"(d) TARGET POPULATION.—In order to receive a grant under this section, an eligible entity shall serve—

"(1) students enrolled in schools in participating schoolwide projects assisted under title I of this Act and the families of such students; or

"(2) out-of-school youth at risk of having limited future options as a result of teenage pregnancy and parenting, substance abuse, recent migration, disability, limited English proficiency, family migration, illiteracy, being the child of a teen parent, living in a single parent household, or being a high school dropout; or

"(3) any combination of in school and out-of-school at-risk youth.

"(e) AUTHORIZED ACTIVITIES.—

"(1) IN GENERAL.—Funds made under this part may be used—

"(A) 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 and out-of-school at-risk youth through cooperative agreements, contracts for services, or administrative coordination;

"(B) to provide at-risk students with integrated cultural activities designed to develop a love of learning to ensure the smooth transition of preschool children to elementary school;

"(C) 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;

"(D) to provide child care for children of at-risk students who would not otherwise be able to participate in the program;

"(E) to provide transportation necessary for participation in the program;

"(F) to work with existing school personnel to develop curriculum materials and programs in the arts;

"(G) to work with existing school personnel on staff development activities that encourage the integration of the arts into the curriculum;

"(H) for stipends that allow local artists to work with at-risk children and youth in the schools;

"(I) for cultural programs that encourage the active participation of parents in their children's education;

“(J) for programs that use the arts to reform current school practices, including lengthening the school day or academic year;

“(K) for appropriate equipment and necessary supplies; and

“(L) for evaluation, administration, and supervision.

“(2) PRIORITY.—In providing assistance under this part, the Secretary shall give priority to eligible entities that provide comprehensive services that extend beyond traditional school or service hours, that may include year round programs that provide services in the evenings and on weekends.

“(3) PLANNING GRANTS.—

“(A) APPLICATION.—An eligible entity may submit an application to the Secretary for planning grants for an amount not to exceed \$50,000. Such grants shall be for periods of not more than 1 year.

“(B) LIMIT ON PLANNING GRANTS.—Not more than 10 percent of the amounts appropriated in each fiscal year under this part shall be used for grants under this subsection, and an eligible entity may receive not more than 1 such planning grant.

“(f) GENERAL PROVISIONS.—

“(1) IN GENERAL.—Each eligible entity 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.

“(2) CONTENTS.—Each application submitted pursuant to subsection (a) 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) describe, for a local educational agency participant, how services will be perpetuated beyond the length of the grant;

“(F) describe the manner in which the eligible entity will improve the educational achievement or future potential of at-risk youth through more effective coordination of cultural services in the community;

“(G) describe the overall and operational goals of the program; and

“(H) describe the nature and location of all planned sites where services will be delivered and a description of services which will be provided at each site.

“(g) PAYMENTS—FEDERAL SHARE.—

“(1) PAYMENTS.—The Secretary shall pay to each eligible entity having an application approved under subsection (g) the Federal share of the cost of the activities described in the application.

“(2) AMOUNTS OF GRANTS.—The amount of a grant made under this part may not be less than \$100,000 or exceed \$500,000 in the first year of such grant.

“(3) FEDERAL SHARE.—The Federal share shall be 80 percent.

“(4) NON-FEDERAL SHARE.—The non-Federal share shall be equal to 20 percent and may be in cash or in kind, fairly evaluated, including facilities or services.

“(5) LIMITATION.—Not more than 25 percent of any grant under this part may be used for noninstructional services such as those described in paragraphs D, E, and L of subsection (f).

“(6) SUPPLEMENT AND NOT SUPPLANT.—Grant funds awarded under this part shall be used to supplement not supplant the amount of funds made available from non-Federal sources, for the activities assisted under this part, in amounts that exceed the amounts expended for such activities in the year pre-

ceding the year for which the grant is awarded.

“(7) DISSEMINATION OF MODELS.—The Secretary shall disseminate information concerning successful models under this part through the National Diffusion Network.

“SEC. 3503. AUTHORIZATION OF APPROPRIATIONS.

“For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995, 1996, 1997, 1998, and 1999.

“PART E—INEXPENSIVE BOOK DISTRIBUTION PROGRAM

“SEC. 3601. INEXPENSIVE BOOK DISTRIBUTION PROGRAM FOR READING MOTIVATION.

“(a) AUTHORIZATION.—The Secretary is authorized to enter into a contract with Reading Is Fundamental (hereinafter in this section referred to as “the contractor”) to support and promote programs, which include the distribution of inexpensive books to students, that motivate children to read.

“(b) REQUIREMENTS OF CONTRACT.—Any contract entered into under subsection (a) shall—

“(1) provide that the contractor will enter into subcontracts with local private nonprofit groups or organizations or with public agencies under which each subcontractor will agree to establish, operate, and provide the non-Federal share of the cost of reading motivation programs that include the distribution of books, by gift, to the extent feasible, or by loan, to children up through high school age, including those in family literacy programs;

“(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, including children with serious emotional disturbance;

“(D) foster children;

“(E) homeless children;

“(F) migrant children;

“(G) children without access to libraries;

“(H) institutionalized or incarcerated children; and

“(I) children whose parents are institutionalized or incarcerated;

“(4) provide that the contractor will 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 the portion of the cost to a subcontractor of purchasing books to be paid with funds made available under this section. The Federal share shall be established by the Secretary, and shall not exceed 75 percent, except that the Federal share for programs serving children of migrant or seasonal farmworkers shall be 100 percent.

“(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated \$10,300,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

“TITLE IV—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES

“SEC. 4001. SHORT TITLE.

“This title may be cited as the ‘Safe and Drug-Free Schools and Communities Act of 1994’.

“SEC. 4002. FINDINGS.

“The Congress finds as follows:

“(1) National Education Goal Six provides that by the year 2000, all schools in America will be free of drugs and violence and offer a disciplined environment that is conducive to learning.

“(2) The widespread illegal use of alcohol and other drugs among the Nation’s secondary school students, and increasingly by students in elementary schools as well, constitutes a grave threat to their physical and mental well-being, and significantly impedes the learning process. For example, data show that students who drink tend to receive lower grades and are more likely to miss school because of illness than students who do not drink.

“(3) Our Nation’s schools and communities are increasingly plagued by violence and crime. Approximately three million thefts and violent crimes occur in or near our Nation’s schools every year, the equivalent of more than 16,000 incidents per school day. Approximately one of every five high school students now carries a firearm, knife, or club on a regular basis.

“(4) The tragic consequences of violence and the illegal use of alcohol and drugs by students are felt not only by students and their families, but by their communities and the Nation, which can ill afford to lose their skills, talents, and vitality.

“(5) While use of illegal drugs is a serious problem among a minority of teenagers, alcohol use is far more widespread. The proportion of high school students using alcohol, though lower than a decade ago, remains unacceptably high. By the 8th grade, 70 percent of youth report having tried alcohol and by the 12th grade, about 88 percent have used alcohol. Alcohol use by young people can and does have adverse consequences for users, their families, communities, schools, and colleges.

“(6) Drug and violence prevention programs are essential components of a comprehensive strategy to promote school safety and to reduce the demand for and use of drugs throughout the Nation. Schools and local organizations in communities throughout the Nation have a special responsibility to work together to combat the growing epidemic of violence and illegal drug use and should measure the success of their programs against clearly defined goals and objectives.

“(7) Students must take greater responsibility for their own well-being, health, and safety if schools and communities are to achieve their goals of providing a safe, dis-

ciplined, and drug-free learning environment.

"SEC. 4003. PURPOSE.

"The purpose of this title is to support programs to meet Goal Six of the National Educational Goals by preventing violence in and around schools and by strengthening programs that prevent the illegal use of alcohol and 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 local and intermediate educational agencies and consortia for grants to, and contracts with, community-based organizations and other public and private non-profit agencies and organizations for programs of drug and violence prevention, early intervention, rehabilitation referral, and education;

"(3) States for development, training, technical assistance, and coordination activities;

"(4) public and private non-profit organizations to conduct training, demonstrations, and evaluation, and to provide supplementary services for the prevention of drug use and violence among students and youth; and

"(5) institutions of higher education for the development and implementation 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 drugs by such students.

"SEC. 4004. FUNDING.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

"(1) for State grants under part A, such sums as may be necessary for each of fiscal years 1995 through 1999; and

"(2) for national programs under part B, such sums as may be necessary for each of fiscal years 1995 through 1999.

"(b) AVAILABILITY.—(1) Appropriations for any fiscal year for payments made under this title in accordance with regulations of the Secretary may be made available for obligation or expenditure by the agency or institution concerned on the basis of an academic or school year differing from such fiscal year.

"(2) Funds appropriated for any fiscal year under this title shall remain available for obligation and expenditure until the end of the fiscal year succeeding the fiscal year for which such funds were appropriated.

"PART A—STATE GRANTS FOR DRUG AND VIOLENCE PREVENTION PROGRAMS

"SEC. 4101. RESERVATIONS AND ALLOTMENTS.

"(a) RESERVATIONS.—From the amount appropriated for each fiscal year under section 4004(a)(1), the Secretary—

"(1) shall reserve 1 percent of such amount for grants under this part to Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and Palau (until the effective date of the Compact of Free Association with the Government of Palau), to be allotted in accordance with their respective needs;

"(2) shall reserve one percent of such amount for the Secretary of the Interior to carry out programs under this part for Indian youth; and

"(3) may reserve no more than \$1,000,000 for the national impact evaluation required by section 4106(a).

"(b) STATE ALLOTMENTS.—(1) Except as provided under paragraph (2), the Secretary shall, for each fiscal year, allocate among the States—

"(A) one-half of the remainder not reserved under subsection (a) according to the ratio between the school-aged population of each State and the school-aged population of all the States; and

"(B) one-half of such remainder according to the ratio between the amount each State received under section 1124 and 1124A of this Act for the preceding year (or, for fiscal year 1995 only, sections 1005 and 1006 of this Act as in effect on the day before enactment of the Safe and Drug-Free Schools and Communities Act Amendments of 1994) and the sum of such amounts received by all the States.

"(2) For any fiscal year, no State shall be allotted under this subsection an amount that is less than one-half of 1 percent of the total amount allotted to all the States under this subsection.

"(3) The Secretary may reallocate 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 reallocations shall be made on the same basis as allotments made under paragraph (1).

"(4) For the purpose of this subsection, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 4102. STATE APPLICATIONS.

"(a) IN GENERAL.—In order to receive its allotment under section 4101 for any fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that—

"(1)(A)(i) is integrated into the State's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act, and satisfies the requirements of this section that are not already addressed by that plan; and

"(ii) is submitted, if necessary, as an amendment to the State's plan under title III of the Goals 2000: Educate America Act; or

"(B) if the State does not have an approved plan under title III of the Goals 2000: Educate America Act and is not developing such a plan, is integrated with other State plans under this Act and satisfies the requirements of this section;

"(2) contains the results of the State's needs assessment for drug and violence prevention programs, which shall be based on the results of on-going State evaluation activities, including data on the prevalence of drug use and violence by youth in schools and communities;

"(3) has been developed in consultation with the chief executive 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 child welfare agency, and the heads of the State criminal and juvenile justice planning agencies;

"(4) contains a description of the procedures the State educational agency will use to review applications from local educational agencies under section 4104;

"(5) contains an assurance that the State will cooperate with, and assist, the Secretary in conducting a national impact evaluation of programs required by section 4106(a); and

"(6) includes any other information the Secretary may require.

"(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 4103(a) by the State educational agency that includes—

"(1) a statement of the State educational agency's measurable goals and objectives for drug and violence prevention and a description of the procedures it will use for assessing and publicly reporting progress toward meeting those goals and objectives;

"(2) a plan for monitoring the implementation of, and providing technical assistance regarding, the drug and violence prevention programs conducted by local educational agencies in accordance with section 4105;

"(3) a description of how the State educational agency will use funds it reserves under section 4103(b);

"(4) a description of how the State educational agency will coordinate its activities under this part with drug and violence 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 4103(d)(2)(A)(i)(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 4103A by the chief executive officer that includes—

"(1) a statement of the chief executive officer's measurable goals and objectives for drug and violence prevention and a description of the procedures to be used for assessing and publicly reporting progress toward meeting those goals and objectives;

"(2) a description of how the chief executive officer will coordinate his or her activities under this part with the State educational agency and other State agencies and organizations involved with drug and violence prevention efforts;

"(3) a description of how funds reserved under section 4103A 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 4103A 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 part that are consistent with the requirements of this section and contain such information as the Secretary may specify in regulations. The purpose of such interim application and plan shall be to afford the State the opportunity to fully develop and review its application and comprehensive plan otherwise required by this section. A State may not receive a grant under this part for a fiscal year subsequent to fiscal year 1995 unless the Secretary has approved its application and comprehensive plan.

"SEC. 4103. 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 4101 for each fiscal year shall be used by the State educational agency and its local educational agencies for drug and violence prevention activities in accordance with this section.

"(b) STATE LEVEL PROGRAMS.—(1) A State educational agency shall use no more than five percent of the amount reserved under subsection (a) for activities such as—

"(A) training and technical assistance concerning drug and violence prevention for local and intermediate educational agencies, including teachers, administrators, counselors, coaches and athletic directors, other educational personnel, 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 (including videotapes, software, and other technology-based learning resources), for consideration by local educational agencies;

"(C) demonstration projects in drug and violence prevention;

"(D) financial assistance to enhance resources available for drug and violence prevention in areas serving large numbers of economically disadvantaged children or sparsely populated areas, or to meet other special needs consistent with the purposes of this part; and

"(E) the evaluation of activities carried out within the State under this part.

"(2) A State educational agency may carry out activities under this subsection directly, or through grants or contracts.

"(c) STATE ADMINISTRATION.—A State educational agency may use no more than four percent of the amount reserved under subsection (a) for the administrative costs of carrying out its responsibilities under this part.

"(d) LOCAL EDUCATIONAL AGENCY PROGRAMS.—(1) A State educational agency shall distribute not less than 92 percent of the amount reserved under subsection (a) for each fiscal year to local educational agencies in accordance with this subsection.

"(2)(A)(i) Of the amount distributed under subsection (d)(1), a State educational agency shall distribute—

"(I) 70 percent of such amount to local educational agencies, based on the relative enrollments in public and private non-profit schools within their boundaries; and

"(II) 30 percent of such amount to local educational agencies that the State educational agency determines have the greatest need for additional funds to carry out drug and violence prevention programs authorized by this part.

"(ii) To the extent practicable, not less than 25 percent of the amount specified in clause (i)(II) for a fiscal year shall be distributed to local educational agencies located in rural areas.

"(B)(i) A State educational agency shall distribute funds under subparagraph (A)(i)(II) to no more than ten percent of its local educational agencies, or five such agencies, whichever is greater.

"(ii) In determining which local educational agencies have the greatest need for additional funds, the State educational agency shall consider such factors as—

"(I) high rates of alcohol or other drug use among youth;

"(II) high rates of victimization of youth by violence and crime;

"(III) high rates of arrests and convictions of youth for violent or drug- or alcohol-related crime;

"(IV) the extent of illegal gang activity;

"(V) high rates of referrals of youths to drug and alcohol abuse treatment and rehabilitation programs;

"(VI) high rates of referrals of youths to juvenile court;

"(VII) high rates of expulsions and suspensions of students from schools; and

"(VIII) 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 it under subsection (d), or if its application under section 4104 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.

"(f) RETURN OF FUNDS TO STATE EDUCATIONAL AGENCY; REALLOCATION.—(1) Except as provided in paragraph (2), upon the expiration of the 1-year period beginning on the date that a local educational agency, intermediate educational agency, or consortium under this title receives its allocation under this title—

(A) such agency or consortium shall return to the State educational agency any funds from such allocation that remain unobligated; and

(B) the State educational agency shall reallocate any such amount to local educational agencies, intermediate educational agencies, or consortia that have plans for using such amount for programs or activities on a timely basis.

"(2) In any fiscal year, a local educational agency, intermediate educational agency, or consortium may retain for obligation in the succeeding fiscal year—

(A) an amount equal to not more than 25 percent of the allocation it receives under this title for such fiscal year; or

(B) upon a demonstration of good cause by such agency or consortium, a greater amount approved by the State educational agency.

SEC. 4103A. GOVERNOR'S PROGRAMS.

(a) USE OF FUNDS.—(1) An amount equal to 20 percent of the total amount allocated to a State under section 4101 for each fiscal year shall be used by the chief executive officer of such State for drug and violence prevention programs and activities in accordance with this section.

"(2) A chief executive officer may use no more than five percent of the amount reserved under paragraph (1) for the administrative costs incurred in carrying out the duties of such officer under this section.

"(b) PROGRAMS AUTHORIZED.—(1) A chief executive officer shall use funds reserved under subsection (a)(1) for grants to or contracts with parent groups, community action and job training agencies, community-based organizations, and other public entities and private nonprofit organizations. Such grants or contracts shall support programs and activities described in subsection (c) for children and youth who are not normally served by State or local educational agencies, for populations that need special services or additional resources (such as preschoolers, youth in juvenile detention facilities, runaway or homeless children and youth, and dropouts), or both.

"(2) Grants or contracts awarded under this subsection shall be subject to a peer review process.

"(c) AUTHORIZED ACTIVITIES.—Grants and contracts under subsection (b) shall be used for programs and activities such as—

"(1) disseminating information about drug and violence prevention;

"(2) training parents, law enforcement officials, judicial officials, social service providers, health service providers and community leaders about drug and violence prevention, education, early intervention, counseling, or rehabilitation referral;

"(3) developing and implementing comprehensive, community-based drug and violence prevention programs that link community resources with schools and integrate services involving education, vocational and job skills training, law enforcement, health, mental health, and other appropriate services;

"(4) planning and implementing drug and violence prevention activities that coordinate the efforts of State agencies with those of the State educational agency and its local educational agencies;

"(5) activities to protect students traveling to and from school;

"(6) developing and implementing strategies to prevent illegal gang activity;

"(7) coordinating and conducting community-wide violence and safety assessments and surveys; and

"(8) evaluating programs and activities under this section.

"SEC. 4104. LOCAL APPLICATIONS.

"(a) IN GENERAL.—(1) In order to be eligible to receive an allocation under section 4103(d) for any fiscal year, a local educational agency shall submit, at such time as the State educational agency requires, an application to the State educational agency for approval. Such an application shall be amended, as necessary, to reflect changes in the local educational agency's program.

"(2)(A) A local educational agency shall develop its application under subsection (a)(1) in consultation with a local or substate regional advisory council that includes, to the extent possible, representatives of local government, business, parents, students, teachers, appropriate state agencies, private schools, the medical profession, law enforcement, community-based organizations, and other groups with interest and expertise in drug and violence prevention.

"(B) In addition to assisting the local educational agency to develop its application under this section, the advisory council established or designated under paragraph (2)(A) shall, on an on-going basis—

"(i) disseminate information about drug and violence prevention programs, projects, and activities conducted within the boundaries of the local educational agency;

"(ii) advise the local educational agency on how best to coordinate its activities under this part with other related programs, projects, and activities, including community service and service learning projects, and the agencies that administer them; and

"(iii) review program evaluations and other relevant material and make recommendations to the local educational agency on how to improve its drug and violence prevention programs.

"(b) CONTENTS OF APPLICATIONS.—An application under this section shall contain—

"(1) an assessment of the current use (and consequences of such use) of alcohol, tobacco, and controlled, illegal, addictive or harmful substances as well as the violence, safety, and discipline problems among students who attend the schools of the applicant (including private school students who participate in the applicant's drug and vio-

lence prevention program) that is based on ongoing local assessment or evaluation activities;

"(2) a detailed explanation of the local educational agency's comprehensive plan for drug and violence prevention, which shall include a description of—

"(A) how that plan is consistent with, and promotes the goals in, the State's application under section 4102 and the local educational agency's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act, or, if the local educational agency does not have such an approved plan and is not developing one, its plan under section 1112 of this Act;

"(B) the local educational agency's measurable goals for drug and violence prevention, and a description of how it will assess and publicly report progress toward attaining these goals;

"(C) the local educational agency's comprehensive plan for programs to be carried out under this part;

"(D) how the local educational agency will use its regular allocation under section 4103(d)(2)(A)(i)(I) and its supplemental allocation, if any, under section 4103(d)(2)(A)(i)(II);

"(E) how the local educational agency will coordinate its programs and projects with community-wide efforts to achieve its goals for drug and violence prevention; and

"(F) how the local education agency will coordinate its 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 reviewing local applications under this section, a State educational agency shall use a peer review process or other methods of assuring the quality of such applications.

"(2)(A) In determining whether to approve the application of a local educational agency under this section, a State educational agency shall consider the quality of the local educational agency's comprehensive plan under subsection (b)(2) and the extent to which it is consistent with, and supports, the State's application under section 4102 and the State's plan under the Goals 2000: Educate America Act, and, if the State does not have such a plan, its plan under section 1111 of this Act.

"(B) A State educational agency 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 allotted to such a local educational agency in a manner the State educational agency determines will best promote the purposes of this part or the State's plan under the Goals 2000: Educate America Act, and, if the State does not have such a plan, its plan under section 1111 of this Act, except that a local educational agency shall be afforded an opportunity to appeal any such disapproval.

"SEC. 4105. LOCAL DRUG AND VIOLENCE PREVENTION PROGRAMS.

"(a) PROGRAM REQUIREMENTS.—A local educational agency shall use funds received under this part 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;

"(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 assessments, goals, and programs under this part; and

"(3) include community-based prevention and education activities in accordance with the requirements of subsection (c).

"(b) AUTHORIZED ACTIVITIES.—A comprehensive drug and violence prevention program carried out under this part may include—

"(1) age-appropriate, developmentally based drug prevention and 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, early intervention, counseling, 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, counseling or rehabilitation referral;

"(C) the implementation of strategies, including strategies to integrate the delivery of services from a variety of providers, to combat illegal alcohol and other drug use, such as—

"(i) family counseling;

"(ii) early intervention activities that prevent family dysfunction, enhance school performance, and boost attachment to school and family; and

"(iii) activities, such as community service 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 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

"(D) comprehensive, community-wide strategies to prevent or reduce illegal gang activities;

"(5) subject to the requirements of the matter following paragraph (8), not more than one half of the cost of—

"(A) minor remodeling to promote security and reduce the risk of violence, such as removing lockers, installing better lights, and upgrading locks; and

"(B) acquiring and installing metal detectors and hiring security personnel;

"(6) the promotion of before-and-after school recreational, instructional, cultural, and artistic programs in supervised community settings; and

"(7) 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;

"(8) the evaluation of any of the activities authorized under this subsection.

A local educational agency may use no more than 33 percent of the funds it receives under this part for any fiscal year for the activities described in paragraph (5).

"SEC. 4106. EVALUATION AND REPORTING.

"(a) NATIONAL IMPACT EVALUATION.—The Secretary, in consultation with the Secretary of Health and Human Services, the Director of the Office of National Drug Control Policy, and the Attorney General, shall conduct an independent biennial evaluation of the national impact of programs under this part and submit a report of the findings of such evaluation to the President and the Congress.

"(b) STATE REPORT.—(1) By October 1, 1997, and every third year thereafter, the State educational agency shall submit to the Secretary a report—

"(A) on the implementation and outcomes of State programs under section 4103(b) and local programs under section 4103(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 section 4103(b)(1).

"(2) The report required by this subsection shall be—

"(A) in the form specified by the Secretary;

"(B) based on the State's on-going evaluation activities, and shall include data on the prevalence of drug use and violence by youth in schools and communities; and

"(C) made readily available to the public.

"(c) LOCAL EDUCATIONAL AGENCY REPORT.—Each local educational agency receiving funds under this subpart shall submit to the State educational agency whatever information, and at whatever intervals, the State requires to complete the State report required by subsection (b), including information on the prevalence of drug use and violence by youth in the schools and the community. Such information shall be made readily available to the public.

"PART B—NATIONAL PROGRAMS

"SEC. 4201. FEDERAL ACTIVITIES.

"(a) PROGRAM AUTHORIZED.—From funds appropriated under section 4004(a)(2), the Secretary of Education, in consultation with the Secretary of Health and Human Services, the Director of the Office of National Drug Control Policy, and the Attorney General, shall carry out programs to prevent the illegal use of drugs and violence among, and

promote safety and discipline for, students at all educational levels, preschool through postsecondary. The Secretary shall carry out such programs directly, or through grants, contracts, or cooperative agreements with public and private 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 that are carried out in cooperation with other Federal agencies, including the Department of Health and Human Services, the Department of Justice, the Department of Housing and Urban Development, and the Department of Labor;

"(3) the provision of information on drug abuse education and prevention to the Secretary of Health and Human Services for dissemination by the clearinghouse for alcohol and drug abuse information established under section 509 of the Public Health Service Act;

"(4) the development, dissemination, and implementation 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;

"(5) the development of curricula related to child abuse prevention and education and the training of personnel to teach child abuse education and prevention to elementary and secondary school children;

"(6) program evaluations that address issues not addressed under section 4106(a);

"(7) direct services to schools and school systems afflicted with especially severe drug and violence problems;

"(8) activities in communities designated as empowerment zones or enterprise communities that will connect schools to community-wide efforts to reduce drug and violence problems;

"(9) developing and disseminating drug and violence prevention materials, including video-based projects and model curricula;

"(10) developing and implementing a comprehensive violence prevention strategy for schools and communities, that may include conflict resolution, peer mediation, the teaching of law and legal concepts, and other activities designed to stop violence;

"(11) the implementation of innovative activities, such as community service projects, designed to rebuild safe and healthy neighborhoods and increase students' sense of individual responsibility.

"(12) other activities that meet unmet national needs related to the purposes of this title; and

"(13) grants to noncommercial telecommunications entities for the production and distribution of national video-based projects that provide young people with models for conflict resolution and responsible decisionmaking.

"(b) PEER REVIEW.—The Secretary shall use a peer review process in reviewing applications for funds under this section.

"PART C—GENERAL PROVISIONS

"SEC. 4301. DEFINITIONS.

"For the purposes of this title, the following terms have the following meanings:

"(1) The term 'drug and violence prevention' means—

"(A) with respect to drugs, prevention, early intervention, rehabilitation referral, or education related to the illegal use of alcohol, the use of tobacco and the use of controlled, illegal, addictive, or harmful substances, including inhalants and anabolic steroids; and

"(B) with respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, including sexual harassment, on school premises, going to and from school, and at school-sponsored activities, through the creation and maintenance of a school environment that is free of weapons and fosters individual responsibility and respect for the rights of others.

"(2) The term 'nonprofit', as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"(3) The term 'school-aged population' means the population aged five through 17, inclusive, as determined by the Secretary on the basis of the most recent satisfactory data available from the Department of Commerce.

"(4) The term 'school personnel' includes teachers, administrators, guidance counselors, social workers, psychologists, nurses, librarians, and other support staff who are employed by a school or who perform services for the school on a contractual basis.

"SEC. 4302. MATERIALS.

"(a) 'WRONG AND HARMFUL' MESSAGE.—Drug prevention programs supported under this title shall convey a clear and consistent message that the illegal use of alcohol and other drugs is wrong and harmful.

"(b) CURRICULUM.—The Secretary shall not prescribe the use of specific curricula for programs supported under this title, but may evaluate the effectiveness of such curricula and other strategies in drug and violence prevention.

"SEC. 4303. PROHIBITED USES OF FUNDS.

"No funds under this title may be used for—

"(1) construction (except for minor remodeling needed to accomplish the purposes of this title);

"(2) drug treatment or rehabilitation; and

"(3) psychiatric, psychological, or other medical treatment or rehabilitation, other than school-based counseling for students or school personnel who are victims or witnesses of school-related crime.

"SEC. 4304. CERTIFICATION OF DRUG AND ALCOHOL ABUSE PREVENTION PROGRAMS.

"(a) IN GENERAL.—Notwithstanding any other provision of law other than section 432 of the General Education Provisions Act and section 103(b) of the Department of Education Organization Act, no local educational agency shall be eligible to receive funds or any other form of financial assistance under any Federal program unless it certifies to the State educational agency that it has adopted and has implemented a program to prevent the use of illicit drugs and alcohol by students or employees that, at a minimum, includes—

"(1) age-appropriate, developmentally based drug and alcohol education and prevention programs (which address the legal, social, and health consequences of drug and alcohol use and which provide information

about effective techniques for resisting peer pressure to use illicit drugs or alcohol) for students in all grades of the schools operated or served by the applicant, from early childhood level through grade 12;

"(2) conveying to students that the use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful;

"(3) standards of conduct that are applicable to students and employees in all the applicant's schools and that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on school premises or as part of any of its activities;

"(4) a clear statement that sanctions (consistent with local, State, and Federal law), up to and including expulsion or termination of employment and referral for prosecution, will be imposed on students and employees who violate the standards of conduct required by paragraph (3) and a description of those sanctions;

"(5) information about any available drug and alcohol counseling and rehabilitation and re-entry programs that are available to students and employees;

"(6) a requirement that parents, students, and employees be given a copy of the standards of conduct required by paragraph (3) and the statement of sanctions required by paragraph (4);

"(7) notifying parents, students, and employees that compliance with the standards of conduct required by paragraph (3) is mandatory; and

"(8) a biennial review by the applicant of its program to—

"(A) determine its effectiveness and implement changes to the program if they are needed; and

"(B) ensure that the sanctions required by paragraph (4) are consistently enforced.

"(b) DISSEMINATION OF INFORMATION.—Each local educational agency that provides the certification required by subsection (a) shall, upon request, make available to the Secretary, the State educational agency, and to the public full information about the elements of its program required by subsection (a), including the results of its biennial review.

"(c) CERTIFICATION TO SECRETARY.—Each State educational agency shall certify to the Secretary that it has adopted and has implemented a program to prevent the use of illicit drugs and the abuse of alcohol by its students and employees that is consistent with the program required by subsection (a) of this section. The State educational agency shall, upon request, make available to the Secretary and to the public full information about the elements of its program.

"(d) REGULATIONS.—(1) The Secretary shall publish regulations to implement and enforce the provisions of this section, including regulations that provide for—

"(A) the periodic review by State educational agencies of a representative sample of programs required by subsection (a); and

"(B) a range of responses and sanctions for local educational agencies that fail to implement their programs or to consistently enforce their sanctions, including information and technical assistance, the development of a compliance agreement, and the termination of any form of Federal financial assistance.

"(2) The sanctions required by subsection (a)(1)(4) may include the completion of an appropriate rehabilitation program.

"(e) APPEAL REGARDING TERMINATION OF ASSISTANCE.—Upon a determination by the Secretary to terminate financial assistance

to any local educational agency under this section, the agency may file an appeal with an administrative law judge before the expiration of the 30-day period beginning on the date such agency is notified of the decision to terminate financial assistance under this section. Such judge shall hold a hearing with respect to such termination of assistance before the expiration of the 45-day period beginning on the date that such appeal is filed. Such judge may extend such 45-day period upon a motion by the agency concerned. The decision of the judge with respect to such termination shall be considered to be a final agency action.

**"TITLE V—MAGNET SCHOOLS ASSISTANCE
"PART A—PROMOTING EQUITY**

"SEC. 5101. FINDINGS.

"The Congress finds that—

"(1) magnet schools are a significant part of our Nation's effort to achieve voluntary desegregation in its schools;

"(2) the use of magnet schools has increased dramatically since enactment of the magnet program, with approximately 1.4 million students nationwide now attending such schools, of which more than 60 percent of the students are nonwhite;

"(3) magnet schools offer a wide range of distinctive programs that have served as models for school improvement efforts;

"(4) in administering this program, the Federal Government has learned that—

"(A) where magnet programs are implemented for only a portion of a school's student body, special efforts must be made to discourage the isolation of magnet students from other students in the school;

"(B) local educational agencies can maximize their effectiveness in achieving the purposes of this program if they have more flexibility to serve students attending a school who are not enrolled in the magnet school program;

"(C) local educational agencies 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) local educational agencies must seek to enable participation in magnet school programs by students who reside in the neighborhoods where the programs are placed; and

"(E) in order to ensure that magnet schools are sustained after Federal funding ends, the Federal Government must assist local educational agencies to improve their capacity to continue to operate magnet schools at a high level of performance;

"(5) it is in the best interest of the Federal Government to—

"(A) continue its support of local educational agencies implementing court-ordered desegregation plans and local educational agencies seeking to foster meaningful interaction among students of different racial and ethnic backgrounds beginning at the earliest stage of their education;

"(B) ensure that all students have equitable access to quality education that will prepare them to function well in a culturally diverse, technologically-oriented, and highly competitive global community; and

"(C) maximize the ability of local educational agencies to plan, develop, implement and continue new and innovative programs in magnet schools that contribute to State and local systemic reform.

"SEC. 5102. STATEMENT OF PURPOSE.

"The purpose of this part is to assist in the desegregation of local educational agencies

by providing financial assistance to eligible local educational agencies for—

"(1) the elimination, reduction, or prevention of minority group isolation in elementary 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 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. 5103. PROGRAM AUTHORIZED.

"The Secretary is authorized, in accordance with this part, to make grants to eligible local educational agencies for use in magnet schools that are part of an approved desegregation plan and that are designed to bring students from different social, economic, ethnic, and racial backgrounds together.

"SEC. 5104. DEFINITION.

"For the purpose of this part, the term 'magnet school' means a school or education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

"SEC. 5105. ELIGIBILITY.

"A local educational agency is eligible to receive assistance under this part if it—

"(1) is implementing a plan undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, and that requires the desegregation of minority-group-segregated children or faculty in the elementary and secondary schools of such agency; or

"(2) without having been required to do so, has adopted and is implementing, or will, if assistance is made available to it under this part, adopt and implement a plan that has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 for the desegregation of minority-group-segregated children or faculty in such schools.

"SEC. 5106. APPLICATIONS AND REQUIREMENTS.

"(a) APPLICATIONS.—An eligible local educational agency desiring to receive assistance under this part shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

"(b) INFORMATION AND ASSURANCES.—An application under this part shall include—

"(1) a description of—

"(A) how assistance made available under this part will be used to promote desegregation, including how the proposed magnet school project will increase interaction among students of different social, economic, ethnic, and racial backgrounds;

"(B) the manner and extent to which the magnet school project will increase student achievement in the instructional area or areas offered by the school;

"(C) the manner in which an applicant will continue the magnet school project after assistance under this part is no longer available, including, if applicable, an explanation of whether successful magnet schools established or supported by the applicant with funds under this part have been continued without the use of funds under this part;

"(D) how funds under this part will be used to implement services and activities that are

consistent with the State's and local educational agency's systemic reform plan, if any, under title III of the Goals 2000: Educate America Act; and

"(E) the criteria to be used in selecting students to attend the proposed magnet school projects; and

"(2) assurances that the applicant will—

"(A) use funds under this part for the purposes specified in section 5103;

"(B) employ teachers in the courses of instruction assisted under this part who are certified or licensed by the State to teach the subject matter of the courses of instruction;

"(C) not engage in discrimination based on race, religion, color, national origin, sex, or disability in—

"(i) the hiring, promotion, or assignment of employees of the agency or other personnel for whom the agency has any administrative responsibility;

"(ii) the assignment of students to schools, or to courses of instruction within the school, of such agency, except to carry out the approved plan; and

"(iii) designing or operating extracurricular activities for students;

"(D) carry out a high-quality education program that will encourage greater parental decisionmaking and involvement; and

"(E) give students residing in the local attendance area of the proposed magnet school projects equitable consideration for places in those projects.

"(c) SPECIAL RULE.—No application may be approved under this section unless the Assistant Secretary of Education for Civil Rights determines that the assurances described in subsection (b)(2)(C) will be met.

"SEC. 5107. PRIORITY.

"In approving applications under this part, the Secretary shall give priority to applicants that—

"(1) have the greatest need for assistance, based on the expense or difficulty of effectively carrying out an approved desegregation plan and the projects for which assistance is sought;

"(2) propose to carry out new magnet school projects or significantly revise existing magnet school projects;

"(3) propose to select students to attend magnet school projects by methods such as lottery, rather than through academic examination;

"(4) propose to implement innovative educational approaches that are consistent with the State's and local educational agency's approved systemic reform plans, if any, under title III of the Goals 2000: Educate America Act; and

"(5) propose to draw on comprehensive community involvement plans.

"SEC. 5108. USE OF FUNDS.

"(a) USE OF FUNDS.—Grants made under this part may be used by eligible local educational agencies—

"(1) for planning and promotional activities directly related to the development, expansion, continuation, or enhancement of academic programs and services offered at magnet schools;

"(2) for the acquisition of books, materials, and equipment, including computers and the maintenance and operation thereof, necessary for the conduct of programs in magnet schools;

"(3) for the payment of, or subsidization of the compensation of, elementary and secondary school teachers who are certified or licensed by the State and who are necessary to conduct programs in magnet schools; and

"(4) with respect to a magnet school program offered to less than the entire student

population of a school, for instructional activities that—

“(A) are designed to make available the special curriculum that is offered by the magnet school project to students who are enrolled in the school but who are not enrolled in the magnet school program; and

“(B) further the purposes of this part.

“(b) SPECIAL RULE.—With respect to subsections (a)(2) and (3), such grants may be used by eligible local educational agencies for such activities only if such activities are directly related to improving the students' reading skills or their knowledge of mathematics, science, history, geography, English, foreign languages, art, or music, or to improving vocational skills.

“SEC. 5109. PROHIBITIONS.

“Grants under this part may not be used for transportation, or for any activity that does not augment academic improvement.

“SEC. 5110. LIMITATION ON PAYMENTS.

“(a) DURATION OF AWARDS.—Awards made under this part shall not exceed 3 years.

“(b) LIMITATION ON PLANNING FUNDS.—A local educational agency may expend for planning up to 50 percent of the funds received under this part for the first year of the project, 15 percent for the second year of the project, and up to 10 percent for the third year of the project.

“(c) LIMITATION ON GRANTS.—A local educational agency shall not receive more than \$4,000,000 under this part in any one grant cycle.

“(d) AWARD REQUIREMENT.—To the extent practicable, for any fiscal year, the Secretary shall award grants to local educational agencies under this part no later than June 1 of the applicable fiscal year.

“SEC. 5111. AUTHORIZATION OF APPROPRIATIONS; RESERVATION.

“(a) AUTHORIZATION.—For the purpose of carrying out this part, there are authorized to be appropriated \$120,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, and 1999.

“(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, with respect to such excess amount, give priority to grants to local educational agencies that did not receive a grant under this part in the last fiscal year of the funding cycle prior to the fiscal year for which the determination is made.

“(c) EVALUATIONS.—The Secretary may reserve not more than 2 percent of the funds appropriated under subsection (a) for any fiscal year to carry out evaluations of projects under this part.

“PART B—WOMEN'S EDUCATIONAL EQUITY ACT

“SEC. 5201. FINDINGS AND STATEMENT OF PURPOSE.

“(a) FINDINGS.—The Congress finds and declares that—

“(1) educational programs in the United States are frequently inequitable as such programs relate to women and girls;

“(2) such inequities limit the full participation of all individuals in American society; and

“(3) efforts to improve the quality of public education also must include efforts to ensure equal access to quality education programs for all women and girls.

“(b) PURPOSE.—The purpose of this part is to provide gender equity in education in the United States; to provide financial assist-

ance to enable educational agencies and institutions to meet the requirements of title IX of the Educational Amendments of 1972; and to provide 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. 5202. PROGRAMS AUTHORIZED.

“The Special Assistant of the Office of Women's Equity is authorized—

“(1) to promote, coordinate and evaluate gender equity policies, programs, activities and initiatives in all federal education programs and offices;

“(2) to develop, maintain, and disseminate materials, resources, analyses and research relating to education equity for women and girls;

“(3) to provide information and technical assistance to assure the effective implementation of gender equity programs;

“(4) coordinate gender equity programs and activities with other federal agencies with jurisdiction over education and related programs;

“(5) to provide grants to develop model equity programs;

“(6) to provide funds for the implementation of equity programs in schools throughout the Nation;

“(7) to assist the Assistant Secretary of the Office of Educational Research and Improvement in identifying research priorities related to education equity for women and girls; and

“(8) any other activities consistent with achieving the purposes of this part.

“SEC. 5203. LOCAL IMPLEMENTATION GRANTS.

“(a) AUTHORITY.—The Secretary is authorized to make grants to, and enter into contracts with, public agencies, private nonprofit agencies, organizations, and institutions, including students and community groups, for activities designed to achieve the purposes of this part at all levels of education, including preschool, elementary and secondary education, higher education, adult education and vocational/technical education; for the establishment and operation, for a period not to exceed four years, of local programs to ensure—

“(1) educational equity for women and girls

“(2) equal opportunities for both sexes

“(3) to conduct activities incident to achieving compliance with title IX of the Education Amendments of 1972; and

“(b) GRANT PROGRAM.—Authorized activities under subsection (a) may include—

“(1) introduction into the curriculum and classroom of curricula, textbooks, and other material designed to achieve equity for women and girls;

“(2) implementation of preservice and inservice training with special emphasis on programs and activities designed to provide educational equity for women and girls;

“(3) evaluation of promising or exemplary model programs to assess their ability to improve local efforts to advance educational equity for women and girls;

“(4) implementation of programs and policies to address sexual harassment and violence against women and girls and to ensure that educational institutions are free from threats to the safety of students and personnel;

“(5) implementation of guidance and counseling activities, including career education program, designed to ensure educational equity for women and girls;

“(6) implementation of nondiscriminatory tests of aptitude and achievement and of al-

ternative assessments that eliminate biased assessment instruments from use;

“(7) implementation of programs to increase educational opportunities, including higher education, vocational training, and other educational programs for low income women; including underemployed and unemployed women and women receiving Aid to Families with Dependent Children benefits;

“(8) implementation of programs to improve representation of women in educational administration at all levels; and

“(9) planning, development and initial implementation of:

“(A) comprehensive plans for implementation of equity programs in state and local educational agencies and institutions of higher education; including community colleges;

“(B) innovative approaches to school-community partnerships for educational equity;

“(C) innovative approaches to equity programs addressing combined bias, stereotyping, and discrimination on the basis of sex and race, ethnic origin, limited English proficiency, and disability.

“(c) APPLICATION; PARTICIPATION.—A grant may be made, and a contract 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. Each such application shall—

“(1) provide that the program or activity for which assistance is sought will be administered by or under the supervision of the applicant and in cooperation with appropriate educational and community leaders, including parent, teacher and student organizations, educational institutions, business leaders, community-based organizations serving women, and other significant groups and individuals;

“(2) describe a program for carrying out the purpose set forth in Section 5203(b) which holds promise of making substantial contribution toward attaining such purposes;

“(3) describe plans for continuation and institutionalization of the program with local support following completion of the grant period and termination of Federal support under this part; and

“(4) establish policies and procedures which ensure adequate documentation and evaluation of the activities intended to be carried out under the application.

“(d) CRITERIA; PRIORITIES; CATEGORIES OF COMPETITION.—The Secretary shall establish criteria, priorities, and categories of competition for awards under this part to ensure that available funds are used for those purposes that most effectively will achieve the purposes of the act.

“(1) The Criteria shall address the extent to which—

“(A) the program addresses the needs of women and girls of color and women and girls with disabilities;

“(B) the program meets locally defined and documented educational equity needs and priorities, including title IX compliance;

“(C) the program is a significant component of a comprehensive plan for educational equity and title IX compliance in the particular school district, institution of higher education, vocational-technical institution, or other educational agency or institution;

“(D) the program implements an institutional change strategy with long-term impact and will continue as a central activity of the applicant agency or institution after the grant is completed.

“(2) The Secretary shall establish no more than four priorities, one of which shall be a

priority for compliance with title IX of the Education Amendments of 1972. Not more than 60 percent of funds available in each fiscal year shall be allocated to programs under the four priorities.

"(3) The Secretary shall establish 3 categories of competition, distinguishing among three types of applicants and levels of education that shall include—

"(A) grants to local educational agencies, state education agencies, and other agencies and organizations providing elementary and secondary education;

"(B) grants to institutions of higher education, including community colleges and other agencies and organizations providing postsecondary education, including vocational-technical education, adult education, and other programs;

"(C) grants to non-profit organizations, including community-based organizations groups representing students, parents, and women, including women and girls of color and women and girls with disabilities.

"(e) REQUIREMENT.—Not less than 25 percent of funds used to support activities covered by subsection (b) shall be used for awards under each category of competition in each fiscal year.

"(f) SPECIAL RULE.—The Secretary shall ensure that the total of grants awarded each year address—

"(1) all levels of education, including preschool, elementary and secondary education, higher education, vocational education, and adult education;

"(2) all regions of the United States, including at least one grant in each of the ten federal regions;

"(3) urban, rural, and suburban educational institutions.

"SEC. 5204. RESEARCH AND DEVELOPMENT GRANTS.

"(a) AUTHORITY.—The Secretary is authorized to make grants to, and enter into contracts with, public agencies, private non-profit agencies, organizations, and institutions, including students, and community groups, for activities designed to achieve the purpose of this part at all levels of education, including preschool, elementary and secondary education, higher education, adult education and vocational-technical education; to develop model policies and programs, and to conduct research to address and ensure educational equities for women and girls, including but not limited to—

"(1) the development and evaluation of gender-equitable curricula, textbooks, software, and other educational material and technology;

"(2) the development of model preservice and inservice training programs for educational personnel with special emphasis on programs and activities designed to provide educational equity;

"(3) the development of guidance and counseling activities, including career education programs, designed to ensure gender equity;

"(4) the development and evaluation of nondiscriminatory assessment systems;

"(5) the development of policies and programs to address and prevent sexual harassment and violence to ensure that educational institutions are free from threats to safety of students and personnel;

"(6) the development and improvement of programs and activities to increase opportunity for women, including continuing educational activities, vocational education, and programs for low income women; including underemployed and unemployed women, and women receiving Aid to Families with Dependent Children.

"(7) the development of instruments and strategies for program evaluation and dissemination of promising or exemplary programs designed to improve local efforts to achieve gender equity;

"(8) the development of instruments and procedures to assess the presence or absence of gender equity in educational settings;

"(9) the development and evaluation of various strategies to institutionalize gender equity in education.

"(b) APPLICATION.—A grant may be made, and a contract 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. Each such application shall—

"(1) provide that the program or activity for which assistance is sought will be administered by or under the supervision of the applicant;

"(2) describe a plan for carrying out 1 or more research and development activities authorized in paragraph (a) above, which holds promise of making a substantial contribution toward attaining the purposes of this act; and

"(3) set forth policies and procedures which insure adequate documentation, data collection, and evaluation of the activities intended to be carried out under the application, including an evaluation or estimate of the potential for continued significance following completion of the grant period.

"(c) CRITERIA AND PRIORITIES.—(1) The Secretary shall establish criteria and priorities to ensure that available funds are used for programs that most effectively will achieve the purposes of this part.

"(2) The criteria and priorities shall be promulgated in accordance with section 431 of the General Education Provisions Act.

"(3) In establishing priorities the Secretary shall establish no more than 4 priorities, 1 of which shall be programs which address the educational needs of women and girls who suffer multiple or compound discrimination based on sex and on race, ethnic origin, disability, or age.

"(d) SPECIAL RULE.—The Secretary shall ensure that the total of grants awarded each year address—

"(1) all levels of education, including preschool, elementary and secondary education, higher education, vocational education, and adult education;

"(2) all regions of the United States;

"(d) COORDINATION.—Research activities supported under this part—

"(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 Office; and

"(2) may include collaborative research activities which are jointly funded and carried out by the Office of Women's Equity and the Office of Educational Research and Improvement.

"(f) 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. 5205. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated—

"(1) for the purpose of carrying out the provisions of section 5203, there are authorized to be appropriated \$3,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999; and

"(2) for the purpose of carrying out the provisions of section 5204, there are authorized to be appropriated \$2,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

"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 and student performance standards and build on Indian culture and the Indian community;

"(B) assist local educational agencies, Indian tribes, and others in providing Indian students the opportunity to achieve those standards; and

"(C) meet the special educational and culturally related academic needs of American Indian and Alaska Native students;

"(2) since enactment of the original Indian Education Act in 1972, Indian parents have become significantly more involved in the planning, development, and implementation of educational programs that affect them and their children, and schools should continue to foster such involvement;

"(3) although the numbers of Indian teachers, administrators, and university professors have increased since 1972, teacher training programs are not recruiting, training, or retraining sufficient numbers of Indian persons as educators to meet the needs of a growing Indian student population in elementary, secondary, vocational, adult, and higher education;

"(4) the dropout rate for Indian students is unacceptably high; for example, nine percent of Indian students who were eighth graders in 1988 had already dropped out of school by 1990;

"(5) from 1980 to 1990, the percentage of Indian persons living in poverty increased from 24 percent to 31 percent, and the readiness of Indian children to learn is hampered by the high incidence of poverty, unemployment, and health problems among Indian children and families; and

"(6) research related specifically to the education of Indian children and adults is very limited, and much of it is poor in quality or focused on limited local or regional issues.

"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 they can achieve to the same challenging State performance standards expected of all students.

"(b) PROGRAMS AUTHORIZED.—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 and student performance standards that are used for all students; and

"(2) are designed to assist Indian students meet those standards and assist the Nation in reaching the National Education Goals.

"SEC. 6102. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

"A local educational agency is eligible for a grant under this part for any fiscal year if the number of Indian children who were enrolled in the schools of the agency, and to whom the agency provided free public education, during the preceding fiscal year—

"(1) was at least 20; or

"(2) constituted not less than 25 percent of the agency's total enrollment.

"SEC. 6103. AMOUNT OF GRANTS.

"(a) AMOUNT OF GRANTS.—(1) The Secretary is authorized to allocate to each local educational agency which has an approved application under this part an amount equal to the product of—

"(A) the number of Indian children described in section 6106; and

"(B) the greater of—

"(i) the average per-pupil expenditure of the State in which the agency is located; or

"(ii) 80 percent of the average per-pupil expenditure in the United States.

"(2) The Secretary shall reduce the amount of each allocation determined under paragraph (1) in accordance with subsection (e) of this section.

"(b) MINIMUM GRANT AMOUNT.—The Secretary shall not make a grant to a local educational agency if the amount determined under subsection (a) is less than \$4,000, except that the Secretary may make a grant to a consortium of local educational agencies, one or more of which does not qualify for such a minimum award, if—

"(1) the total amount so determined for such agencies is not less than \$4,000;

"(2) such agencies, in the aggregate, meet the eligibility requirement of either section 6102(1) or 6102(2); and

"(3) the Secretary determines that such a grant would be effectively used to carry out the purpose of this part.

"(c) DEFINITION.—For the purpose of this section, the average per-pupil expenditure of a State is determined by dividing—

"(1) the aggregate current expenditures of all the local educational agencies in the State, plus any direct current expenditures by the State for the operation of such agencies, without regard to the sources of funds from which such local or State expenditures were made, during the second fiscal year preceding the fiscal year for which the computation is made; by

"(2) the aggregate number of children who were in average daily attendance for whom such agencies provided free public education during such preceding fiscal year.

"(d) SCHOOLS OPERATED OR SUPPORTED BY THE BUREAU OF INDIAN AFFAIRS.—(1) In addition to the grants determined under subsection (a), the Secretary shall allocate to the Secretary of the Interior an amount equal to the product of—

"(A) the total number of Indian children enrolled in schools that are operated by—

"(i) the Bureau of Indian Affairs; or

"(ii) an Indian tribe, or an organization controlled or sanctioned by an Indian tribal

government, for the children of that tribe under a contract with, or grant from, the Department of the Interior under the Indian Self-Determination Act (25 U.S.C. 450f et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.); and

"(B) the greater of—

"(i) the average per-pupil expenditure of the State in which the school is located; or

"(ii) 80 percent of the average per-pupil expenditure in the United States.

"(2) The Secretary shall transfer the amount determined under paragraph (1), reduced as may be necessary under subsection (e), to the Secretary of the Interior in accordance with, and subject to, section 9205 of this Act.

"(e) RATABLE REDUCTIONS.—If the sums appropriated for any fiscal year under section 6602(a) are insufficient to pay in full the amounts determined for local educational agencies under subsection (a)(1) and for the Secretary of the Interior under subsection (d), each of those amounts shall be ratably reduced.

"SEC. 6104. APPLICATIONS.

"(a) GENERAL.—Any local educational agency that desires to receive a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(b) COMPREHENSIVE PROGRAM REQUIRED.—Each such application shall include a comprehensive program for meeting the needs of Indian children in the local educational agency, including their language and cultural needs, that—

"(1) provides programs and activities to meet the culturally related academic needs of American Indian and Alaska Native students,

"(2)(A) is consistent with, and promotes the goals in, the State and local plans, either approved or being developed, under title III of the Goals 2000: Educate America Act or, if such plans are not approved or being developed, with the State and local plans under sections 1111 and 1112 of this Act; and

"(B) includes academic content and student performance goals for such children, and benchmarks for attaining them, that are based on the challenging State standards adopted under title III of the Goals 2000: Educate America Act or under title I of this Act for all children;

"(3) explains how Federal, State, and local programs, especially under title I of this Act, will meet the needs of such students;

"(4) demonstrates how funds under this part will be used for activities authorized by section 6105;

"(5) describes the professional development to be provided, as needed, to ensure that—

"(A) teachers and other school professionals who are new to the Indian community are prepared to work with Indian children; and

"(B) all teachers who will be involved in the project have been properly trained to carry it out; and

"(6) describes how the agency—

"(A) will periodically assess the progress of all Indian children in its schools, including Indian children who do not participate in programs under this part, in meeting the goals described in paragraph (2);

"(B) will provide the results of that assessment to the parent committee described in subsection (c)(6) and to the community served by the agency; and

"(C) is responding to findings of any previous such assessments.

"(c) ASSURANCES.—Each such application shall also include assurances that—

"(1) the local educational agency will use funds received under this part only to supplement the level of funds that, in the absence of such Federal funds, the agency would make available for the education of Indian children, and not to supplant such funds;

"(2) the local educational agency will submit such reports to the Secretary, in such form and containing such information, as the Secretary may require to—

"(A) carry out the Secretary's functions under this part; and

"(B) determine the extent to which funds provided under this part have been effective in improving the educational achievement of Indian students in the local educational agency;

"(3) the program for which assistance is sought has been based upon a local assessment and prioritization of the special educational and culturally related academic needs of the American Indian and Alaska Native students for which the local educational agency is providing an education;

"(4) the program for which assistance is sought will use the best available talents and resources, including persons from the Indian community;

"(5) the local educational agency has developed the program in open consultation with parents of Indian children, teachers, and, where appropriate, secondary school Indian students, including holding public hearings at which such persons have had a full opportunity to understand the program and to offer recommendations regarding such program;

"(6) the local educational agency has developed the program with the participation and written approval of a committee—

"(A) that is composed of, and selected by, parents of Indian children in the local educational agency's schools, teachers, and, where appropriate, secondary school Indian students and of which at least half the members are such parent;

"(B) 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; and

"(C) that, in the case of an application which includes a schoolwide project (as specified in section 6105(c) of this part) finds that such project will not diminish the availability of culturally related activities for American Indians and Alaskan Native students; and

"(D) that adopts and abides by reasonable bylaws for the conduct of the activities of the committee.

"(d) STATE EDUCATIONAL AGENCY REVIEW.—(1) Before submitting its application to the Secretary, the local educational agency shall obtain comments on the application from the State educational agency.

"(2) The local educational agency shall send the State educational agency's comments to the Secretary with its application.

"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 for services and activities, consistent with the purpose of this part, that—

"(1) are designed to carry out its comprehensive plan for Indian students, described in its application under section 6104(b);

"(2) are designed with special regard for the language and cultural needs of those students; and

"(3) supplement and enrich the regular school program.

"(b) PARTICULAR ACTIVITIES.—Such services and activities include—

"(1) culturally related activities which support the program set out in the application, as required in section 6104;

"(2) early childhood and family programs that emphasize school readiness;

"(3) enrichment programs that focus on problem-solving and cognitive skills development and that directly support the attainment of challenging State content and student performance standards;

"(4) integrated educational services in combination with other programs meeting similar needs;

"(5) school-to-work transition activities to enable Indian students to participate in programs such as those supported by the School-to-Work Opportunities Act of 1993 and the Carl D. Perkins Vocational and Applied Technology Education Act, including tech-prep, mentoring, and apprenticeship programs;

"(6) prevention of, and education about, substance abuse; and

"(7) acquisition of equipment, but only if such acquisition is essential to meet the purpose of this part.

"(c) SCHOOLWIDE PROGRAMS.—Notwithstanding any other provision of this part, a local educational agency may use funds it receives under this part to support a schoolwide program under section 1114 of title I of this Act, in accordance with such section, if the Secretary determines that the local educational agency has made adequate provision for the participation of Indian children in such project and the involvement of Indian parents in the formulation of such project.

"SEC. 6106. STUDENT ELIGIBILITY FORMS.

"(a) The Secretary shall require that each application for a grant under this subpart for each fiscal year be supported by a form, maintained in the files of the applicant, for each eligible Indian child for whom the local educational agency is providing free public education that sets forth information establishing the status of the child as an eligible Indian child.

"(b) The Secretary shall request on the form required under subsection (a) at least the following information:

"(1) either—

"(A) the name of the tribe, band, or other organized group of Indians with which the child claims membership, along with the enrollment number establishing membership (if readily available), and the name and address of the organization which has updated and accurate membership data for such tribe, band, or other organized group of Indians, or

"(B) if the child is not a member of a tribe, band, or other organized group 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 of the child's parents or grandparents, from whom the child claims eligibility;

"(2) whether the tribe, band, or other organized group of Indians with which the child, his parents, or grandparents claim membership is federally recognized;

"(3) the name and address of the parent or legal guardian;

"(4) the signature of the parent or legal guardian verifying the accuracy of the information supplied; and

"(5) any other information which the Secretary deems necessary to provide an accurate program profile.

"(c) Nothing in the requirements of subsection (b) may be construed as affecting the definition set forth in section 6601. In order for a child to be counted in computing the local educational agency's grant award, the eligibility form for the child must contain at a minimum—

"(1) the child's name;

"(2) the name of the tribe, band, or other organized group of Indians; and

"(3) the parent's dated signature.

The failure of an applicant to furnish any other information listed in subsection (b) with respect to any child shall have no bearing on the determination of whether the child is an eligible Indian child.

"(d) 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 a child's eligibility for entitlement under the Indian Elementary and Secondary School Assistance Act shall be the only forms and standards of proof used to establish such eligibility and to meet the requirements of subsection (a).

"(e) For purposes of determining whether a child is an eligible Indian child, the membership of the child, or any parent or grandparent of the child, in a tribe, band, or other organized group of Indians may be established by proof other than an enrollment number, even if enrollment numbers for members of such tribe, band, or groups are available. Nothing in subsection (b) may be construed as requiring the furnishing of enrollment numbers.

"(f)(1)(A) The Secretary shall establish a method of auditing, on an annual basis, a sample of not less than one-fourth of the total number of local educational agencies receiving funds under this part and shall submit to the Congress an annual report on the findings of the audits.

"(B) For purposes of an audit conducted by the Federal Government with respect to funds provided under this part, all procedures, practices, and policies that are established by—

"(i) the Office of Indian Education of the Department of Education, or

"(ii) a grantee under this subpart who, in establishing such procedures, practices, and policies, was acting under the direction of any employee of such Office that is authorized by the Director of such Office to provide such direction,

shall, with respect to the period beginning on the date of the establishment of such procedures, practices, and policies, and ending on the date (if any) on which the Director of such Office revokes authorization for such procedures, practices, and policies, be considered appropriate and acceptable procedures, practices, and policies which are in conformity with Federal law.

"(C) A local educational agency may not be held liable to the United States, or be otherwise penalized, by reason of the findings of an audit that relate to the date of completion, or the date of submission, of any forms used to establish, before April 28, 1988, a child's eligibility for entitlement under the Indian Elementary and Secondary School Assistance Act.

"(2) Any local educational agency that provides false information in the application for a grant under this subpart shall be ineligible to apply for any other grants under this part and shall be liable to the United States for any funds provided under this part that have not been expended.

"(3) Any student who provides false information on the form required under subsection (d)(1) may not be taken into account in determining the amount of any grant under this part.

"(g) For purposes of distribution of funds under this Act to schools funded by the Bureau of Indian Affairs, the Secretary shall use the count of the number of students in each such school funded under the Indian Student Equalization Formula developed pursuant to section 1128 of Public Law 95-561, in lieu of the requirements of this section.

"SEC. 6107. PAYMENTS.

"(a) GENERAL.—The Secretary shall pay each local educational agency with an application approved under this part the amount determined under section 6103, subject to subsections (b) and (c) of this section and shall notify such local educational agency of the amount no later than June 1 of the year in which the grant will be paid.

"(b) PAYMENTS TAKEN INTO ACCOUNT BY THE STATE.—The Secretary shall not make a grant under this part for any fiscal year to any local educational agency in a State that has taken into consideration payments under this part (or under subpart 1 of the Indian Education Act of 1988) in determining the eligibility of the local educational agency for State aid, or the amount of that aid, with respect to the free public education of children during that year or the preceding fiscal year.

"(c) REDUCTION OF PAYMENT FOR FAILURE TO MAINTAIN FISCAL EFFORT.—(1) The Secretary shall not pay any local educational agency the full amount determined under section 6103 for any fiscal year unless the State educational agency notifies the Secretary, and the Secretary determines, that the combined fiscal effort of that local agency and the State with respect to the provision of free public education by such local agency for the preceding fiscal year, computed on either a per-student or aggregate expenditure basis, was not less than 90 percent of such combined fiscal effort, computed on the same basis, for the second preceding fiscal year.

"(2) If the Secretary determines for any fiscal year that a local educational agency failed to maintain its fiscal effort at the 90 percent level required by paragraph (1), the Secretary shall—

"(A) reduce the amount of the grant that would otherwise be made to the agency under this part in the exact proportion of 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)(A) The Secretary may waive the requirement of paragraph (1), for not more than one year at a time, if the Secretary determines that the failure to comply with such requirement is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the agency's financial resources.

"(B) The Secretary shall not use the reduced amount of such agency's expenditures for the fiscal year preceding the fiscal year for which a waiver is granted to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1) in the absence of the waiver.

"(d) REALLOCATIONS.—The Secretary may reallocate, in the manner the Secretary de-

termines will best carry out the purpose of this part, any amounts that—

"(1) based on estimates by local educational agencies or other information, will not be needed by such agencies to carry out their approved projects 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) IN GENERAL.—The Secretary shall carry out a program of making grants for the improvement of educational opportunities for Indian children—

"(1) to support planning, pilot, and demonstration projects, in accordance with subsection (b), which are designed to test and demonstrate the effectiveness of programs for improving educational opportunities for Indian children;

"(2) to assist in the establishment and operation of programs, in accordance with subsection (c), which are designed to stimulate—

"(A) the provision of educational services not available to Indian children in sufficient quantity or quality, and

"(B) the development and establishment of exemplary educational programs to serve as models for regular school programs in which Indian children are educated;

"(3) to assist in the establishment and operation of preservice and inservice training programs, in accordance with subsection (d), for persons serving Indian children as educational personnel; and

"(4) to encourage the dissemination of information and materials relating to, and the evaluation of the effectiveness of, education programs which may offer educational opportunities to Indian children.

"(b) DEMONSTRATION PROJECTS.—The Secretary is authorized to make grants to State and local educational agencies, federally supported elementary and secondary schools for Indian children and to Indian tribes, Indian organizations, and Indian institutions to support planning, pilot, and demonstration projects which are designed to plan for, and test and demonstrate the effectiveness of, programs for improving educational opportunities for Indian children, including—

"(1) innovative programs related to the educational needs of educationally deprived children;

"(2) bilingual and bicultural education programs and projects;

"(3) special health and nutrition services and other related activities which meet the special health, social, and psychological problems of Indian children; and

"(4) coordination of the operation of other federally assisted programs which may be used to assist in meeting the needs of such children.

"(c) SERVICES AND PROGRAMS TO IMPROVE EDUCATIONAL OPPORTUNITIES.—

"(1) The Secretary is authorized to make grants to State and local educational agencies and to tribal and other Indian community organizations to assist them in developing and establishing educational services and programs specifically designed to improve educational opportunities for Indian children. Such grants may be used—

"(A) to provide educational services not available to such children in sufficient quantity or quality, including—

"(i) remedial and compensatory instruction, school health, physical education, psy-

chological, and other services designed to assist and encourage Indian children to enter, remain in, or reenter elementary or secondary school;

"(ii) comprehensive academic and vocational instruction;

"(iii) instructional materials (such as library books, textbooks, and other printed, published, or audiovisual materials) and equipment;

"(iv) comprehensive guidance, counseling, mentoring, and testing services;

"(v) special education programs for disabled and gifted and talented Indian children;

"(vi) early childhood programs, including kindergarten;

"(vii) bilingual and bicultural education programs; and

"(viii) other services which meet the purposes of this subsection; and

"(B) to establish and operate exemplary and innovative educational programs and centers, involving new educational approaches, methods, and techniques designed to enrich programs of elementary and secondary education for Indian children.

"(2) In addition to the grants provided under paragraph (1), the Secretary is authorized to provide grants to consortia of Indian tribes or tribal organizations, local educational agencies, and institutions of higher education for the purpose of developing, improving, and implementing a program of—

"(A) encouraging Indian students to acquire a higher education, and

"(B) reducing the incidence of dropouts among elementary and secondary school students.

"(d) TRAINING.—

"(1) The Secretary is authorized to make grants to institutions of higher education and to State and local educational agencies, in combination with institutions of higher education, for carrying out programs and projects—

"(A) to prepare persons to serve Indian students as teachers, administrators, teacher aides, social workers, and ancillary educational personnel; and

"(B) to improve the qualifications of such persons who are serving Indian students in such capacities.

"(2) Grants made under this subsection may be used for the establishment of fellowship programs leading to an advanced degree, for institutes and, as part of a continuing program, for seminars, symposia, workshops, and conferences.

"(3) In programs funded by grants authorized under this subsection, preference shall be given to the training of Indians.

"(4) In making grants under this subsection, the Secretary shall consider prior performance and may not limit eligibility on the basis of the number of previous grants or the length of time for which the applicant has received grants.

"(d) APPLICATIONS FOR GRANTS.—

"(1) Applications for a grant under this section shall be submitted at such time, in such manner, and shall contain such information, and shall be consistent with such criteria, as may be required under regulations prescribed by the Secretary. Such applications shall—

"(A) set forth a statement describing the activities for which assistance is sought;

"(B) in the case of an application for a grant under subsection (c)—

"(i) subject to such criteria as the Secretary shall prescribe, provide for—

"(I) the use of funds available under this section, and

"(II) the coordination of other resources available to the applicant,

in order to ensure that, within the scope of the purpose of the project, there will be a comprehensive program to achieve the purposes of this section, and

"(ii) provide for the training of personnel participating in the project; and

"(C) provide for an evaluation of the effectiveness of the project in achieving its purpose and the purposes of this section.

"(2)(A) The Secretary may approve an application for a grant under subsection (b) or (c) only if the Secretary is satisfied that such application, and any document submitted with respect thereto—

"(i) demonstrate that—

"(I) there has been adequate participation by the parents of the children to be served and tribal communities in the planning and development of the project, and

"(II) there will be such participation in the operation and evaluation of the project, and

"(ii) provide for the participation, on an equitable basis, of eligible Indian children—

"(I) who reside in the area to be served,

"(II) who are enrolled in private nonprofit elementary and secondary schools, and

"(III) whose needs are of the type which the program is intended to meet,

to the extent consistent with the number of such children.

"(B) In approving applications under this section, the Secretary shall give priority to applications from Indian educational agencies, organizations, and institutions.

"SEC. 6202. SPECIAL EDUCATIONAL TRAINING PROGRAMS FOR THE TEACHERS OF INDIAN CHILDREN.

"(a) IN GENERAL.—

"(1) The Secretary is authorized to make grants to, and enter into contracts with, institutions of higher education, Indian organizations, and Indian tribes for the purpose of—

"(A) preparing individuals for teaching or administering special programs and projects designed to meet the special educational needs of Indian people, and

"(B) providing in-service training for persons teaching in such programs.

"(2) Priority shall be given in the awarding of grants, and in the entering into of contracts, under subsection (a) to Indian institutions and organizations.

"(b) FELLOWSHIPS AND TRAINEESHIPS.—

"(1) In carrying out the provisions of this section, the Secretary is authorized to award fellowships and traineeships to individuals and to make grants to, and to enter into contracts with, institutions of higher education, Indian organizations, and Indian tribes for the costs of education allowances.

"(2) In awarding fellowships and traineeships under this subsection, the Secretary shall give preference to Indians.

"(3) In the case of traineeships and fellowships, the Secretary is authorized to grant stipends to, and allowances for dependents of, persons receiving traineeships and fellowships.

"SEC. 6203. FELLOWSHIPS FOR INDIAN STUDENTS.

"(a) IN GENERAL.—During each fiscal year ending prior to October 1, 1999, the Secretary is authorized to award fellowships to be used for study in graduate and professional programs at institutions of higher education. Such fellowships shall be awarded to Indian students in order to enable them to pursue a course of study of not more than 4 academic years leading toward a postbaccalaureate degree in medicine, clinical psychology, psychology, law, education, and related fields or

leading to an undergraduate or graduate degree in engineering, business administration, natural resources, and related fields.

"(b) STIPENDS.—The Secretary shall pay to persons awarded fellowships under subsection (a) such stipends (including such allowances for subsistence of such persons and their dependents) the Secretary may determine 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 awarded under subsection (a) is pursuing a course of study, in lieu of tuition charged such holder, such amounts as the Secretary may determine to be necessary to cover the cost of education provided the holder of such a fellowship.

"(d) SPECIAL RULES.—

"(1) The Secretary may, if a fellowship awarded under subsection (a) is vacated prior to the end of the period for which it was awarded, award an additional fellowship for the remainder of such period.

"(2) By no later than the date that is 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 the amount of such fellowship and of any stipends or other payments that will be made under this section to, or for the benefit of, such individual for such academic term.

"(3) Not more than 10 percent of the fellowships awarded under subsection (a) shall be awarded, on a priority basis, to persons receiving training in guidance counseling with a specialty in the area of alcohol and substance abuse counseling and education.

"(e) SERVICE OBLIGATION.—The Secretary shall, by regulation, require that individuals who receive training under this section perform related work and shall notify such local educational agency of the amount no later than June 1 of the year in which the grant will be paid following that training or repay all or part of the cost of the training.

"SEC. 6204. GIFTED AND TALENTED.

"(a) ESTABLISHMENT OF CENTERS.—The Secretary shall establish 2 centers for gifted and talented Indian students at tribally controlled community colleges.

"(b) DEMONSTRATION PROJECTS.—

"(1) The Secretary shall award separate grants to, or enter into contracts with—

"(A) 2 tribally controlled community colleges that—

"(i) are eligible for funding under the Tribally Controlled Community College Assistance Act of 1978, and

"(ii) are fully accredited, or

"(B) if acceptable applications are not submitted to the Secretary by 2 of such colleges, the American Indian Higher Education Consortium,

for the establishment of centers under subsection (a) and for demonstration projects designed to address the special needs of Indian students in elementary and secondary schools who are gifted and talented and to provide such support services to their families that are needed to enable the students to benefit from the project.

"(2) Any person to whom a grant is made, or with whom a contract is entered into, under paragraph (1) may enter into a contract with any other persons, including the Children's Television Workshop, for the purpose of carrying out the demonstration projects for which such grant was awarded or for which the contract was entered into by the Secretary.

"(3) Demonstration projects funded under this section may include—

"(A) the identification of the special needs of gifted and talented students, particularly at the elementary school level, with attention to the emotional and psychosocial needs of these students and to the provision of those support services to their families that are needed to enable these students to benefit from the project;

"(B) the conduct of educational, psychosocial, and developmental activities which hold reasonable promise of resulting in substantial progress toward meeting the educational needs of such gifted and talented children, including, but not limited to, demonstrating and exploring the use of Indian languages and exposure to Indian cultural traditions, and mentoring and apprenticeship programs;

"(C) the provision of technical assistance and the coordination of activities at schools which receive grants under subsection (c) with respect to the activities funded by such grants, the evaluation of programs at such schools funded by 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 the dissemination of information derived from the demonstration projects conducted under this section; and

"(F) appropriate research, evaluation, and related activities pertaining to the needs of such children and to the provision of such support services to their families that are needed to enable such children to benefit from the project.

"(c) ADDITIONAL GRANTS.—

"(1) The Secretary, in consultation with the Secretary of the Interior, shall provide 5 grants to schools that are Bureau funded schools for program research and development regarding, 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 interested in teaching careers),

"(C) students with special culturally related academic needs, including social, lingual, and cultural needs, and

"(D) math and science education.

"(2) Applications for the grants provided under paragraph (1) shall be submitted to the Secretary in such form and at such time as the Secretary may prescribe. Applications for such grants by Bureau schools, and the administration of any of such grants made to a Bureau school, shall be undertaken jointly by the supervisor of the Bureau school and the local school board.

"(3) Grants may be provided under paragraph (1) for one or more activities described in paragraph (1).

"(4) In providing grants under paragraph (1), the Secretary shall—

"(A) achieve a mixture of programs described in paragraph (1) which ensures that students at all grade levels and in all geographic areas of the United States are able to participate in some programs funded by grants provided under this subsection, and

"(B) ensure that a definition of the term 'gifted and talented student' for purposes of this section and section 1128(c)(3)(A)(i) of the Education Amendments of 1978 is developed as soon as possible.

"(5) Subject to the availability of appropriated funds, grants provided under para-

graph (1) shall be made for a 3-year period and may be renewed by the Secretary for additional 3-year periods if performance by the grantee is satisfactory to the Secretary.

"(6)(A) The dissemination of any materials developed from activities funded by grants provided under paragraph (1) shall be carried out in cooperation with institutions receiving funds under subsection (b).

"(B) The Secretary shall report to the Secretary of the Interior and to the Congress any results from activities described in paragraph (4)(B).

"(7)(A) The costs of evaluating any activities funded by grants made under paragraph (1) shall be divided between the school conducting such activities and the demonstration project recipients under subsection (b).

"(B) If no funds are provided under subsection (b) for—

"(i) the evaluation of activities funded by grants made under paragraph (1),

"(ii) technical assistance and coordination with respect to such activities, or

"(iii) dissemination of such evaluations,

the Secretary shall, by grant or through contract, provide for such evaluations, technical assistance, coordination, and dissemination.

"(d) INFORMATION NETWORK.—The Secretary shall encourage persons to whom a grant is made, or with whom a contract is entered into, under this section to work cooperatively as a national network so that the information developed by such persons is readily available to the entire educational community.

"SEC. 6205. TRIBALLY CONTROLLED SCHOOLS ACT.

"(a) TIMELY PAYMENTS.—Subsection (a) is amended to read as follows:

"(a)(1) Except as otherwise provided in this subsection, the Secretary shall make payments to grantees under this part in 2 payments:

"(A) one payment to be made no 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 no later than December 1 of each year.

"(2) For any school for which no payment 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 no 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 they are appropriated, the Secretary shall make payments to grantees no 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) of this subsection.

"(b) Paragraph (3) is amended by striking 'Paragraphs (1) and (2)' and inserting in lieu thereof 'Paragraphs (1), (2), and (3)', and is renumbered as paragraph '(5)'.
"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 carry out a program of awarding grants to State and local educational agencies and to Indian tribes, institutions, and organizations—

"(1) to support planning, pilot, and demonstration projects which 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 which are designed to stimulate—

"(A) the provision of basic literacy opportunities to all nonliterate Indian adults, and

"(B) the provision of opportunities to all Indian adults to qualify for a high school equivalency certificate 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 the literacy and high school equivalency goals;

"(4) to provide for basic surveys and evaluations to define accurately the extent of the problems of illiteracy and lack of high 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 which may offer educational opportunities to Indian adults.

"(b) **EDUCATIONAL SERVICES.**—The Secretary is authorized to make grants to Indian tribes, Indian institutions, and Indian organizations to develop and establish educational services and programs specifically designed to improve educational opportunities for Indian adults.

"(c) **INFORMATION AND EVALUATION.**—The Secretary is also authorized to make grants to, and to 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 thereof; and

"(2) the evaluation of federally assisted programs in which Indian adults may participate to determine the effectiveness of such programs in achieving the purposes of such programs with respect to such adults.

"(d) **APPLICATIONS.**—

"(1) Applications for a grant under this section shall be submitted at such time, in such manner, contain such information, and be consistent with such criteria, as may be required under regulations prescribed by the Secretary. Such applications shall—

"(A) set forth a statement describing the activities for which assistance is sought; and

"(B) provide for an evaluation of the effectiveness of the project in achieving its purposes and the purposes of this section.

"(2) The Secretary shall not approve an application for a grant under subsection (a) unless the Secretary is satisfied that such application, and any documents submitted with respect thereto, indicate that—

"(A) there has been adequate participation by the individuals to be served and tribal communities in the planning and development of the project, and

"(B) there will be such a participation in the operation and evaluation of the project.

"(3) In approving applications under subsection (a), the Secretary shall give priority to applications from Indian educational agencies, organizations, and institutions.

"PART D—NATIONAL ACTIVITIES AND GRANTS TO STATES

"SEC. 6401. NATIONAL ACTIVITIES.

"(a) **AUTHORIZED ACTIVITIES.**—From funds appropriated for any fiscal year to carry out this section, the Secretary may—

"(1) conduct research related to effective approaches to the education of Indian children and adults;

"(2) evaluate federally assisted education programs from which Indian children and adults may benefit;

"(3) collect and analyze data on the educational status and needs of Indians; and

"(4) carry out other activities consistent with the purpose of this Act.

"(b) **ELIGIBILITY.**—The Secretary may carry out any of the activities described in subsection (a) directly or through grants to, or contracts or cooperative agreements with, Indian tribes, Indian organizations, State educational agencies, local educational agencies, institutions of higher education, including Indian institutions of higher education, and other public and private agencies and institutions.

"(c) **COORDINATION.**—Research activities supported under this section—

"(1) shall be carried out in consultation with the Office of Educational Research and Improvement to assure that such activities are coordinated with and enhance the research and development activities supported by the Office; and

"(2) may include collaborative research activities which are jointly funded and carried out by the Office of Indian Education and the Office of Educational Research and Improvement.

"SEC. 6402. STATE EDUCATIONAL AGENCY REVIEW.

(a) Before submitting its application to the Secretary, the local educational agency shall submit its application to the State educational agency.

(b) The State education agency may send to the Secretary comments on each local educational agency application its reviews. The Secretary shall take such comments into consideration in reviewing such application.

"PART E—FEDERAL ADMINISTRATION

"SEC. 6501. OFFICE OF INDIAN EDUCATION.

"(a) **OFFICE OF INDIAN EDUCATION.**—There shall be an Office of Indian Education (referred to in this section as "the Office") in the Department of Education.

"(b) **DIRECTOR.**—(1) The Office shall be under the direction of the Director, who shall be appointed by the Secretary and who shall report directly to the Assistant Secretary for Elementary and Secondary Education.

"(2) The Director shall—

"(A) be responsible for administering this title;

"(B) be involved in, and be primarily responsible for, the development of all policies affecting Indian children and adults under programs administered by the Office of Elementary and Secondary Education;

"(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 of the Office shall be a member of the career Senior Executive Service.

"(c) **INDIAN PREFERENCE IN EMPLOYMENT.**—

(1) The Secretary shall give a preference to Indian persons in all personnel actions in the Office.

"(2) Such preference shall be implemented in the same fashion as the preference given to any veteran under section 2609 of the Revised Statutes, section 45 of title 25, United States Code.

"SEC. 6502. NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION.

"(a) **MEMBERSHIP.**—There shall be a National Advisory Council on Indian Education

(referred to in this section as "the Council"), which shall—

"(1) consist of 15 Indian members, who shall be appointed by the President from lists of nominees furnished, from time to time, by Indian tribes and organizations; and

"(2) represent different geographic areas of the country.

"(b) **DUTIES.**—The Council shall—

"(1) advise the Secretary on the funding and administration, including the development of regulations and of administrative policies and practices, of any program, including programs under this title, for which the Secretary is responsible and in which Indian children or adults participate or from which they can benefit;

"(2) make recommendations to the Secretary for filling the Director's position whenever a vacancy occurs in such position; and

"(3) submit to the Congress, by June 30 of each year, a report on its activities, which shall include—

"(A) any recommendations it finds appropriate for the improvement of Federal education programs in which Indian children or adults participate, or from which they can benefit; and

"(B) its recommendations with respect to the funding of any such programs.

"SEC. 6503. PEER REVIEW.

"In reviewing applications under parts B, C, and D of this title, the Secretary may use a peer review process.

"SEC. 6504. PREFERENCE FOR INDIAN APPLICANTS.

"In making grants under parts B and C of this title, the Secretary shall give a preference to Indian tribes, Indian organizations, and Indian institutions of higher education under any program for which they are eligible to apply.

"SEC. 6505. MINIMUM GRANT CRITERIA.

"In making grants under parts B and C of this title, the Secretary shall approve only projects that are—

"(1) of sufficient size, scope, and quality to achieve the purpose of the section under which assistance is sought; and

"(2) based on relevant research findings.

"PART F—DEFINITIONS; AUTHORIZATIONS OF APPROPRIATIONS

"SEC. 6601. DEFINITIONS.

"The following definitions apply to terms as used in this title:

"(1) The term 'adult' means an individual who is either—

"(A) not less than 16 years old; or

"(B) beyond the age of compulsory school attendance under State law.

"(2) The term 'adult education' has the meaning given such term in section 312(2) of the Adult Education Act.

"(3) The term 'free public education' means education that is—

"(A) provided at public expense, under public supervision and direction, and without tuition charge; and

"(B) provided as elementary or secondary education in the applicable State or to preschool children.

"(4) The term 'Indian' means an individual who is—

"(A) a member of an Indian tribe or band, as membership is defined by the tribe or band, including—

"(i) tribes and bands terminated since 1940; and

"(ii) tribes and bands recognized by the State in which they reside;

"(B) a descendant, in the first or second degree, of an individual described in subparagraph (A);

(C) considered by the Secretary of the Interior to be an Indian for any purpose; or

(D) an Eskimo, Aleut, or other Alaska Native.

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 \$61,300,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

“(b) PARTS B THROUGH D.—For the purpose of carrying out parts B, C, and D of this title, there are authorized to be appropriated \$20,925,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

“(c) PART E.—For the purpose of carrying out part E of this title, including section 6502, there are authorized to be appropriated \$3,775,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

“PART G—BUREAU OF INDIAN AFFAIRS PROGRAMS

SEC. 6701. STANDARDS FOR THE BASIC EDUCATION OF INDIAN CHILDREN IN BUREAU OF INDIAN AFFAIRS SCHOOLS.

“(a) 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 6711 of this part, 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 these standards and such coordination, the Secretary shall utilize the findings and recommendations of the panel established by the Goals 2000: Educate America Act.

“(b) The Secretary, in consultation with the Secretary of Education, and in consultation with Indian organizations and tribes, shall carry out or cause to be carried out by contract with an Indian organization such studies and surveys, making the fullest use possible of other existing studies, surveys, and plans, as are necessary to establish and revise standards for the basic education of Indian children attending Bureau funded schools. Such studies and surveys shall take into account 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) Within 18 months of the date of enactment of this Act, the Secretary shall revise the minimum academic standards published in the Federal Register of November 1983 for the basic education of Indian children which are consistent with subsections (a) and (b) of this section and section 6711, and shall distribute such revised standards in the Federal Register for the purpose of receiving comments from the tribes and other interested parties. Within 21 months of the date of enactment of the Elementary and Secondary Education Act Amendments of 1993, the Secretary shall establish final standards, distribute such standards to all the tribes and publish such standards in the Federal Register. The Sec-

retary shall revise such standards periodically as necessary. Prior to any revision of such 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) Such standards 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. Such standards shall include a requirement, developed in coordination with Indian tribes, the affected local school boards, the Indian Health Service of the Department of Health and Human Services, the State health departments, and the Centers for Disease Control and Prevention, on immunization for childhood diseases, including provisions for in-school immunization, where necessary.

“(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 subsections (c) and (d), where such standards are deemed by such body to be inappropriate or ill-conceived. The tribal governing body or designated school board shall, within 60 days thereafter, submit to the Secretary a proposal for alternative standards that takes 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)(1) 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 subsection (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.

“(2) Within 1 year of the date of the enactment of the Indian Education Technical Amendments Act of 1985, the Bureau shall, either directly or through contract with an Indian organization, establish a consistent system of reporting standards for fiscal control and fund accounting for all contract schools. Such standards shall yield data results comparable to those used by Bureau schools.

“(g) Subject to subsections (e) and (f), the Secretary shall begin to implement the standards established under this section immediately upon the date of their establishment. No later than January 1, 1995, and at each time thereafter that the annual budget request for Bureau educational services is presented, the Secretary shall submit to the

appropriate committees of Congress a detailed plan to bring all Bureau and contract and grant schools up to the level required by the applicable standards established under this section. Such plan shall include, but not be limited to, detailed information on the status of each school's educational program in relation to the applicable standards established under this section, specific cost estimates for meeting such standards at each school, and specific time lines for bringing each school up to the level required by such standards.

“(h)(1) Except as specifically required by statute, no school or peripheral dormitory operated by the Bureau of Indian Affairs on or after January 1, 1992, may be closed or consolidated or have its program substantially curtailed unless done according to the requirements of this subsection, except that, in those cases where the tribal governing body, or the local school board concerned (if so designated by the tribal governing body), requests closure or consolidation, the requirements of this subsection shall not apply. The requirements of this subsection shall not apply when a temporary closure, consolidation, or substantial curtailment is required by plant conditions which constitute an immediate hazard to health and safety.

“(2) The Secretary shall, by regulation, promulgate standards and procedures for the closing, consolidation, or substantial curtailment of Bureau schools in accordance with the requirements of this subsection.

“(3) Whenever closure, transfer to any other authority, consolidation, or substantial curtailment of a school is under active consideration or review by any division of the Bureau or the Department of the Interior, the affected tribe, tribal governing body, and designated local school board, will be notified as soon as such consideration or review begins, kept fully and currently informed, and afforded an opportunity to comment with respect to such consideration or review. When a formal decision is made to close, transfer to any other authority, consolidate, or substantially curtail a school, the affected tribe, tribal governing body, and designated local school board shall be notified at least 6 months prior to the end of the school year preceding the proposed effective date. Copies of any such notices and information shall be transmitted promptly to the Congress and published in the Federal Register.

“(4) The Secretary shall make a report to Congress, the affected tribe, and the designated local school board describing the process of the active consideration or review referred to in paragraph (3). At a minimum, the report shall include a study of the impact of such action on the student population, with every effort to identify those students with particular educational and social needs, and to insure that alternative services are available to such students. Such report shall include the description of the consultation conducted between the potential service provider, current service provider, parents, tribal representative and the tribe or tribes involved, and the Director of the Office of Indian Education Programs within the Bureau regarding such students. No irreversible action may be taken in furtherance of any such proposed school closure, transfer to any other authority, consolidation, or substantial curtailment (including any action which would prejudice the personnel or programs of such school) until the end of the first full academic year after such report is made.

"(5) The Secretary may terminate, contract, transfer to any other authority, or consolidate or substantially curtail the operation or facilities of—

"(A) any Bureau funded school that is operated on or after April 1, 1987.

"(B) any program of such a school that is operated on or after April 1, 1987, or

"(C) any school board of a school operated under a grant under the Tribally Controlled Schools Act of 1988 (Public Law 100-297), only if the tribal governing body approves such action.

"(i) There are hereby authorized to be appropriated such sums as may be necessary, for academic program costs, in order to bring all Bureau and contract schools up to the level required by the applicable standards established under this section.

"(j)(1) All schools funded by the Bureau of Indian Affairs shall include within their curriculum a program of instruction relating to alcohol and substance abuse prevention and treatment. The Assistant Secretary shall provide the technical assistance necessary to develop and implement such a program for students in kindergarten and grades 1 through 12, at the request of—

"(A) any Bureau of Indian Affairs school (subject to the approval of the school board of such school);

"(B) any school board of a school operating under a contract entered into under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.); or

"(C) any school board of a school operating under a grant under the Tribally Controlled Schools Act of 1988 (Public Law 100-297).

"(2) In schools operated directly by the Bureau of Indian Affairs, the Secretary shall provide for—

"(A) accurate reporting of all incidents relating to alcohol and substance abuse; and

"(B) individual student crisis intervention.

"(3) The programs requested under paragraph (1) shall be developed in consultation with the Indian tribe that is to be served by such program and health personnel in the local community of such tribe.

"(4) Schools requesting program assistance under this subsection are encouraged to involve family units and, where appropriate, tribal elders and Native healers in such instructions.

"(k) For purposes of this section, the term "tribal governing body" means, with respect to any school, the tribal governing body, or tribal governing bodies, that represent at least 90 percent of the students served by such school.

"(l)(1)(A) The Secretary shall only consider the factors described in subparagraphs (B) and (C) in reviewing—

"(i) applications from any tribe for the awarding of a contract or grant for a school that is not a Bureau funded school,

"(ii) applications from any tribe or school board of any Bureau funded school for—

"(I) a school which is not a Bureau funded school; or

"(II) the expansion of a Bureau funded school which would increase the amount of funds received by the Indian tribe or school board under section 6707.

The Secretary shall give consideration to all of such factors, but none of such applications may be denied based primarily upon the geographic proximity of public education.

"(B) The Secretary shall consider the following factors relating to the program that is the subject of an application described in subparagraph (A):

"(i) the adequacy of facilities or the potential to obtain or provide adequate facilities;

"(ii) geographic and demographic factors in the affected areas;

"(iii) adequacy of the applicant's program plans or, in the case of a Bureau funded school, of projected needs analysis done either by a tribe or by Bureau personnel;

"(iv) geographic proximity of comparable public education; and

"(v) the stated needs of all affected parties, including (but not limited to) students, families, tribal governments at both the central and local levels, and school organizations.

"(C) The Secretary shall consider with respect to applications described in subparagraph (A) the following factors relating to all the educational services available at the time the application is considered:

"(i) geographic and demographic factors in the affected areas;

"(ii) adequacy and comparability of programs already available;

"(iii) consistency of available programs with tribal educational codes or tribal legislation on education; and

"(iv) the history and success of these services for the proposed population to be served, as determined from all factors and not just standardized examination performance.

"(2)(A) The Secretary shall make a determination of whether to approve any application described in paragraph (1)(A) by no later than the date that is 180 days after the day on which such application is submitted to the Secretary.

"(B) If the Secretary fails to make the determination described in subparagraph (A) with respect to an application by the date described in subparagraph (A), the application shall be treated as having been approved by the Secretary.

"(3)(A) Any application described in paragraph (1)(A) may be submitted to the Secretary only if—

"(i) the application has been approved by the tribal governing body of the students served by (or to be served by) the school or program that is the subject of the application, and

"(ii) written evidence of such approval is submitted with the application.

"(B) Each application described in paragraph (1)(A)—

"(i) shall provide information concerning each of the factors described in paragraph (1)(B), and

"(ii) may provide information concerning the factors described in paragraph (1)(C).

"(4) Whenever the Secretary makes a determination to deny approval of any application described in paragraph (1)(A), the Secretary shall—

"(A) state the objections in writing to the applicant by no later than the date that is 180 days after the day on which the application is submitted to the Secretary,

"(B) provide assistance to the applicant to overcome stated objections, and

"(C) provide the applicant a hearing, under the same rules and regulations pertaining to the Indian Self-Determination and Education Assistance Act, and an opportunity to appeal the objections raised by the Secretary.

"(5)(A) Except as otherwise provided in this paragraph, the action which is the subject of any application described in paragraph (1)(A) that is approved by the Secretary shall become effective with the commencement of the academic year succeeding the fiscal year in which the application is approved, or at an earlier date determined by the Secretary.

"(B) If an application is treated as having been approved by the Secretary by reason of

paragraph (2)(B), the action that is the subject of the application shall become effective on the date that is 18 months after the date on which the application is submitted to the Secretary, or at an earlier date determined by the Secretary.

"SEC. 6702. NATIONAL CRITERIA FOR DORMITORY SITUATIONS.

"(a) The Secretary, in consultation with the Secretary of the Department of Education, and in consultation with Indian organizations and tribes, shall conduct or cause to be conducted by contract with an Indian organization, a study of the costs applicable to boarding arrangements for Indian students provided in Bureau and contract and grant schools, for the purpose of establishing national criteria for such dormitory situations. Such criteria shall include adult-child ratios, needs for counselors (including special needs related to off-reservation boarding arrangements), space, and privacy.

"(b) No later than January 1, 1996, the Secretary shall propose such criteria, and shall distribute such proposed criteria to the tribes and publish such proposed criteria in the Federal Register for the purpose of receiving comments from the tribes and other interested parties. Within eighteen months of the date of the enactment of this Act, the Secretary shall establish final criteria, distribute such criteria to all the tribes, and publish such criteria in the Federal Register. The Secretary shall revise such criteria periodically as necessary. Any revisions to the standards established under this section shall be developed subject to requirements established under section 6711.

"(c) The Secretary shall begin to implement the criteria established under this section immediately upon the date of their establishment. No later than January 1, 1981, and at each time thereafter that the annual budget request for Bureau educational services is presented, the Secretary shall submit to the appropriate committees of Congress a detailed plan to bring all Bureau and contract boarding schools up to the criteria established under this section. Such plan shall include, but not be limited to, predictions for the relative need for each boarding school in the future, detailed information on the status of each school in relation to the criteria established under this section, specific cost estimates for meeting such criteria at each school, and specific time lines for bringing each school up to the level required by such criteria.

"(d)(1) The criteria established under this section may be waived in the same manner as the standards provided under section 6701(c) may be waived under section 6701(e).

"(2) No school in operation on or before January 1, 1987 (regardless of compliance or noncompliance with the criteria established under this section) may be closed, transferred to another authority, consolidated or have its program substantially curtailed for failure to meet the criteria.

"(3) By no later than May 1, 1996, the Secretary shall submit to the Congress a report detailing the costs associated with, and the actions necessary for, complete compliance with the criteria established under this section.

"(e) There are hereby authorized to be appropriated such sums as may be necessary in order to bring each school up to the level required by the criteria established under this section.

"SEC. 6703. REGULATIONS.

"(a) The provisions of part 32 of title 25 of the Code of Federal Regulations, as in effect on January 1, 1987, are hereby incorporated

into this Act and shall be treated as though such provisions are set forth in this subsection. Accordingly, such provisions may be altered only by means of an amendment to this subsection that is contained in an Act or joint resolution which is enacted into law. To the extent that such provisions of part 32 do not conform with this Act or any statutory provision of law enacted before the date of enactment of this Act, the provisions of this Act and the provisions of such other statutory law shall govern.

"(b) The provisions of parts 31, 33, 36, 39, 42, and 43 of title 25 of the Code of Federal Regulations, as in effect on January 1, 1987, shall be applied by the Federal Government and shall not, before July 1, 1989, be amended, revoked, or altered in any manner. No officer or employee of the Executive Branch shall have the authority to issue any other regulations, prior to July 1, 1989, that supersede, supplement, or otherwise affect the provisions of such parts. To the extent that the provisions of such parts do not conform with this Act or any statutory provision of law enacted before the date of enactment of this Act, the provisions of this Act and the provisions of such other statutory law shall govern.

"(c) After June 30, 1989, no regulation prescribed for the application of any program provided under this title shall become effective unless—

"(1) the regulation has been published as a proposed regulation in the Federal Register,

"(2) an opportunity of no less than 90 days has been afforded the public to comment on the published proposed regulation, and

"(3) the regulation has, after such period for public comment, been published in the Federal Register as a final regulation.

"(d) For purposes of this section, the term "regulation" means any rules, regulations, guidelines, interpretations, orders, or requirements of general applicability prescribed by any officer or employee of the Executive Branch.

"SEC. 6704. SCHOOL BOUNDARIES.

"(a) The Secretary shall, in accordance with this section, establish separate geographical attendance areas for each Bureau school.

"(b)(1) Except as provided in paragraph (2), on or after July 1, 1985, no attendance area shall be changed or established with respect to any such school unless the tribal governing body or the local school board concerned (if so designated by the tribal governing body) has been (i) afforded at least six months notice of the intention of the Bureau to change or establish such attendance area, and (ii) given the opportunity to propose alternative boundaries. Any tribe may petition the Secretary for revision of existing attendance area boundaries. The Secretary shall accept such proposed alternative or revised boundaries unless the Secretary finds, after consultation with the affected tribe or tribes, that such revised boundaries do not reflect the needs of the Indian students to be served or do not provide adequate stability to all of the affected programs.

"(2) In any case where there is more than 1 Bureau funded school located on an Indian reservation, at the direction of the tribal governing body, the relevant school boards of the Bureau funded schools on the reservation may, by mutual consent, establish the relevant attendance areas for such schools, subject to the approval of the tribal governing body. Any such boundaries so established shall be accepted by the Secretary.

"(c) In any case where there is only 1 Bureau operated program located on an Indian

reservation, the attendance area for the program shall be the boundaries of the reservation served, and those students residing near the reservation shall also receive services from such program.

"(d) The Bureau of Indian Affairs shall include in the final rules the requirement that each appropriate education line officer coordinate and consult with the affected tribes and relevant school boards in the establishment of such geographic boundaries.

"SEC. 6705. FACILITIES CONSTRUCTION.

"(a) The Secretary shall immediately begin to bring all schools, dormitories, and other facilities operated by the Bureau or under contract or grant with the Bureau in connection with the education of Indian children into compliance with all applicable Federal, tribal, or State health and safety standards, whichever provide greater protection (except that the tribal standards to be applied shall be no greater than any otherwise applicable Federal or State standards), and with section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and with the Americans with Disabilities Act of 1990, except that nothing in this section shall require termination of the operations of any facility which does not comply with such provisions and which is in use on the date of enactment of this Act.

"(b) By January 1, 1996, and at each time thereafter that the annual budget request for Bureau educational services is presented, the Secretary shall submit to the appropriate committees of Congress a detailed plan to bring such facilities into compliance with such standards. Such plan shall include, but not be limited to, detailed information on the status of each facility's compliance with such standards, specific cost estimates for meeting such standards at each school, and specific time lines for bringing each school into compliance with such standards.

"(c) Within six months of the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress, and publish in the Federal Register, the system used to establish priorities for school construction projects. At the time any budget request for school construction is presented, the Secretary shall publish in the Federal Register and submit with the budget request the current list of all school construction priorities.

"(d)(1) A Bureau school may be closed or consolidated, and the programs of a Bureau school may be substantially curtailed, by reason of plant conditions that constitute an immediate hazard to health and safety only if a health and safety officer of the Bureau determines that such conditions exist at the Bureau school.

"(2)(A) In making determinations described in paragraph (1) before July 1, 1989, health and safety officers of the Bureau shall use the health and safety guidelines of the Bureau that were in effect on January 1, 1988.

"(B)(i) If—

"(I) the Secretary fails to publish in the Federal Register in final form before July 1, 1989, and

"(II) action described in paragraph (1) is taken after June 30, 1989, and before the date on which such regulations are published in final form in the Federal Register by reason of the condition of any plant,

an inspection of the condition of such plant shall be conducted by an appropriate tribal, county, municipal, or State health and safety officer to determine whether conditions at such plant constitute an immediate hazard to health and safety. Such inspection shall

be completed by no later than the date that is 30 days after the date on which the action described in paragraph (1) is taken.

"(ii) The inspection required under clause (i) shall be conducted by a health and safety officer designated jointly by the Secretary and the tribes affected by the action described in paragraph (1). If the Secretary and such tribes are unable to agree on the designation of the health and safety officer, the Secretary shall designate the health and safety officer and shall provide notice of such designation to each of such tribes before the inspection is conducted by such officer.

"(iii) If the health and safety officer conducting an inspection of a plant required under clause (i) determines that conditions at the plant do not constitute an immediate hazard to health and safety, any consolidation or curtailment that was made by reason of conditions at the plant shall immediately cease and any school closed by reason of conditions at the plant shall be reopened immediately.

"(3) If—

"(A) a Bureau school is temporarily closed or consolidated, or the programs of a Bureau school are substantially curtailed, by reason of plant conditions that constitute an immediate hazard to health and safety, and

"(B) the Secretary estimates that the closure, consolidation, or curtailment will be more than 1 year in duration,

the Secretary shall submit to the Congress, by no later than the date that is 6 months after the date on which the closure, consolidation, or curtailment is initiated, a report which sets forth the reasons for such temporary actions and the actions the Secretary is taking to eliminate the conditions that constitute the hazard.

"(e) There are hereby authorized to be appropriated such sums as may be necessary to carry out subsection (a).

"SEC. 6706. BUREAU OF INDIAN AFFAIRS EDUCATION FUNCTIONS.

"(a) The Secretary shall vest in the Assistant Secretary for Indian Affairs all functions with respect to formulation and establishment of policy and procedure, and supervision of programs and expenditures of Federal funds for the purpose of Indian education administered by the Bureau. The Assistant Secretary shall carry out such functions through the Director of the Office of Indian Education.

"(b) The Director of the Office shall direct and supervise the operations of all personnel directly and substantially involved with provision of education services by the Bureau, including (but not limited to) school or institution custodial or maintenance personnel. The Assistant Secretary for Indian Affairs shall provide for the adequate coordination between the affected Bureau Offices and the Office to facilitate the consideration of all contract functions relating to education. Except as required by section 6709(d), nothing in this Act shall be construed to require the provision of separate support services for Indian education.

"(c) Education personnel who are under the direction and supervision of the Director of the Office in accordance with the first sentence of subsection (b) shall—

"(1) monitor and evaluate Bureau education programs,

"(2) provide all services and support functions for education programs with respect to personnel matters involving staffing actions and functions, and

"(3) provide technical and coordinating assistance in areas such as procurement, con-

tracting, budgeting, personnel, and curriculum.

"(d)(1) The Assistant Secretary shall submit in the annual Budget a plan—

"(A) for school facilities to be constructed under the system required by section 6705(c);

"(B) for establishing priorities among projects and for the improvement and repair of education facilities, which together shall form the basis for the distribution of appropriated funds; and

"(C) including a 5-year plan for capital improvements.

"(2) The Assistant Secretary shall establish a program, including the distribution of appropriated funds, for the operation and maintenance of education facilities. Such program shall include, but not be limited to—

"(A) a method of computing the amount necessary for each education facility;

"(B) similar treatment of all Bureau funded schools;

"(C) a notice of an allocation of appropriated funds from the Director of the Office directly to the appropriate education line officers; and

"(D) a system for the conduct of routine preventive maintenance.

The appropriate education line officers shall make arrangements for the maintenance of education facilities with the local supervisors of the Bureau maintenance personnel who are under the authority of the agency superintendent or area directors, respectively. The local supervisors of Bureau maintenance personnel shall take appropriate action to implement the decisions made in this regard by the appropriate education line officers, except that no funds from this program may be authorized for expenditure unless such appropriate education line officer is assured that the necessary maintenance has been, or will be, provided in a reasonable manner. Subject to the requirements of subsection (b) of this section, nothing in this Act shall be construed to require the provision of separate operations and maintenance personnel for the Office.

"(3) The requirements of this subsection shall be implemented no later than July 1, 1995.

"(e) Any other provision of law notwithstanding, the Director shall promulgate guidelines for the establishment of mechanisms for the acceptance of gifts and bequests for the use of, and benefit of, particular schools or designated Bureau operated education programs, including, where appropriate, the establishment and administration of trust funds. When a Bureau operated program is the beneficiary of such a gift or bequest, the Director shall make provisions for monitoring its use, and shall report to the appropriate committees of Congress the amount and terms of such gift and bequest, the use to which it is put, and any positive results achieved by such action.

"(f) For the purpose of this section the term "functions" includes powers and duties.

"SEC. 6707. ALLOTMENT FORMULA.

"(a) The Secretary shall establish, by regulation adopted in accordance with section 6719, a formula for determining the minimum annual amount of funds necessary to sustain each Bureau funded school. In establishing such formula, the Secretary shall consider—

"(1) the number of eligible Indian students served and size of the school;

"(2) special cost factors, such as—

"(A) isolation of the school;

"(B) need for special staffing, transportation, or educational programs;

"(C) food and housing costs;

"(D) maintenance and repair costs associated with the physical condition of the educational facilities;

"(E) special transportation and other costs of isolated and small schools;

"(F) the costs of boarding arrangements, where determined necessary by a tribal governing body or designated local school board;

"(G) costs associated with greater lengths of service by educational personnel; and

"(H) special programs for gifted and talented students;

"(3) the cost of providing academic services which are at least equivalent to those provided by public schools in the State in which the school is located;

"(4) such other relevant factors as the Secretary determines are appropriate.

Upon the establishment of the standards required by sections 6701 and 6702 of this Act, the Secretary shall revise the formula established under this subsection to reflect the cost and funding standards so established. Prior to January 1, 1995, 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 operated residential facilities. Concurrent with such action, the Secretary shall review the standards established under section 6701 of this title to be certain that adequate provision is made for parental notification regarding, and consent for, such counseling services.

"(b) Notwithstanding any other provisions of law, Federal funds appropriated for the general local operation of Bureau funded schools, shall be allotted pro rata in accordance with the formula established under subsection (a).

"(c)(1) For fiscal year 1990, and for each subsequent fiscal year, the Secretary shall adjust the formula established under subsection (a) to—

"(A) use a weighted unit of 1.2 for each eligible Indian student enrolled in the seventh and eighth grades of the school in considering the number of eligible Indian students served by the school;

"(B) consider a school with an enrollment of less than 50 eligible Indian students as having an average daily attendance of 50 eligible Indian students for purposes of implementing the adjustment factor for small schools; and

"(C) take into account the provision of residential services on a less than 9-month basis at a school when the school board and supervisor of the school determine that a less than 9-month basis will be implemented for the school year involved.

"(2)(A) The Secretary shall reserve for national school board training 0.2 percent of the funds appropriated for each fiscal year for distribution under this section. Such training shall be conducted through the same organizations through which, and in the same manner in which, the training was conducted in fiscal year 1992. If the contract for such training is not awarded before May 1 of each fiscal year, the contract under which such training was provided for the fiscal year preceding such fiscal year shall be renewed by the Secretary for such fiscal year. The agenda for the training sessions shall be established by the school boards through their regional or national organizations.

"(B) For each year in which the Secretary uses a weighted unit formula established under subsection (a) to fund Bureau schools, a Bureau school which generates less than

168 weighted units shall receive an additional 2 weighted units to defray school board activities.

"(C) From the funds allotted in accordance with the formula established under subsection (a) for each Bureau school, the local school board of such school may reserve an amount which does not exceed the greater of—

"(i) \$5,000, or

"(ii) the lesser of—

"(I) \$15,000, or

"(II) 1 percent of such allotted funds,

for school board activities for such school, including but not limited to, and notwithstanding any other provision of law, meeting expenses and the cost of membership in, and support of, organizations engaged in activities on behalf of Indian education.

"(3)(A) The Secretary shall adjust the formula established under subsection (a) to use a weighted unit of 2.0 for each eligible Indian student that—

"(i) is gifted and talented (as determined pursuant to section 6204 of the Indian Education Act of 1988), and

"(ii) is enrolled in the school on a full-time basis,

in considering the number of eligible Indian students served by the school.

"(B) The adjustment required under subparagraph (A) shall be used for the later of the following fiscal years and for each fiscal year succeeding such later fiscal year:

"(i) the second fiscal year succeeding the fiscal year in which the Secretary of Education makes the report required under section 6204(c)(6)(B) of the Indian Education Act of 1988, or

"(ii) the first fiscal year for which an increase in the amount of funds appropriated for allotment under this section is designated by the law that appropriates such funds as the amount necessary to implement such adjustment without reducing allotments made under this section to any school.

"(d) The Secretary shall reserve from the funds available for distribution for each fiscal year under this section an amount which, in the aggregate, shall equal 1 percent of the funds available for such purpose for that fiscal year. Such funds shall be used, at the discretion of the Director of the Office, to meet emergencies and unforeseen contingencies affecting the education programs funded under this section. Funds reserved under this subsection may only be expended for education services or programs at a school site (as defined in section 5204(c)(2) of the Tribally Controlled Schools Act of 1988). Funds reserved under this subsection shall remain available without fiscal year limitation until expended. However, the aggregate amount available from all fiscal years may not exceed 1 percent of the current year funds. Whenever the Secretary makes funds available under this subsection, the Secretary shall report such action to the appropriate committees of Congress within the annual budget submission.

"(e) Supplemental appropriations enacted to meet increased pay costs attributable to school level personnel shall be distributed under this section.

"(f) In this section "eligible Indian student" means a student who—

"(1) is a member of or is at least a ¼ degree Indian blood descendant of a member of an Indian tribe which is eligible for the special programs and services provided by the United States through the Bureau of Indian Affairs to Indians because of their status as Indians, and

"(2) resides on or near an Indian reservation or meets the criteria for attendance at a Bureau off-reservation boarding school.

"(g)(1) An eligible Indian student may not be charged tuition for attendance at a Bureau or contract school. A student attending a Bureau school under clause (2)(C) of this subsection may not be charged tuition.

"(2) The Secretary may permit the attendance at a Bureau school of a student who is not an eligible Indian student if—

"(A) the Secretary determines that the student's attendance will not adversely affect the school's program for eligible Indian students because of cost, overcrowding, or violation of standards,

"(B) the school board consents, and

"(C) the student is a dependent of a Bureau, Indian Health Service, or tribal government employee who lives on or near the school site, or

"(D) a tuition is paid for the student that is not more than that charged by the nearest public school district for out-of-district students. The tuition collected is in addition to the school's allocation under this section.

"(3) The school board of a contract school or grant school may permit students who are not eligible Indian students under this subsection to attend its contract school or grant school and any tuition collected for those students is in addition to funding under this section.

"(h)(1) The Secretary shall conduct, through contact or cooperative agreement with an entity having proven expertise in the field of school finance, and after consultation with tribes and national Indian organizations, a study to determine 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 of financing. The Assistant Secretary shall take such steps as are necessary to immediately implement this provision.

"(2) For the purposes of this study, 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 the program developed under this part), the personnel profile necessary to establish such program and the cost (determined on an actual basis) of funding such a program. Such a system would 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 would provide for a mechanism for distributing such sums as may be appropriated based upon the determination at each school site.

"(3) No later than January 20, 1996, the Secretary shall transmit to the Committees on Education and Labor and Appropriations of the House of Representatives and the Committees on Indian Affairs and Appropriations of the Senate of the United States the study required under this subsection, along with any views or comments of the Secretary on such study.

"(i) Any other provision of law notwithstanding, at the election of the school board made at any time during the fiscal year, a portion equal to no more than 15 percent of the funds allocated with respect to a school under this section for any fiscal year shall remain available to the school for expendi-

ture without fiscal year limitation. The Assistant Secretary shall take steps as may be necessary to implement this provision immediately.

"(j) Tuition for the out-of-State students boarding at the Richfield Dormitory in Richfield, Utah, who attend Sevier County high schools in Richfield, Utah, may 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 instruction. No additional administrative cost funds will be added to the grant.

"SEC. 6708. ADMINISTRATIVE COST GRANTS.

"(a)(1) The Secretary shall, subject to the availability of appropriated funds, provide grants to each tribe or tribal organization operating a contract or grant school in the amount determined under this section with respect to the tribe or tribal organization for the purpose of paying the administrative and indirect costs incurred in operating contract schools in order to—

"(A) enable tribes and tribal organizations operating such schools, without reducing direct program services to the beneficiaries of the program, to provide all related administrative overhead services and operations necessary to meet the requirements of law and prudent management practice, and

"(B) carry out other necessary support functions which would otherwise be provided by the Secretary or other Federal officers or employees, from resources other than direct program funds, in support of comparable Bureau operated programs.

"(2) Amounts appropriated to fund the grants provided under this section shall be in addition to, and shall not reduce, the amounts appropriated for the program being administered by the contract schools.

"(b)(1) The amount of the grant provided to each tribe or tribal organization under this section for each fiscal year shall be determined by applying the administrative cost percentage rate of the tribe or tribal organization to the aggregate of the Bureau elementary and secondary functions operated by the tribe or tribal organization for which funds are received from or through the Bureau. The administrative cost percentage rate determined under subsection (c) does not apply to other programs operated by the tribe or tribal organization.

"(2) The Secretary shall—

"(A) reduce the amount of the grant determined under paragraph (1) to the extent that payments for administrative costs are actually received by an Indian tribe or tribal organization under any Federal education program included in the direct cost base of the tribe or tribal organization, and

"(B) take such actions as may be necessary to be reimbursed by any other department or agency of the Federal Government for the portion of grants made under this section for the costs of administering any program for Indians that is funded by appropriations made to such other department or agency.

"(c) For purposes of this section, the administrative cost percentage rate for a contract or grant school for a fiscal year is equal to the percentage determined by dividing—

"(1) the sum of—

"(A) the amount equal to—

"(i) the direct cost base of the tribe or tribal organization for the fiscal year, multiplied by

"(ii) the minimum base rate, plus

"(B) the amount equal to—

"(i) the standard direct cost base, multiplied by

"(ii) the maximum base rate, by

"(2) the sum of—

"(A) the direct cost base of the tribe or tribal organization for the fiscal year, plus

"(B) the standard direct cost base. The administrative cost percentage rate shall be determined to the 1/100 of a decimal point.

"(d)(1)(A) Funds received by a tribe or contract or grant school as grants under this section for tribal elementary or secondary educational programs may be combined by the tribe or contract school into a single administrative cost account without the necessity of maintaining separate funding source accounting.

"(B) Indirect cost funds for programs at the school which share common administrative services with tribal elementary or secondary educational programs may be included in the administrative cost account described in subparagraph (A).

"(2) Funds received as grants under this section with respect to tribal elementary or secondary education programs shall remain available to the contract or grant school without fiscal year limitation and without diminishing the amount of any grants otherwise payable to the school under this section for any fiscal year beginning after the fiscal year for which the grant is provided.

"(3) Funds received as grants under this section for Bureau funded programs operated by a tribe or tribal organization under a contract or agreement shall not be taken into consideration for purposes of indirect cost underrecovery and overrecovery determinations by any Federal agency for any other funds, from whatever source derived.

"(4) In applying this section and section 106 of the Indian Self-Determination and Education Assistance Act with respect to an Indian tribe or tribal organization that—

"(A) receives funds under this section for administrative costs incurred in operating a contract school or a school operated under the Tribally Controlled Schools Act of 1988, and

"(B) operates 1 or more other programs under a contract or grant provided under the Indian Self-Determination and Education Assistance Act,

the Secretary shall ensure that the Indian tribe or tribal organization is provided with the full amount of the administrative costs, and of the indirect costs, that are associated with operating the contract school, a school operated under the Tribally Controlled Schools Act of 1988, and all of such other programs, except that funds appropriated for implementation of this section shall be used only to supply the amount of the grant required to be provided by this section.

"(e) For purposes of this section—

"(1)(A) The term 'administrative cost' means the costs of necessary administrative functions which—

"(i) the tribe or tribal organization incurs as a result of operating a tribal elementary or secondary educational program,

"(ii) are not customarily paid by comparable Bureau operated programs out of direct program funds, and

"(iii) are either—

"(I) normally provided for comparable Bureau programs by Federal officials using resources other than Bureau direct program funds, or

"(II) are otherwise required of tribal self-determination program operators by law or prudent management practice.

"(B) The term 'administrative cost' may include, but is not necessarily limited to—

"(i) contract (or other agreement) administration;

"(ii) executive, policy, and corporate leadership and decisionmaking;

"(iii) program planning, development, and management;

"(iv) fiscal, personnel, property, and procurement management;

"(v) related office services and record keeping; and

"(vi) costs of necessary insurance, auditing, legal, safety and security services.

"(2) The term 'Bureau elementary and secondary functions' means—

"(A) all functions funded at Bureau schools by the Office of Indian Education Programs of the Bureau;

"(B) all programs—

"(i) funds for which are appropriated to other agencies of the Federal Government, and

"(ii) which are administered for the benefit of Indians through Bureau schools; and

"(C) all operation, maintenance, and repair funds for facilities and government quarters used in the operation or support of elementary and secondary education functions for the benefit of Indians, from whatever source derived.

"(3) The term 'tribal elementary or secondary educational programs' means all Bureau elementary and secondary functions, together with any other Bureau programs or portions of programs (excluding funds for social services that are appropriated to agencies other than the Bureau and are expended through the Bureau, funds for major subcontracts, construction, and other major capital expenditures, and unexpended funds carried over from prior years) which share common administrative cost functions, that are operated directly by a tribe or tribal organization under a contract or agreement with the Bureau.

"(4)(A) Except as otherwise provided in this paragraph, the direct cost base of a tribe or tribal organization for the fiscal year is the aggregate direct cost program funding for all tribal elementary or secondary educational programs operated by the tribe or tribal organization during—

"(i) the second fiscal year preceding such fiscal year, or

"(ii) if such programs have not been operated by the tribe or tribal organization during the 2 preceding fiscal years, the first fiscal year preceding such fiscal year.

"(B) In the case of Bureau elementary or secondary education functions which have not previously been operated by a tribe or tribal organization under contract or agreement with the Bureau, the direct cost base for the initial year shall be the projected aggregate direct cost program funding for all Bureau elementary and secondary functions to be operated by the tribe or tribal organization during that fiscal year.

"(5) The term 'maximum base rate' means 50 percent.

"(6) The term 'minimum base rate' means 11 percent.

"(7) The term 'standard direct cost base' means \$600,000.

"(f)(1) Upon the enactment of the Indian Education Amendments of 1988, the Secretary shall—

"(A) conduct such studies as may be needed to establish an empirical basis for determining relevant factors substantially affecting the required administrative costs of tribal elementary and secondary educational programs, using the formula set forth in subsection (c), and

"(B) a study to determine—

"(i) a maximum base rate which ensures that the amount of the grants provided

under this section will provide adequate (but not excessive) funding of the administrative costs of the smallest tribal elementary or secondary educational programs,

"(ii) a minimum base rate which ensures that the amount of the grants provided under this section will provide adequate (but not excessive) funding of the administrative costs of the largest tribal elementary or secondary educational programs, and

"(iii) a standard direct cost base which is the aggregate direct cost funding level for which the percentage determined under subsection (c) will—

"(I) be equal to the median between the maximum base rate and the minimum base rate, and

"(II) ensure that the amount of the grants provided under this section will provide adequate (but not excessive) funding of the administrative costs of tribal elementary or secondary educational programs closest to the size of the program.

"(2) The studies required under paragraph (1) shall—

"(A) be conducted in full consultation (in accordance with section 1130) with—

"(i) the tribes and tribal organizations that are affected by the application of the formula set forth in subsection (c), and

"(ii) all national and regional Indian organizations of which such tribes and tribal organizations are typically members;

"(B) be conducted on-site at a representative statistical sample of the tribal elementary or secondary educational programs under a contract entered into with a nationally reputable public accounting and business consulting firm;

"(C) take into account the availability of skilled labor, commodities, business and automatic data processing services, related Indian preference and Indian control of education requirements, and any other market factors found substantially to affect the administrative costs and efficiency of each such tribal elementary or secondary educational program studied in order to assure that all required administrative activities can reasonably be delivered in a cost effective manner for each such program, given an administrative cost allowance generated by the values, percentages, or other factors found in the studies to be relevant in such formula;

"(D) identify, and quantify in terms of percentages of direct program costs, any general factors arising from geographic isolation, or numbers of programs administered, independent of program size factors used to compute a base administrative cost percentage in such formula; and

"(E) identify any other incremental cost factors substantially affecting the costs of required administrative cost functions at any of the tribal elementary or secondary educational programs studied and determine whether the factors are of general applicability to other such programs, and (if so) how they may effectively be incorporated into such formula.

"(3) In carrying out the studies required under this subsection, the Secretary shall obtain the input of, and afford an opportunity to participate to, the Inspector General of the Department of the Interior.

"(4) Determinations described in paragraph (2)(C) shall be based on what is pragmatically possible to do at each location studied, given prudent management practice, irrespective of whether required administrative services were actually or fully delivered at these sites, or other services were delivered instead, during the period of the study.

"(5) Upon completion of the studies conducted under paragraph (1), but in no case later than October 1, 1989, the Secretary shall submit to the Congress a report on the findings of the studies, together with determinations based upon such findings that would affect the definitions of terms used in the formula that is set forth in subsection (c).

"(6) The Secretary shall include in the Bureau's justification for each appropriations request for each fiscal year beginning after fiscal year 1989, a projection of the overall costs associated with the formula set forth in subsection (c) for all tribal elementary or secondary educational programs which the Secretary expects to be funded in the fiscal year for which the appropriations are sought.

"(7) For purposes of this subsection, the size of tribal elementary or secondary educational programs is determined by the aggregate direct cost program funding level for all Bureau funded programs which share common administrative cost functions.

"(g)(1) There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the provisions of this section.

"(2) If the total amount of funds necessary to provide grants to tribes and tribal organizations in the amounts determined under subsection (b) for a fiscal year exceeds the amount of funds appropriated to carry out this section for such fiscal year, the Secretary shall reduce the amount of each grant determined under subsection (b) for such fiscal year by an amount that bears the same relationship to such excess as the amount of such grant determined under subsection (b) bears to the total of all grants determined under subsection (b) for all tribes and tribal organizations for such fiscal year.

"(h)(1) Notwithstanding any other provision of this section, the amount of the grants provided under this section for fiscal year 1989 shall—

"(A) in lieu of being determined under subsection (b), be determined for each tribal elementary or secondary educational program on the same basis that indirect costs were determined for such programs for fiscal year 1988, and

"(B) be subject to the provisions of subsection (d).

"(2) Notwithstanding any other provision of this section, the amount of the grant provided under this section for fiscal year 1990 with respect to each tribal elementary and secondary educational program that was operated by a tribe or tribal organization in fiscal year 1989 shall be equal to—

"(A) if the amount of the grant determined under subsection (b) for fiscal year 1990 with respect to such program exceeds the amount received by the tribe or tribal organization with respect to such program for administrative costs for fiscal year 1988 (or fiscal year 1989 if such program was not operated by the tribe or tribal organization during fiscal year 1988), the sum of—

"(i) such amount received, plus

"(ii) ½ of the excess of—

"(I) such amount determined under subsection (b), over

"(II) such amount received, or

"(B) if such amount received exceeds such amount determined under subsection (b), the excess of—

"(i) such amount received, over

"(ii) an amount equal to ½ of the excess of—

"(I) such amount received, over

"(II) such amount determined under subsection (b).

"(3) Notwithstanding any other provision of this section, the amount of the grants provided under this section for fiscal year 1991 with respect to each tribal elementary and secondary educational program that was operated by a tribe or tribal organization in fiscal year 1989 shall be equal to—

"(A) if the amount of the grant determined under subsection (b) for fiscal year 1991 with respect to such program exceeds the amount received by the tribe or tribal organization with respect to such program for administrative costs for fiscal year 1990, the sum of—

"(i) such amount received, plus
 "(ii) ½ of the excess of—
 "(I) such amount determined under subsection (b), over

"(II) such amount received, or
 "(B) if such amount received exceeds such amount determined under subsection (b), the excess of—

"(i) such amount received, over
 "(ii) an amount equal to ½ of the excess of—
 "(I) such amount received, over,
 "(II) such amount determined under subsection (b).

"(i) The provisions of this section shall also apply to those schools operating under the Tribally Controlled Schools Act of 1988.

"SEC. 6709. BUDGET PREPARATION AND SUBMISSION.

"(a) For each fiscal year beginning after October 1, 1994, and ending before October 1, 1998, the Secretary shall enter into an interagency agreement with the Secretary of Education for the purpose of carrying out this section. The Secretary shall take such actions as are necessary to transfer information requested by the Secretary of Education or the entity designated under subsection (b) of this section needed to carry out this section in a timely and accurate fashion.

"(b) The Secretary of Education, through the National Center for Education Statistics, shall prepare and submit to Congress the study set forth in subsection (c) of this section no later than January 20, 1995, and January 20 of each of the next 3 succeeding years. The Secretary of Education shall transmit the report directly and without substantive amendment to the Secretary of the Interior, the Assistant Secretary for Indian Affairs of the Department of the Interior, and the Committees on Education and Labor and Appropriations of the House of Representatives and the Committees on Indian Affairs and Appropriations of the Senate of the United States.

"(c)(1) The National Center for Educational Statistics (hereinafter referred to as the 'Center') shall prepare for each of the fiscal years covered under subsection (a) of this section a report on the amount needed to achieve academic and residential programs set forth in this part for Bureau-funded schools funded under section 6707. Such study shall be based on (A) the standards developed and implemented for Bureau-funded schools under section 6701 and 6702 of this part or such other standards as may apply to Bureau-funded contract schools or schools funded under the Tribally Controlled Schools Act of 1988, (B) the student count and characteristics of such schools, as determined pursuant to the formula developed and implemented pursuant to section 6707 of this part for the preceding academic year, adjusted for any changes in student demographics which the Center may project, (C) the employee statistics with respect to such schools for the preceding fiscal year, and (D) such other factors as the Center may set forth, including but not limited to age or physical condition of the schools and changes in isolation.

"(2) Each study shall include a total projected cost for attaining the standards set forth under paragraph (1), and shall presume compliance with those standards. Such study shall also include a projection of the cost for meeting such standards for each Bureau funded school. Such study shall also include a report on any shortfall in the amount needed to fund Bureau-funded schools, as determined by the study conducted pursuant to this section and the appropriations amount requested and enacted for the period covered by the study.

"(d)(1) Within 24 months of the date of enactment of this Act, the Secretary shall establish within the Office of Indian Education Programs a Division of Budget Analysis (hereinafter referred to as the 'Division'). Such Division shall be under the direct supervision and control of the Director of the Office.

"(2) The Division shall have the capacity to conduct such studies, surveys, or other activities as are necessary to gather demographic information on Bureau-funded schools (current and future) and project the amount necessary to provide Indian students in such schools the educational program set forth in this part.

"(3) The Division shall prepare projections on such amounts, along with such other information as the Director of the Office shall require, for each fiscal year beginning after October 1, 1996. The Director of the Office and the Assistant Secretary for Indian Affairs shall use such reports when preparing their annual budget submissions.

"SEC. 6710. UNIFORM DIRECT FUNDING AND SUPPORT.

"(a)(1) Within six months after the date of enactment of this Act, the Secretary shall establish, by regulation adopted in accordance with section 6719, a system for the direct funding and support of all Bureau-funded schools. Such system shall allot funds, in accordance with section 6707. Amounts appropriated for distribution under this section may be made available under paragraph (2) or under paragraph (3), as provided in the appropriation Act.

"(2)(A) For the purpose of affording adequate notice of funding available pursuant to the allotments made by section 6707, 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 they 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 preceding the fiscal year for which the funds are appropriated, allotments to each affected school made under section 6707 of 85 percent of such appropriation; and

"(ii) publish, no later than September 30 of such preceding fiscal year, the allotments to be made under section 6707 of the remaining 15 percent of such appropriation, adjusted to reflect actual student attendance.

"(3) Notwithstanding any law or regulation, the supervisor of a Bureau school may expend an aggregate of no more than \$35,000 of the amount allotted the school under section 6707 to acquire supplies and equipment for the school without competitive bidding if—

"(A) the cost for any single item purchased does not exceed \$10,000;

"(B) the school board approves the procurement;

"(C) the supervisor certifies that the cost is fair and reasonable;

"(D) the documents relating to the procurement executed by the supervisor or other school staff cite this paragraph as authority for the procurement; and

"(E) the transaction is documented in a journal maintained at the school clearly identifying when the transaction occurred, what was acquired and from whom, the prices paid, the quantities acquired, and any other information the supervisor or school board considers relevant.

The Director shall be responsible for determining the application of this paragraph, including the authorization of specific individuals to carry out this authority, and shall be responsible for the provision of guidelines on the use of this authority and adequate training on such guidelines.

"(4) If a sequestration order issued under the Balanced Budget and Emergency Deficit Control Act of 1985 reduces the amount of funds available for allotment under section 6707 for any fiscal year by more than 7 percent of the amount of funds available for allotment under such section during the preceding fiscal year—

"(A) the Secretary may, notwithstanding any other provision of law, use—

"(i) funds appropriated for the operation of any Bureau school that is closed or consolidated, and

"(ii) funds appropriated for any program that has been curtailed at any Bureau school, to fund allotments made under section 6707, and

"(B) the Secretary may waive the application of the provisions of section 6701(h) with respect to the closure or consolidation of a school, or the curtailment of a program at a school, during such fiscal year if the funds described in clauses (i) and (ii) of subparagraph (A) with respect to such school are used to fund allotments made under section 6707 for such fiscal year.

"(b) In the case of all Bureau schools, allotted funds shall be expended on the basis of local financial plans which shall be prepared by the local school supervisor in active consultation with the local school board for each school, and the local school board for each school shall have the authority to ratify, reject, or amend such financial plan, and expenditures thereunder, and, on its own determination or in response to the supervisor of the school, to revise such financial plan to meet needs not foreseen at the time of preparation of the financial plan. The supervisor shall provide the appropriate union representative of the education employees with copies of proposed draft financial plans and all amendments or modifications thereto, at the same time they are submitted to the local school board. The supervisor of the school may appeal any such action of the local school board to the appropriate education officer of the Bureau agency by filing a written statement describing the action and the reasons the supervisor believes such action should be overturned. A copy of such statement shall be submitted to the local school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the appropriate education officer may, for good cause, overturn the action of the local school board. The appropriate education officer shall transmit the determination of such appeal in the form of a written opinion to such board and to such supervisor identifying the reasons for overturning such action.

"(c) Funds for self-determination grants under section 103(a)(2) of the Indian Self-Determination and Education Assistance Act shall not be used for providing technical assistance and training in the field of education by the Bureau unless such services are provided in accordance with a plan, agreed to by the tribe or tribes affected and the Bureau, under which control of education programs is intended to be transferred to such tribe or tribes within a specific period of time negotiated under such agreement. The Secretary may approve applications for funding tribal divisions of education and the development of tribal codes of education from funds appropriated pursuant to section 104(a) of such Act.

"(d) In the exercise of its authority under this section, a local school board may request technical assistance and training from the Secretary, and he shall, to the greatest extent possible, provide such services, and make appropriate provisions in the budget of the Office for such services.

"(e)(1) A financial plan under subsection (b) for a school may include, at the discretion of the local administrator and the school board of such school, a provision for a summer program of academic and support services for students of the school. Any such program may include activities related to the prevention of alcohol and substance abuse. The Assistant Secretary of Indian Affairs shall provide for the utilization of any such school facility during any summer in which such utilization is requested.

"(2) Notwithstanding any other provision of law, funds authorized under the Act of April 16, 1934 (25 U.S.C. 452 et seq.) and the Indian Education Act may be used to augment the services provided in each summer program at the option, and under the control, of the tribe or Indian controlled school receiving such funds.

"(3) The Assistant Secretary of Indian Affairs, acting through the Director of the Office of Indian Education Programs, shall provide technical assistance and coordination for any program described in paragraph (1) and shall, to the extent possible, encourage the coordination of such programs with any other summer programs that might benefit Indian youth, regardless of the funding source or administrative entity of any such program.

"(f)(1) From funds allotted to a Bureau school under section 6707, the Secretary shall, if specifically requested by the tribal governing body (within the meaning of section 6701(k)), implement any cooperative agreement entered into between the tribe, the Bureau school board, and the local public school district which meets the requirements of paragraph (2) and involves the school. The tribe, the Bureau school board, and the local public school district shall determine the terms of the agreement. Such agreement may encompass coordination of all or any part of the following:

"(A) Academic program and curriculum, unless the Bureau school is currently accredited by a State or regional accrediting entity and would not continue to be so accredited.

"(B) Support services, including procurement and facilities maintenance.

"(C) Transportation.

"(2) Each agreement entered into pursuant to the authority provided in paragraph (1) shall confer a benefit upon the Bureau school commensurate with the burden assumed, though this requirement shall not be construed so as to require equal expenditures or an exchange of similar services.

"(g) Any other provision of law notwithstanding, where there is agreement on such

action between the superintendent and school board of a B.I.A. 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 said project.

"(h) Notwithstanding any other provision of law, funds received by Bureau funded schools under this title shall not be considered Federal funds for purposes of meeting a match requirement in any Federal program.

"SEC. 6711. POLICY FOR INDIAN CONTROL OF INDIAN EDUCATION.

"(a) It shall be the policy of the the Secretary and the Bureau, in carrying out the functions of the Bureau, to facilitate Indian control of Indian affairs in all matters relating to education.

"(b)(1) All actions under this Act shall be done with active consultation with tribes.

"(2) The consultation required under paragraph (1) means a process involving the open discussion and joint deliberation of all options with respect to potential issues or changes between the Bureau and all interested parties. During such discussions and joint deliberations, interested parties (including, but not limited to, tribes and school officials) shall be given an opportunity to present issues including proposals regarding changes in current practices or programs which will be considered for future action by the Bureau. All interested parties shall be given an opportunity to participate and discuss the options presented or to present other alternatives, with the views and concerns of the interested parties given effect unless the Secretary determines, from information educed or presented by the interested parties during 1 or more of the discussions and deliberations, that there is a substantial reason for another course of action. The Secretary shall submit to any Member of Congress, within 18 days of the receipt of a written request by such Member, a written explanation of any decision made by the Secretary which is not consistent with the views of the interested parties.

"SEC. 6712. EDUCATION PERSONNEL.

"(a)(1) Chapter 51, subchapter III of chapter 53, and chapter 63 of title 5, United States Code, relating to leave, pay, and classification, and the sections relating to the appointment, promotion and removal of civil service employees, shall not apply to educators or to education positions (as defined in subsection (n)).

"(2) Paragraph (1) shall take effect 1 year after the date of enactment of this Act.

"(b) Not later than the effective date of subsection (a)(2), the Secretary shall prescribe regulations to carry out this section. Such regulations shall govern—

"(1) the establishment of education positions,

"(2) the establishment of qualifications for educators,

"(3) the fixing of basic compensation for educators and education positions,

"(4) the appointment of educators,

"(5) the discharge of educators,

"(6) the entitlement of educators to compensation,

"(7) the payment of compensation to educators,

"(8) the conditions of employment of educators,

"(9) the length of the school year applicable to education positions described in subsection (n)(1)(A),

"(10) the leave system for educators, and

"(11) such other matters as may be appropriate.

"(c)(1) In prescribing regulations to govern the qualifications of educators, the Secretary shall require—

"(A)(i) that lists of qualified and interviewed applicants for education positions be maintained in each agency and area office of the Bureau from among individuals who have applied at the agency or area level for an education position or who have applied at the national level and have indicated in such application an interest in working in certain areas or agencies; and

"(ii) that a list of qualified and interviewed applicants for education positions be maintained in the Office from among individuals who have applied at the national level for an education position and who have expressed interest in working in an education position anywhere in the United States;

"(B) that a local school board shall have the authority to waive on a case-by-case basis, any formal education or degree qualifications established by regulation pursuant to subsection (b)(2), in order for a tribal member to be hired in an education position to teach courses on tribal culture and language and that subject to subsection (d)(2)(A), a determination by a school board that such a person be hired shall be followed by the supervisor; and

"(C) that it shall not be a prerequisite to the employment of an individual in an education position at the local level that such individual's name appear on the national list maintained pursuant to subsection (c)(1)(A)(ii) or that such individual has applied at the national level for an education position.

"(2) The Secretary may authorize the temporary employment in an education position of an individual who has not met the certification standards established pursuant to regulations, if the Secretary determines that failure to do so would result in that position remaining vacant.

"(d)(1) In prescribing regulations to govern the appointment of educators, the Secretary shall require—

"(A)(i) that educators employed in a school (other than the supervisor of the school) shall be hired by the supervisor of the school unless there are no qualified applicants available, in which case the vacant position shall be filed at the national level from the list maintained pursuant to subsection (c)(1)(A)(ii).

"(ii) each school supervisor shall be hired by the superintendent for education of the agency office of the Bureau in which the school is located, and

"(iii) educators employed in an agency office of the Bureau shall be hired by the superintendent for education of the agency office;

"(B) that before an individual is employed in an education position in a school by the supervisor of a school (or, with respect to the position of supervisor, by the appropriate agency superintendent for education), the local school board for the school shall be consulted, and that subject to subsection (d)(2), a determination by the school board that such individual should or should not be so employed shall be followed by the supervisor (or with respect to the position of supervisor, by the agency superintendent for education); and

"(C) that before an individual may be employed in an education position at the agency level, the appropriate agency school board shall be consulted, and that, subject to subsection (d)(3), a determination by such school board that such individual should or should not be employed shall be followed by the agency superintendent for education.

"(2)(A) The supervisor of a school may appeal to the appropriate agency superintendent

ent for education any determination by the local school board for the school that an individual be employed, or not be employed, in an education position in the school (other than that of supervisor) by filing a written statement describing the determination and the reasons the supervisor believes such determination should be overturned. A copy of such statement shall be submitted to the local school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the superintendent may, for good cause, overturn the determination of the local school board. The superintendent shall transmit the determination of such appeal in the form of a written opinion to such board and to such supervisor identifying the reasons for overturning such determination.

"(B) The superintendent for education of an agency office of the Bureau may appeal to the Director of the Office any determination by the local school board for the school that an individual be employed, or not be employed, as the supervisor of a school by filing a written statement describing the determination and the reasons the supervisor believes such determination should be overturned. A copy of such statement shall be submitted to the local school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the Director may, for good cause, overturn the determination of the local school board. The Director shall transmit the determination of such appeal in the form of a written opinion to such board and to such superintendent identifying the reasons for overturning such determination.

"(3) The superintendent for education of an agency office of the Bureau may appeal to the Director of the Office any determination by the agency school board that an individual be employed, or not be employed, in an education position in such agency office by filing a written statement describing the determination and the reasons the supervisor believes such determination should be overturned. A copy of such statement shall be submitted to the agency school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the Director may, for good cause, overturn the determination of the agency school board. The Director shall transmit the determination of such appeal in the form of a written opinion to such board and to such superintendent identifying the reasons for overturning such determination.

"(4) Any individual who applies at the local level for an education position shall state on such individual's application whether or not such individual has applied at the national level for an education position in the Bureau. If such individual is employed at the local level, such individual's name shall immediately be forwarded to the Secretary, who shall, as soon as possible but in no event in more than thirty days, ascertain the accuracy of the statement made by such individual pursuant to the first sentence of this subparagraph. If the individual's statement is found to have been false, such individual, at the Secretary's discretion, may be disciplined or discharged. If the individual had applied at the national level for an education position in the Bureau, if the appointment of such individual at the local level shall be conditional for a period of ninety days, during which period the Secretary may appoint a more qualified individual (as determined

by the Secretary) from the list maintained at the national level pursuant to subsection (c)(1)(A)(ii) to the position to which such individual was appointed.

"(5) Except as expressly provided, nothing in this section shall be construed as conferring upon local school boards, authority over, or control of, educators.

"(e)(1) In prescribing regulations to govern the discharge and conditions of employment of educators, the Secretary shall require—

"(A) that procedures be established for the rapid and equitable resolution of grievances of educators;

"(B) that no educator may be discharged without notice of the reasons therefore and opportunity for a hearing under procedures that comport with the requirements of due process; and

"(C) educators employed in Bureau schools shall be notified sixty days prior to the end of the school year whether their employment contract will be renewed for the coming year.

"(2) The supervisor of a Bureau school may discharge (subject to procedures established under paragraph (1)(B) for cause (as determined under regulations prescribed by the Secretary) any educator employed in such school. Upon giving notice of proposed discharge to an educator, the supervisor involved shall immediately notify the local school board for the school of such action. A determination by the local school board that such educator shall not be discharged shall be followed by the supervisor. The supervisor shall have the right to appeal such action to the superintendent for education of the appropriate agency office of the Bureau. Upon such an appeal, the agency superintendent for education may, for good cause and in writing to the local school board, overturn the determination of the local school board with respect to the employment of such individual.

"(3) Each local school board for a Bureau school shall have the right (A) to recommend to the supervisor of such school that an educator employed in the school be discharged, and (B) to recommend to the superintendent of education of the appropriate agency office of the Bureau and to the Director of the Office, that the supervisor of the school be discharged.

"(f)(1) Notwithstanding any provision of the Indian preference laws, such laws shall not apply in the case of any personnel action within the purview of this section respecting an applicant or employee not entitled to Indian preference if each tribal organization concerned grants, in writing, a waiver of the application of such laws with respect to such personnel action, where such a waiver is in writing deemed to be a necessity by the tribal organization, except that this shall in no way relieve the Bureau of its responsibility to issue timely and adequate announcements and advertisements concerning any such personnel action if it is intended to fill a vacancy (no matter how such vacancy is created).

"(2) For purposes of this subsection, the term 'tribal organization' means—

"(A) the recognized governing body of any Indian tribe, band, nation, pueblo, or other organized community, including a Native village (as defined in section 3(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(c); 85 Stat. 688)); or

"(B) in connection with any personnel action referred to in this subsection, any local school board as defined in section 1139, and which has been delegated by such governing body the authority to grant a waiver under

such subsection with respect to such personnel action.

"(3) The term 'Indian preference laws' means section 12 of the Act of June 18, 1934 (25 U.S.C. 472; 48 Stat. 986) or any other provision of law granting a preference to Indians in promotions and other personnel actions, except that such term shall not be considered to include section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(b); 88 Stat. 2295).

"(g) Subject to the authority of the Civil Service Commission to determine finally the applicability of chapter 51 of title 5, United States Code, to specific positions and employees in the executive branch, the Secretary shall determine in accordance with subsection (a)(1) the applicability or inapplicability of such chapter to positions and employees in the Bureau.

"(h)(1)(A) Except as otherwise provided in this section, the Secretary shall fix the basic compensation or annual salary rate for educators and education positions at rates comparable to the rates in effect under the General Schedule for individuals with comparable qualifications, and holding comparable positions, to whom chapter 51 is applicable or on the basis of the Federal Wage System schedule in effect for the locality.

"(B) By no later than October 28, 1988, the Secretary shall establish, for contracts for the 1991-1992 academic year, and thereafter, the rates of basic compensation, or annual salary rates, for the positions of teachers and counselors (including dormitory counselors and home-living counselors) at the rates of basic compensation applicable (on the date of enactment of such Amendments and thereafter) to comparable positions in overseas schools under the Defense Department Overseas Teachers Pay and Personnel Practices Act, unless the Secretary establishes such rates within such 6-month period through collective bargaining with the appropriate union representative of the education employees that is recognized by the Bureau.

"(C) By no later than October 28, 1988, the Secretary shall establish the rates of basic compensation or annual salary rates for the positions of teachers and counselors (including dormitory and home-living counselors)—

"(i) for contracts for the 1989-1990 academic year, at rates which reflect 1/2 of the changes in the rates applicable to such positions on April 28, 1988, that must be made to conform the rates to the rates established under subparagraph (B) for such positions for contracts for the 1991-1992 academic year, and

"(ii) for contracts for the 1990-1991 academic year, at rates which reflect 2/3 of such changes.

"(D) The establishment of rates of basic compensation and annual salary rates by the Secretary under subparagraphs (B) and (C) shall not preclude the use of regulations and procedures used by the Bureau before the enactment of the Indian Education Amendments of 1988 in making determinations regarding promotions and advancements through levels of pay that are based on the merit, education, experience, or tenure of the educator.

"(E)(i) Except as provided in clause (ii), the establishment of rates of basic compensation and annual salary rates by the Secretary under subparagraphs (B) and (C) shall not affect the continued employment or compensation of an educator who was employed in an education position on October 31, 1979, and who did not make the election under paragraph (2) of subsection (o).

"(ii) Any individual described in clause (i) may, during the 5-year period beginning on the date on which the Secretary establishes rates of basic compensation and annual salary rates under subparagraph (B), make an irrevocable election to have the basic compensation rate or annual salary rate of such individual determined in accordance with this paragraph.

"(iii) If an individual makes the election described in clause (ii), such election shall not affect the application to the individual of the same retirement system and leave system that applies to the individual during the fiscal year preceding the fiscal year in which such election is made, except that the individual must use leave accrued during a contract period by the end of that contract period.

"(F) The President shall include with the budget submitted under section 1105 of title 31, United States Code, for each of the fiscal years 1990, 1991, and 1992 a written statement by the Secretary which specifies—

"(i) the amount of funds the Secretary needs to pay basic compensation and the annual salaries of educators for such fiscal year, and

"(ii) the amount of funds the Secretary estimates would be needed to pay basic compensation and the annual salaries of educators for such fiscal year if the amendments made to this paragraph by the Indian Education Amendments of 1988 had not been enacted.

"(2) Each educator employed in an education position in Alaska shall be paid a cost-of-living allowance equal to 25 per centum of the rate of basic compensation to which such educator is entitled.

"(3)(A) The Secretary may pay a postdifferential not to exceed 25 per centum of the rate of basic compensation, on the basis of conditions of environment or work which warrant additional pay as a recruitment and retention incentive.

"(B)(i) Upon the request of the supervisor and the local school board of a Bureau school, the Secretary shall grant the supervisor of the school authorization to provide 1 or more post differentials under subparagraph (A) unless the Secretary determines for clear and convincing reasons (and advises the board in writing of those reasons) that certain of the requested post differentials should be disapproved or decreased because there is no disparity of compensation for the involved employees or positions in the Bureau school, as compared with the nearest public school, that is either—

"(I) at least 5 percent, or

"(II) less than 5 percent and affects the recruitment or retention of employees at the school.

The request under this subparagraph shall be deemed granted as requested at the end of the 60th day after the request is received in the Central Office of the Bureau unless before that time it is approved, approved with modification, or disapproved by the Secretary.

"(ii) The Secretary or the supervisor of a Bureau school may discontinue or decrease a post differential authorized by reason of this subparagraph at the beginning of a school year after either—

"(I) the local school board requests that it be discontinued or decreased, or

"(II) the Secretary or the supervisor determines for clear and convincing reasons (and advises the board in writing of those reasons) that there is no disparity of compensation that would affect the recruitment or retention of employees at the school after the differential is discontinued or decreased.

"(iii) On or before February 1 of each year, the Secretary shall submit to Congress a report describing the requests and grants of authority under this subparagraph during the previous fiscal year and listing the positions contracted under those grants of authority.

"(i) Any individual—

"(1) who on the date of enactment of this Act is holding a position which is determined under subsection (f) to be an education position and who elects under subsection (o)(2) to be covered under the provisions of this section, or

"(2) who is an employee of the Federal Government or the municipal government of the District of Columbia and is transferred, promoted, or reappointed, without break in service, from a position under a different leave system to an education position,

shall be credited for the purpose of the leave system provided under regulations prescribed pursuant to subsection (b)(10), with the annual and sick leave to his credit immediately before the effective date of such election, transfer, promotion, or reappointment.

"(j) Upon termination of employment with the Bureau, any annual leave remaining to the credit of an individual within the purview of this section shall be liquidated in accordance with sections 5551(a) and 6306 of title 5, United States Code, except that leave earned or accrued under regulations prescribed pursuant to subsection (b)(10) shall not be so liquidated.

"(k) In the case of any educator who is transferred, promoted, or reappointed, without break in service, to a position in the Federal Government under a different leave system, any remaining leave to the credit of such person earned or credited under the regulations prescribed pursuant to subsection (b)(10) shall be transferred to his credit in the employing agency on an adjusted basis in accordance with regulations which shall be prescribed by the Civil Service Commission.

"(l) An educator who voluntarily terminates employment with the Bureau before the expiration of the existing employment contract between such educator and the Bureau shall not be eligible to be employed in another education position in the Bureau during the remainder of the term of such contract.

"(m) In the case of any educator employed in an education position described in subsection (n)(1)(A) who—

"(1) is employed at the close of a school year,

"(2) agrees in writing to serve in such a position for the next school year, and

"(3) is employed in another position during the recess period immediately preceding such next school year, or during such recess period receives additional compensation referred to in subsection (g)(2) or (g)(3), section 5533 of title 5, United States Code, relating to dual compensation, shall not apply to such educator by reason of any such employment during a recess period for any such receipt of additional compensation.

"(n) For the purpose of this section—

"(1) The term "education position" means a position in the Bureau the duties and responsibilities of which—

"(A) are performed on a school-year basis principally in a Bureau school and involve—

"(i) classroom or other instruction or the supervision or direction of classroom or other instruction;

"(ii) any activity (other than teaching) which requires academic credits in educational theory and practice equal to the academic credits in educational theory and

practice required for a bachelor's degree in education from an accredited institution of higher education;

"(iii) any activity in or related to the field of education notwithstanding that academic credits in educational theory and practice are not a formal requirement for the conduct of such activity; or

"(iv) support services at, or associated with, the site of the school; or

"(B) are performed at the agency level of the Bureau and involve the implementation of education-related programs other than the position for agency superintendent for education.

"(2) The term "educator" means an individual whose services are required, or who is employed, in an education position.

"(o)(1) Subsections (a) through (n) of this section apply to an educator hired after November 1, 1979 (and to an educator who elected application under paragraph (2)) and to the position in which such individual is employed. Subject to paragraph (2), the enactment of this Act shall not affect the continued employment of an individual employed on October 31, 1979 in an education position, or such individual's right to receive the compensation attached to such position.

"(2) Any individual employed in an education position on October 31, 1979, may, not later than November 1, 1983, make an irrevocable election to be covered under the provisions of subsection (a) through (n) of this section.

"(p)(1) An educator who was employed in an education position on October 31, 1979, who was eligible to make an election under paragraph (2) of subsection (o) at that time, and who did not make the election under paragraph (2) of subsection (o), may not be placed on furlough (within the meaning of section 7511(a)(5) of title 5, United States Code) without the consent of such educator for an aggregate of more than 4 weeks within the same calendar year, unless—

"(A) the supervisor, with the approval of the local school board (or of the agency superintendent for education upon appeal under paragraph (2)), of the Bureau school at which such educator provides services determines that a longer period of furlough is necessary due to an insufficient amount of funds available for personnel compensation at such school, as determined under the financial plan process as determined under section 1129(b) of this Act, and

"(B) all educators (other than principals and clerical employees) providing services at such Bureau school are placed on furloughs of equal length, except that the supervisor, with the approval of the local school board (or of the agency superintendent for education upon appeal under paragraph (2)), may continue 1 or more educators in pay status if (i) they are needed to operate summer programs, attend summer training sessions, or participate in special activities including (but not limited to) curriculum development committees, and (ii) they are selected based upon their qualifications, after public notice of the minimum qualifications reasonably necessary and without discrimination as to supervisory, nonsupervisory, or other status of the educators who apply.

"(2) The supervisor of a Bureau school may appeal to the appropriate agency superintendent for education any refusal by the local school board to approve any determination of the supervisor that is described in paragraph (1)(A) by filing a written statement describing the determination and the reasons the supervisor believes such determination should be approved. A copy of such

statement shall be submitted to the local school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the superintendent may, for good cause, approve the determination of the supervisor. The superintendent shall transmit the determination of such appeal in the form of a written opinion to such local school board and to the supervisor identifying the reasons for approving such determination.

"SEC. 6713. MANAGEMENT INFORMATION SYSTEM.

"The Secretary shall establish within the Office, within 1 year after the date of the enactment of the Indian Education Amendments of 1984, a computerized management information system, which shall provide information to the Office. Such information shall include but shall not be limited to—

- "(1) student enrollment;
- "(2) curriculum;
- "(3) staff;
- "(4) facilities;
- "(5) community demographics;
- "(6) student assessment information; and
- "(7) information on the administrative and program costs attributable to each Bureau program, divided into discreet elements.

"SEC. 6714. BUREAU EDUCATION POLICIES.

"Within 180 days of the date of enactment of this Act, the Secretary shall develop, publish in the Federal Register, and submit to all agency and area offices of the Bureau, all tribal governments, and the appropriate committees of the Congress, a draft set of education policies, procedures, and practices for education-related action of the Bureau. The Secretary shall, within 1 year of the date of enactment of this Act, provide that such uniform policies, procedures, and practices shall be finalized and promulgated. Thereafter, such policies, procedures, and practices and their periodic revisions, shall serve as the foundation for future Bureau actions in education.

"SEC. 6715. UNIFORM EDUCATION PROCEDURES AND PRACTICES.

"The Secretary shall cause the various divisions of the Bureau to formulate uniform procedures and practices with respect to such concerns of those divisions as relate to education, and shall report such practices and procedures to the Congress.

"SEC. 6716. RECRUITMENT OF INDIAN EDUCATORS.

"The Secretary shall institute a policy for the recruitment of qualified Indian educators and a detailed plan to promote employees from within the Bureau. Such plan shall include opportunities for acquiring work experience prior to actual work assignment.

"SEC. 6717. ANNUAL REPORT.

"(a) The Secretary shall submit to each appropriate committee of the Congress a detailed annual report on the state of education within the Bureau and any problems encountered in the field of education during the year. Such report shall contain suggestions for improving the Bureau educational system and increasing local Indian control of such system. Such report shall also include the current status of tribally controlled community colleges. The annual budget submission for the Bureau's education programs shall, among other things, include (1) information on the funds provided previously private schools under section 208 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458d; 88 Stat. 2216) and recommendations with respect to the future use of such funds; (2) the needs and costs of

operation and maintenance of tribally controlled community colleges eligible for assistance under the Tribally Controlled Community College Assistance Act of 1978 (92 Stat. 1325; 25 U.S.C. 1801 et seq.) and recommendations with respect to meeting such needs and costs; and (3) the plans required by section 1121(f), and 1122(c); and 1125(b) of this Act (25 U.S.C. 2001(f), 2002(c), and 2005(b)).

"(b) The Inspector General of the Department of the Interior shall establish a system to ensure that financial and compliance audits are conducted of each Bureau school at least once in every three years. Audits of Bureau schools shall be based upon the extent to which such school has complied with its local financial plan under section 1129.

"SEC. 6718. RIGHTS OF INDIAN STUDENTS.

"Within six months of the date of enactment of this Act, the Secretary shall prescribe such rules and regulations as are necessary to insure the constitutional and civil rights of Indian students attending Bureau schools, including, but not limited to, their right to privacy under the laws of the United States, their right to freedom of religion and expression and their right to due process in connection with disciplinary actions, suspensions, and expulsions.

"SEC. 6719. REGULATIONS.

"Regulations required to be adopted under sections 6706 through 6718 and any revisions of the standards developed under section 6701 or 6702 of this Act shall be deemed rules of general applicability prescribed for the administration of an applicable program for the purposes of section 431 of the General Education Provisions Act and shall be promulgated, submitted for congressional review, and take effect in accordance with the provisions of such section. Such regulations shall contain, immediately following each substantive provision of such regulations, citations to the particular section or sections of statutory law or other legal authority upon which such provision is based.

"SEC. 6720. DEFINITIONS.

"For the purpose of this part—

"(1) the term 'agency school board' means a body, the members of which are appointed by the school boards of the schools located within such agency, and the number of such members shall be determined by the Secretary in consultation with the affected tribes, except that, in agencies serving a single school, the school board of such school shall fulfill these duties;

"(2) the term 'Bureau' means the Bureau of Indian Affairs of the Department of the Interior;

"(3) the term 'Bureau funded school' means—

- "(A) a Bureau school;
- "(B) a contract school; or

"(C) a school for which assistance is provided under the Tribally Controlled Schools Act of 1988;

"(4) the term 'Bureau school' means a Bureau operated elementary or secondary day or boarding school or a Bureau operated dormitory for students attending a school other than a Bureau school;

"(5) the term 'contract school' means an elementary or secondary school or a dormitory which receives financial assistance for its operation under a contract or agreement with the Bureau under section 102, 103(a), or 208 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f, 450h(a), and 458d);

"(6) the term 'education line officer' means education personnel under the supervision of the Director, whether located in central, area, or agency offices;

"(7) the term 'financial plan' means a plan of services to be provided by each Bureau school;

"(8) the term 'grant school' means a school which is provided assistance under the Tribally Controlled Schools Act of 1988;

"(9) the term 'Indian organization' means any group, association, partnership, corporation, or other legal entity owned or controlled by a federally recognized Indian tribe or tribes, or a majority of whose members are members of federally recognized Indian tribes;

"(8) the term 'local educational agency' 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, or other school district located within a State, and includes any State agency which directly operates and maintains facilities for providing free public education;

"(9) the term 'local school board', when used with respect to a Bureau school, means a body chosen in accordance with the laws of the tribe to be served or, in the absence of such laws, elected by the parents of the Indian children attending the school, except that in schools serving a substantial number of students from different tribes, the members shall be appointed by the governing bodies of the tribes affected; and the number of such members shall be determined by the Secretary in consultation with the affected tribes;

"(10) the term 'Office' means the Office of Indian Education Programs within the Bureau;

"(11) the term 'Secretary' means the Secretary of the Interior;

"(12) the term 'supervisor' means the individual in the position of ultimate authority at a Bureau school; and

"(13) the term '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 (85 Stat. 688) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"SEC. 6721. VOLUNTARY SERVICES.

"Notwithstanding section 1342 of title 31, United States Code, the Secretary may, subject to the approval of the local school board concerned, accept voluntary services on behalf of Bureau schools. Nothing in this title shall be construed to require Federal employees to work without compensation or to allow the use of volunteer services to displace or replace Federal employees. An individual providing volunteer services under this section is a Federal employee only for purposes of chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.

"SEC. 6722. PRORATION OF PAY.

"(a) Notwithstanding any other provision of law, including laws relating to dual compensation, the Secretary, at the election of the employee, shall prorate the salary of an employee employed in an education position for the academic school-year over the entire twelve month period. Each educator employed for the academic school-year shall annually elect to be paid on a twelve month basis or for those months while school is in session. No educator shall suffer a loss of pay or benefits, including benefits under unemployment or other Federal or federally-assisted programs, because of such election.

"(b) During the course of such year the employee may change election once.

"(c) That portion of the employee's pay which would be paid between academic school years may be paid in lump sum at the election of the employee.

"(d) For the purposes of this section the terms "educator" and "education position" have the meaning contained in section 6712(n)(1) and (n)(2) of this title. This section applies to those individuals employed under the provisions of section 6712 of this title or title 5, United States Code.

"SEC. 6723. EXTRACURRICULAR ACTIVITIES.

"(a) Notwithstanding any other provision of law, the Secretary may provide, for each Bureau area, a stipend in lieu of overtime premium pay or compensatory time off. Any employee of the Bureau who performs additional activities to provide services to students or otherwise support the school's academic and social programs may elect to be compensated for all such work on the basis of the stipend. Such stipend shall be paid as a supplement to the employee's base pay.

"(b) If an employee elects not to be compensated through the stipend established by this section, the appropriate provisions of title 5, United States Code, shall apply.

"(c) This section applies to all Bureau employees, whether employed under section 6712 of this title or title 5, United States Code.

"SEC. 6724. EARLY CHILDHOOD DEVELOPMENT PROGRAM.

"(a) The Secretary shall provide grants to tribes, tribal organizations, and consortia of tribes and tribal organizations to fund early childhood development programs that are operated by such tribes, organizations, or consortia.

"(b)(1) The total amount of the grants provided under subsection (a) with respect to each tribe, tribal organization, or consortium of tribes or tribal organizations for each fiscal year shall be equal to the amount which bears the same relationship to the total amount appropriated under the authority of subsection (f) for such fiscal year (less amounts provided under subsection (e)) as—

"(A) the total number of children under 6 years of age who are members of—

"(i) such tribe,

"(ii) the tribe that authorized such tribal organization, or

"(iii) any tribe that—

"(I) is a member of such consortium, or

"(II) authorizes any tribal organization that is a member of such consortium, bears to

"(B) the total number of all children under 6 years of age who are members of any tribe that—

"(i) is eligible to receive funds under subsection (a),

"(ii) is a member of a consortium that is eligible to receive such funds, or

"(iii) authorizes a tribal organization that is eligible to receive such funds.

"(2) No grant may be provided under subsection (a)—

"(A) to any tribe that has less than 500 members,

"(B) to any tribal organization which is authorized—

"(i) by only 1 tribe that has less than 500 members, or

"(ii) by 1 or more tribes that have a combined total membership of less than 500 members, or

"(C) to any consortium composed of tribes, or tribal organizations authorized by tribes, that have a combined total tribal membership of less than 500 members.

"(c)(1) A grant may be provided under subsection (a) to a tribe, tribal organization, or

consortia of tribes and tribal organizations only if the tribe, organization or consortia submits to the Secretary an application for the grant at such time and in such form as the Secretary shall prescribe.

"(2) Applications submitted under paragraph (1) shall set forth the early childhood development program that the applicant desires to operate.

"(d) The early childhood development programs that are funded by grants provided under subsection (a)—

"(1) shall coordinate existing programs and may provide services that meet identified needs of parents and children under 6 years of age which are not being met by existing programs, including—

"(A) prenatal care,

"(B) nutrition education,

"(C) health education and screening,

"(D) educational testing, and

"(E) other educational services,

"(2) may include instruction in the language, art, and culture of the tribe, and

"(3) shall provide for periodic assessment of the program.

"(e) The Secretary shall, out of funds appropriated under the authority of subsection (f), include in the grants provided under subsection (a) amounts for administrative costs incurred by the tribe or tribal organization in establishing and maintaining the early childhood development program.

"(f) For the purpose of carrying out the provisions of this section, there are authorized to be appropriated \$5,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

"SEC. 6725. TRIBAL DEPARTMENTS OF EDUCATION.

"(a) Subject to the availability of appropriations, the Secretary shall provide grants and technical assistance to tribes for the development and operation of tribal departments of education for the purpose of planning and coordinating all educational programs of the tribe.

"(b) Grants provided under this section shall—

"(1) be based on applications from the governing body of the tribe,

"(2) reflect factors such as geographic and population diversity,

"(3) facilitate tribal control in all matters relating to the education of Indian children on Indian reservations and on former Indian reservations in Oklahoma,

"(4) provide for the development of coordinated educational programs on Indian reservations (including all preschool, elementary, secondary, and higher or vocational educational programs funded by tribal, Federal, or other sources) by encouraging tribal administrative support of all Bureau funded educational programs as well as encouraging tribal cooperation and coordination with all educational programs receiving financial support from State agencies, other Federal agencies, or private entities,

"(5) provide for the development and enforcement of tribal educational codes, including tribal educational policies and tribal standards applicable to curriculum, personnel, students, facilities, and support programs, and

"(6) otherwise comply with regulations for grants under section 103(a) of the Indian Self-Determination and Educational Assistance Act (25 U.S.C. 450h) that are in effect on the date application for such grants are made.

"(c)(1) In approving and funding applications for grants under this section, the Sec-

retary shall give priority to any application that—

"(A) includes assurances from the majority of Bureau funded schools located within the boundaries of the reservation of the applicant that the tribal department of education to be funded under this section will provide coordinating services and technical assistance to all of such schools, including (but not limited to) the submission to each applicable agency of a unified application for funding for all of such schools which provides that—

"(i) no administrative costs other than those attributable to the individual programs of such schools will be associated with the unified application, and

"(ii) the distribution of all funds received under the unified application will be equal to the amount of funds provided by the applicable agency to which each of such schools is entitled under law,

"(B) includes assurances from the tribal governing body that the tribal department of education funded under this section will administer all contracts or grants (except those covered by the other provisions of this title and the Tribally Controlled Community College Assistance Act of 1978) for education programs administered by the tribe and will coordinate all of the programs to the greatest extent possible,

"(C) includes assurances for the monitoring and auditing by or through the tribal department of education of all education programs for which funds are provided by contract or grant to ensure that the programs meet the requirements of law, and

"(D) provides a plan and schedule for—

"(i) the assumption over the term of the grant by the tribal department of education of all assets and functions of the Bureau agency office associated with the tribe, insofar as those responsibilities relate to education, and

"(ii) the termination by the Bureau of such operations and office at the time of such assumption,

but when mutually agreeable between the tribal governing body and the Assistant Secretary, the period in which such assumption is to occur may be modified, reduced, or extended after the initial year of the grant.

"(2) Subject to the availability of appropriated funds, grants provided under this section shall be provided for a period of 3 years and the grant may, if performance by the grantee is satisfactory to the Secretary, be renewed for additional 3-year terms.

"(d) The Secretary shall not impose any terms, conditions, or requirements on the provision of grants under this section that are not specified in this section.

"(e) For the purpose of carrying out the provisions of 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 fiscal years 1996, 1997, 1998, and 1999.

"SEC. 6726. PAYMENTS.

"(a)(1) Except as otherwise provided in this subsection, the Secretary shall make payments to grantees under this part in 2 payments:

"(A) one payment to be made no 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 no later than December 1 of each year.

"(2) For any school for which no payment was made from Bureau funds in the preced-

ing academic year, full payment of the amount computed for the first academic year of eligibility under this part shall be made no 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 they are appropriated, the Secretary shall make payments to grantees no 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) of this subsection.

(b) Paragraph (3) is amended by striking "Paragraphs (1) and (2)" and inserting in lieu thereof "Paragraphs (1), (2), and (3)", and is renumbered as paragraph "(5)".

"TITLE VII—BILINGUAL EDUCATION PROGRAMS

"SEC. 7001. SHORT TITLE.

"This title may be cited as the 'Bilingual Education Act'.

"SEC. 7002. FINDINGS, POLICY, AND PURPOSE.

"(a) FINDINGS.—The Congress finds that—

"(1) language-minority Americans constitute a large and growing proportion of the Nation's population;

"(2) language-minority Americans speak virtually all world languages plus many that are indigenous to the United States;

"(3) the presence of language-minority Americans is related in part to Federal immigration policies;

"(4) many language-minority Americans are limited in their English proficiency, and many have limited education and income;

"(5) limited-English-proficient children and youth, like all other children and youth, have diverse educational needs and strengths and therefore require access to all educational programs and services;

"(6) the Federal Government has a responsibility for the education of American Indians and a special obligation to Native Alaskans, Native Hawaiians and native residents of the territories and freely associated nations to redress the effect of past Federal policies;

"(7) institutions of higher education can assist in preparing teachers, administrators and other school personnel to understand and build upon the educational strengths and needs of language-minority and culturally diverse student enrollments;

"(8) it is the purpose of this title to help ensure that limited-English-proficient students master English and develop high levels of academic attainment in content areas;

"(9) quality bilingual education programs enable children and youth to learn English and meet high academic standards including proficiency in more than one language;

"(10) as the world becomes increasingly interdependent and as international communication becomes a daily occurrence in government, business, commerce, and family life, multilingual skills constitute an important national resource which deserves protection and development;

"(11) educational technology has the potential for improving the education of language-minority and limited-English-proficient students and their families, and the Federal Government should foster this development;

"(12) research, development, implementation and dissemination of effective bilingual education methods, practices, and programs for limited-English-proficient children are essential to systemwide school reform that improves education for all children; and

"(13) a recognized means by which a child learns is through the use of the child's na-

tive language, cultural heritage, and instructional programs which use and build upon a child's non-English native language and cultural heritage to promote parent and community involvement in education, student self-esteem, proficiency in English, and subject matter achievement.

"(b) 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, institutions of higher education, and community-based organizations to build their capacity to establish, implement, and sustain programs of instruction for language minority and limited-English-proficient children and youth.

"(c) PURPOSE.—The purpose of this title is to educate language minority and limited-English-proficient children and youth to meet the same rigorous standards for academic performance expected of all children and youth, including meeting challenging State performance standards in academic areas by developing—

"(1) systemic improvement and reform of educational programs serving language-minority and limited-English-proficient students through the development and implementation of exemplary bilingual education programs and special alternative instruction programs;

"(2) data collection and dissemination, research, materials development, and technical assistance which is focused on school improvement for language-minority and limited-English-proficient students; and

"(3) programs which strengthen and improve the professional training of educational personnel who work with limited-English-proficient and language-minority students.

"SEC. 7003. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—For the purpose of carrying out the provisions of this title (except part F), there are authorized to be appropriated \$215,000,000 for the fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

"(b) DISTRIBUTION.—From the sums appropriated under subsection (a) for any fiscal year, the Secretary shall reserve at least 25 percent for part C of this title.

"SEC. 7004. DEFINITIONS; REGULATIONS:

"(a) GENERAL RULE.—For purposes of this title—

"(1) The term 'native language', when used with reference to an individual, means the language normally used by such individuals, or, in the case of a child, the language normally used by the parents of the child.

"(2) The term 'language-minority' means—
"(A) individuals whose native language is other than English;

"(B) individuals who usually speak a language other than English or come from home environments where a language other than English is usually spoken; or

"(C) American Indians, Alaskan Natives, and Native Hawaiians and native residents of the territories and freely associated nations.

"(3) The term 'limited-English-proficient' means a language-minority person who has difficulty understanding, speaking, reading, or writing the English language at a level appropriate to his or her age and grade and is, thereby, academically disadvantaged in programs conducted exclusively in English.

"(4) The term 'bilingual education' refers to educational programs for limited-English-proficient students which make instructional use of both English and a student's na-

tive language. Programs of bilingual education must enable limited-English-proficient students to achieve English proficiency and academic mastery of subject matter content and higher order skills, including critical thinking, so as to meet age-appropriate grade-promotion and graduation standards in concert with national education goals. Bilingual education programs may also develop the native language skills of limited-English-proficient students, or ancestral languages of American Indians, Alaskan Natives, Native Hawaiians and native residents of the territories and freely associated nations. English proficient students may participate in bilingual education programs if the programs are designed to enable all enrolled students to become proficient in English and a second language.

"(5) The term 'special alternative instructional program' refers to educational programs for limited-English-proficient students which utilize specially designed English language curricula and services but do not use the student's native language for instructional purposes. Special alternative instructional programs must enable limited-English-proficient students to achieve English proficiency and academic mastery of subject matter content and higher order skills, including critical thinking so as to meet age-appropriate grade-promotion and graduation standards in concert with national education goals. Special alternative instructional programs are suitable for schools where the diversity of the limited-English-proficient students' native languages and the small number of students speaking each respective language makes bilingual education impractical and where there is a critical shortage of bilingual education teachers.

"(6) The term 'family education programs' refers to bilingual education or special alternative instructional programs designed to help limited-English-proficient adults and out-of-school youths achieve proficiency in the English language and to provide instruction on how parents and family members can facilitate the educational achievement of their children. When feasible, instructional programs such as the model developed under the Even Start Literacy Programs that promote adult literacy and train parents to support the educational growth of their children shall be developed. Programs shall give preference to participation by parents and immediate family members of children attending school. Family education programs may also provide instruction to facilitate higher education and employment outcomes.

"(7) The term 'institution of higher education' has the meaning given such term in section 1201(a) of the Higher Education Act of 1965.

"(8) The term 'Office' means the Office of Bilingual Education and Minority Languages Affairs.

"(9) The term 'community college' has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 for an institution which provides not less than a 2-year program which is acceptable for full credit toward a bachelor's degree, including institutions receiving assistance under the Tribally Controlled Community College Assistance Act of 1978.

"(10) The term 'paraprofessional' means an individual who is employed in preschool or elementary or secondary school under the supervision of a certified or licensed teacher, including individuals employed in bilingual education, special education and migrant education.

"(11) The term 'other programs for persons of limited-English-proficiency' means any programs administered by the Secretary that serve persons of limited-English-proficiency.

"(12) The term 'community-based organization' means a private nonprofit organization or Indian tribe or tribally sanctioned educational authority which is representative of a community or significant segments of a community and which provides educational or related services to individuals in the community. The term 'community-based organization' includes Native Hawaiian organizations (including Native Hawaiian education organizations) as defined in section 4009 of Public Law 100-297).

"(13) The term 'children and youth' means individuals aged 3 through 21.

"(14) The term 'immigrant children and youth' means individuals who—

"(A) are aged 3 through 21;
 "(B) were not born in any State; and
 "(C) have not been attending 1 or more schools in any 1 or more States for more than 2 full academic years.

"(b) REGULATION RULE.—In developing regulations under this title, the Secretary shall consult with State and local educational agencies, organizations representing limited-English-proficient individuals, and organizations representing teachers and other personnel involved in bilingual education.

"(c) PARENTAL NOTIFICATION.—Parents of children and youth participating in programs assisted under this title shall be informed of—

"(1) a student's level of English proficiency, how it was assessed, the status of a student's academic achievement and the implications of a student's educational strengths and needs for age and grade appropriate academic attainment, promotion, and graduation;

"(2) what programs are available to meet the student's educational strengths and needs and how the programs differ in content and instructional goals, and in the case of a disabled student, how the program meets the objectives of a student's individualized education program;

"(3) the instructional goals of the bilingual education or special alternative instructional program, and how the program will specifically help the limited-English-proficient student acquire English and meet age-appropriate standards for grade-promotion and graduation, including—

"(A) the benefits and nature of the bilingual educational program and of the instructional alternatives; and

"(B) the reasons for the selection of their child as being in need of bilingual education.

"(4)(A) Parents shall also be informed that they have the option of declining enrollment of their children and youth in such programs and shall be given an opportunity to do so if they so choose.

"(B) Local educational agencies are not relieved of any of their obligations under title VI of the Civil Rights Act of 1964 because parents choose not to enroll their children in bilingual education programs.

"(5) Parents must receive, in a manner and form understandable to them, including, if necessary and to the extent feasible, in their native language, the information required by this subsection. At a minimum, parents must receive—

"(A) timely information about projects funded under this part; and

"(B) if the parents of participating children so desire, notice of opportunities for regular meetings for the purpose of formu-

lating and responding to recommendations from such parents.

"(6) no action may involve the admission or exclusion of students to or from any federally assisted education program merely on the basis of the surnames or language-minority status of such students.

"SEC. 7005. INDIAN AND ALASKAN NATIVE CHILDREN IN SCHOOLS.

"(a) ELIGIBLE ENTITIES.—For the purpose of carrying out programs under this title for individuals served by elementary, secondary, or postsecondary schools operated predominantly for Indian or Alaska Native children and youth, an Indian tribe, a tribally sanctioned educational authority, or an elementary or secondary school that is operated or funded by the Bureau of Indian Affairs shall be considered to be a local educational agency as such term is used in this title, subject to the following qualifications:

"(1) The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized for the special programs and services provided by the United States to Indians because of their status as Indians.

"(2) The term 'tribally sanctioned educational authority' means—

"(A) any department or division of education operating within the administrative structure of the duly constituted governing body of an Indian tribe; or

"(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) BUREAU OF INDIAN AFFAIRS SCHOOLS.—From the sums appropriated pursuant to section 7003, the Secretary is authorized to make payments to applicants to carry out programs of bilingual education or special alternative instruction for Indian children served by elementary and secondary schools operated or funded by the Bureau of Indian Affairs.

"(c) ANNUAL REPORT.—(1) The Assistant Secretary of the Interior for the Bureau of Indian Affairs in collaboration with the Secretary shall submit to the Congress, the President, and the Secretary, by September 30 of each year, a report which provides—

"(A) an assessment of the educational outcomes and needs of Indian children with respect to the purposes of this title in schools operated or funded by the Department of the Interior, including tribes and local educational agencies receiving assistance under the Johnson-O'Malley Act and the Native American Languages Act; and

"(B) an assessment of the extent to which such needs are being met by funds provided to such schools for educational purposes through the Secretary of the Interior.

"(2) The results presented in this report shall be included in the report under section 7041 of this Act.

"(3) The assessments required under this subsection shall be waived if such assessments duplicate similar assessment requirements under other Federal or tribal laws.

"SEC. 7006. RESIDENTS OF THE TERRITORIES AND FREELY ASSOCIATED NATIONS.

"For the purpose of carrying out programs under this title in Guam and the freely asso-

ciated nations, the term 'local educational agency' shall include public institutions or agencies whose mission is the preservation and maintenance of native languages.

"PART A—BILINGUAL EDUCATION CAPACITY AND DEMONSTRATION GRANTS
"SEC. 7101. PURPOSE OF GRANTS.

"Grants under this part shall be used to develop the capacity of local educational agencies, institutions of higher education, and community-based organizations which provide educational programs to initiate, develop, enhance or improve bilingual education or special alternative instruction programs for children and youth of limited-English-proficiency.

"SEC. 7102. PROGRAM DEVELOPMENT AND IMPLEMENTATION GRANTS.

"(a) PURPOSE.—The purpose of this section is to develop and implement new comprehensive, coherent, and successful bilingual education or special alternative instructional programs for limited-English-proficient students including programs of early childhood education, K-12 education, gifted and talented education, and vocational and applied technology education.

"(b) PROGRAM AUTHORIZED.—

"(1) The Secretary is authorized to make program development and implementation grants of up to \$100,000 annually for 3 years with 1 additional year upon the Secretary's approval.

"(2) Grants approved under this section shall be used to improve the education of limited-English-proficient students and their families by—

"(A) developing and implementing comprehensive preschool, elementary, or secondary bilingual education or special alternative instructional programs that are coordinated with other relevant programs and services to meet the full range of educational needs of limited-English-proficient students; and

"(B) providing in service training to classroom teachers, administrators, and other school or community-based organizational personnel to improve the instruction and assessment of language-minority and limited-English-proficient students.

"(3) Grants approved under this section may be used to improve the education of limited-English-proficient students and their families by—

"(A) implementing family education programs and activities; and

"(B) improving the instructional program for limited-English-proficient students by upgrading curriculum, instructional materials, and assessment procedures and, if appropriate, applying educational technology.

"(c) ELIGIBLE ENTITIES.—A grant may be made under this section only upon application by one or more local educational agencies, applying alone or in collaboration with an institution of higher education, community-based organization or local or State educational agency. A grant may also be made under this section upon application by a community-based organization which is agreed to by the local educational agency to develop and implement early childhood education or family education programs or to conduct an instructional program which supplements the educational services provided by a local educational agency.

"(d) DISTRIBUTION.—The Secretary shall, to the extent practicable, award grants equally among early childhood education, elementary education, and secondary education programs.

"SEC. 7103. PROGRAM ENHANCEMENT PROJECTS.

"(a) PURPOSE.—The purpose of this section is to carry out highly focused, innovative, lo-

cally designed projects to expand or enhance existing bilingual education or special alternative instructional programs for limited-English-proficient students.

"(b) PROGRAM AUTHORIZED.—

"(1) The Secretary is authorized to make program enhancement project grants of up to \$100,000 for 2 years to eligible applicants.

"(2) Grants approved under this section shall be used for providing in-service training to classroom teachers, administrators, and other school or community-based organization personnel to improve the instruction and assessment of language-minority and limited-English-proficient students.

"(3) Grants approved under this section may be used for—

"(A) improving the instructional program for limited-English-proficient students by upgrading curriculum, instructional materials, and assessment procedures and, if appropriate, applying educational technology;

"(B) implementing family education programs and activities; and

"(C) providing intensified instruction.

"(c) **ELIGIBLE ENTITIES.**—A grant may be made under this section only upon application by one or more local educational agencies, applying alone or in collaboration with an institution of higher education, community-based organization or local or State educational agency. A grant also may be made under this section upon application by a community-based organization which is agreed to by the local educational agency to enhance early childhood education or family education programs or to conduct an instructional project which supplements the educational services provided by a local educational agency.

"SEC. 7104. WHOLE-SCHOOL PROGRAMS.

"(a) **PURPOSE.**—The purpose of this section is to provide financial assistance to eligible applicants to reform, restructure, and upgrade all relevant programs and operations within an individual school to fulfill the comprehensive educational needs of all of a school's limited-English-proficient students and their families.

"(b) PROGRAM AUTHORIZED.—

"(1) The Secretary is authorized to make 5-year grants of up to \$100,000 for the first year and up to \$250,000 for each of the subsequent 4 years to eligible applicants.

"(2) Grants approved under this section shall be used to improve education of limited-English-proficient students and their families by reviewing, restructuring, and upgrading in-service training for all school staff and, if appropriate, for community-based organization personnel.

"(3) Grants approved under this section may be used to improve the education of limited-English-proficient students and their families by reviewing, restructuring, and upgrading—

"(A) the school's instructional program for limited-English-proficient students including curriculum, instructional materials, and assessment systems, and, if appropriate, the application of educational technology;

"(B) family education programs and activities; and

"(C) intensified instruction.

"(4) During the first year of the grant, a priority is established in use of funds for preparatory activities including planning, training, curriculum development, and materials acquisition or development.

"(c) **ELIGIBLE ENTITIES.**—A grant may be made under this section only upon application by one or more local educational agencies, applying alone or in collaboration with an institution of higher education, commu-

nity-based organizations or local or State educational agency.

"SEC. 7105. SYSTEM-WIDE IMPROVEMENT GRANTS.

"(a) **PURPOSE.**—The purpose of this section is to provide financial assistance to improve, reform, and upgrade relevant programs and operations with an entire local educational agency to fulfill the comprehensive educational needs of all the agency's limited-English-proficient students and, to the extent feasible, their families.

"(b) PROGRAM AUTHORIZED.—

"(1) The Secretary is authorized to make 5-year grants of up to \$1,000,000 for the first year and up to \$5,000,000 for each of the subsequent 4 years to eligible applicants.

"(2) Grants approved under this section may be used during the first 12 months exclusively for activities preparatory to the delivery of services.

"(3) Grants approved under this section may be used to improve education of limited-English-proficient students and their families by reviewing, restructuring, and upgrading—

"(A) educational goals, curriculum guidelines and content, standards and assessments;

"(B) personnel policies and practices including recruitment, certification, staff development, and assignment;

"(C) student grade-promotion and graduation requirements;

"(D) student assignment policies and practices;

"(E) program delivery standards, management information and accountability systems;

"(F) instructional and extracurricular programs and services; and

"(G) application of educational technology.

"(c) **ELIGIBLE ENTITIES.**—A grant may be made under this section only upon application by one or more local educational agencies, applying alone or in collaboration with an institution of higher education, community-based organization or local or State educational agency.

"(d) **PRIORITY.**—The Secretary shall give priority to applications from—

"(1) applicants which enroll a large percentage or large number of limited-English-proficient students; and

"(2) consortia of eligible applicants to serve limited-English-proficient students in rural and linguistically isolated settings.

"SEC. 7106. APPLICATIONS.

"(a) **SUBMISSION.**—To receive a grant under this part, applicants shall submit an application to the Secretary in such form and containing such information as the Secretary may require:

"(1) An application for a grant under this part shall be developed in consultation with, and shall provide for the continuing involvement of, an advisory council which shall be composed of representatives responsible for implementing grant activities and of parents and other relatives of the children to be served in such programs; parents shall comprise a majority of all council members.

"(2) All applicants for grants under this part, except for those applicants identified in section 7005, shall submit a copy of the application to the relevant State educational agency. The State educational agency may submit to the Secretary written comments on the application with respect to how the applications further State education improvement plans including any developed under Goals 2000: Educate America Act (if such plans exist) or title I of this Act. If the

State educational agency of a State submits written comments on any application, it must submit written comment on all applications within that same grant category from within that State. The Secretary shall take comments into consideration when funding applications under this part.

"(b) **REQUIRED DOCUMENTATION.**—Such application shall include documentation that the applicant has the qualified personnel required to develop, administer, and implement the proposed program.

"(c) **CONTENTS.**—(1) An application for a grant under this part shall contain the following:

"(A) A description of the need for the proposed program, including data on the number of children and youth of limited-English-proficiency in the school or district to be served and their characteristics, such as language spoken, dropout rates, proficiency in English and the native language, academic standing in relation to their English proficient peers, and, where applicable, the recency of immigration.

"(B) A description of the program to be implemented and how its design—

"(i) relates to the linguistic and academic needs of the children and youth of limited-English-proficiency to be served;

"(ii) is consistent with, and promotes the goals in, the local educational agency plan under title III of the Goals 2000: Educate America Act, if such plan exists, and the local educational agency's plan under title I of this Act, particularly as those plans relate to the education of children and youth of limited-English-proficiency;

"(iii) involves the parents of the children and youth of limited-English-proficiency to be served;

"(iv) ensures accountability in the expected student outcomes; and

"(v) promotes coordination of services for the children and youth of limited-English-proficiency to be served and their families.

"(C) A description, if appropriate, of the applicant's collaborative activities with institutions of higher education, community-based organizations, local or State educational agencies, private schools, nonprofit organizations, or businesses in carrying out the proposed program.

"(D) An assurance that the applicant will not reduce the level of State and local funds that it expends for bilingual education or special alternative instruction programs if it receives an award under this part.

"(E) A budget for grant funds.

"(2) An application for a grant under section 7102 or 7104 shall also contain a description of the instructional program, student services, in-service training, and family education programs to be provided under the grant.

"(3) An application for a grant under section 7103 shall also contain the following:

"(A) A description of the existing bilingual education or special alternative instruction program which the project is designed to enhance.

"(B) A description of the proposed project activities.

"(4) An application for a grant under section 7105 shall also contain a description of the activities which would be carried out under the grant.

"(d) **APPROVAL OF APPLICATIONS.**—An application for a grant under this part may be approved only if the Secretary determines that—

"(1) the program will use qualified personnel, including those personnel who are proficient in the language or languages used for instruction;

"(2) in designing the program for which application is made, the needs of children in nonprofit private elementary and secondary schools have been taken into account through consultation with appropriate private school officials and, consistent with the number of such children enrolled in such schools in the area to be served whose educational needs are of the type and whose language and grade levels are of a similar type that the program is intended to address, after consultation with appropriate private school officials, provision has been made for the participation of such children on a basis comparable to that provided for public school children;

"(3) student evaluation and assessment procedures in the program are valid, reliable, and fair for limited-English-proficient students, and that limited-English-proficient students who are disabled are identified and served in accordance with the requirements of the Individuals with Disabilities Education Act;

"(4) Federal funds made available for the project or activity will be used so as to supplement the level of State and local funds that, in the absence of such Federal funds, would have been expended for special programs for children of limited-English-proficient individuals and in no case to supplant such State and local funds, except that nothing in this paragraph shall preclude a local educational agency from using funds under this title for activities carried out under an order of a court of the United States or of any State respecting services to be provided such children, or to carry out a plan approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 with respect to services to be provided such children;

"(5) the assistance provided under the application will contribute toward building the capacity of the applicant to provide a program on a regular basis, similar to that proposed for assistance, which will be of sufficient size, scope, and quality to promise significant improvement in the education of students of limited-English-proficiency, and that the applicant will have the resources and commitment to continue the program when assistance under this title is reduced or no longer available;

"(6) the applicant provides for utilization of the State and national dissemination sources for program design and in dissemination of results and products.

"(e) SPECIAL CONSIDERATION AND PRIORITIES.—

"(1) Students may participate in any program receiving funds under this part for the duration of the program.

"(2) The Secretary shall give priority to applications which provide for the development of bilingual proficiency for all participating students.

"(3) Grants for special alternative instructional programs shall not exceed 25 percent of the funds provided for any type of grant under any section or of total funds provided under this part.

"(4) Notwithstanding paragraph (3), the Secretary may award grants for special alternative instructional programs if an applicant has demonstrated that they cannot develop and implement a bilingual education program for the following reasons:

"(A) Where the diversity of the limited-English proficient students' native languages and the small number of students speaking each respective language makes bilingual education impractical.

"(B) Where, despite documented convincing efforts, the applicant has not been able

to hire instructional personnel who are able to communicate in the students' native language.

"(5) In approving applications under this part, the Secretary shall give consideration to the degree to which the program for which assistance is sought involves the collaborative efforts of institutions of higher education, community-based organizations, the appropriate local and State educational agency, or business.

"(6) The Secretary shall ensure that projects funded under this part address the full needs of school systems of all sizes and geographical areas, including rural schools.

"(7) The Secretary shall give priority to applications providing training for personnel participating in or preparing to participate in the program which will assist them in meeting State and local certification requirements and that, to the extent possible, college or university credit will be awarded for such training.

"SEC. 7107. INTENSIFIED INSTRUCTION.

"In carrying out this part, each grant recipient may intensify instruction for limited-English-proficient students by—

"(1) expanding the educational calendar of the school in which such student is enrolled to include programs before and after school and during the summer months;

"(2) expanding the use of professional and volunteer aids;

"(3) applying technology to the course of instruction; and

"(4) providing intensified instruction through supplementary instruction or activities, including educationally enriching extracurricular activities, during times when school is not routinely in session.

"SEC. 7108. CAPACITY BUILDING.

"Each recipient of a grant under this part shall use its grant in ways that will build its capacity to continue to offer high-quality bilingual and special alternative education programs and services to children and youth of limited-English-proficiency once Federal assistance is reduced or eliminated.

"SEC. 7109. SUBGRANTS.

"A local educational agency that receives a grant under this part may, with the approval of the Secretary, make a subgrant to, or enter into a contract with, an institution of higher education, a non-profit organization, or a consortium of such entities to carry out an approved program, including a program to serve out-of-school youth.

"SEC. 7110. GEOGRAPHIC DISTRIBUTION OF FUNDS.

"To the extent possible, the Secretary shall award funds under this part throughout the Nation in a manner that reflects the geographic distribution of children and youth of limited-English-proficiency.

"SEC. 7111. PROGRAMS IN PUERTO RICO.

"Programs authorized under this title in the Commonwealth of Puerto Rico may, notwithstanding any other provision of this title, include programs of instruction, teacher training, curriculum development, evaluation, and testing designed for children and youth of limited-Spanish proficiency.

"SEC. 7112. EVALUATIONS.

"(a) EVALUATION.—Each recipient of funds under this part shall provide the Secretary with an evaluation, in the form prescribed by the Secretary, of its program every two years.

"(b) USE OF EVALUATION.—Such evaluation shall be used by a grantee—

"(1) for program improvement;

"(2) to further define the local program's goals and objectives; and

"(3) to determine program effectiveness.

"(c) EVALUATION COMPONENTS.—Evaluations shall include—

"(1) student outcome indicators that measure progress toward the performance standards set out in the State's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act, or, if the State does not have an approved plan under title III of the Goals 2000: Educate America Act and is not developing such a plan, with the State plan approved or being developed under section 1111 of this Act, including data comparing children and youth of limited-English-proficiency with non-limited-English-proficient children and youth with regard to school retention, academic achievement, and gains in English (and, where applicable, native language) proficiency;

"(2) program implementation indicators that provide information for informing and improving program management and effectiveness, including data on appropriateness of curriculum in relationship to grade and course requirements, appropriateness of program management, appropriateness of the program's staff professional development, and appropriateness of the language of instruction;

"(3) program context indicators that describe the relationship of the activities funded under the grant to the overall school program and other Federal, State, or local programs serving children and youth of limited-English-proficiency; and

"(4) such other information as the Secretary may require.

"PART B—RESEARCH AND DISSEMINATION

"SEC. 7201. USE OF FUNDS.

"The Secretary is authorized to conduct data collection, dissemination, research, and evaluation activities through the Office of Bilingual Education and Minority Languages Affairs for the purpose of improving bilingual education and special alternative instruction programs for children and youth of limited-English-proficiency.

"SEC. 7202. RESEARCH.

"(a) RESEARCH ACTIVITIES.—The Secretary shall support through competitive grants contracts and cooperative agreements to institutions of higher education, nonprofit and for-profit organizations, and local and State educational agencies, funds for research with a practical application to teachers, counselors, paraprofessionals, school administrators, parents, and others involved in improving the education of limited-English-proficient students and their families.

"(b) AUTHORIZED ACTIVITIES.—

"(1) The Secretary may conduct research activities that include—

"(A) identifying criteria for the establishment, use and monitoring of local, State, or national education goals, content, performance and delivery standards, and assessments for all students that provide for appropriate, valid, reliable, and fair participation by limited-English-proficient and language-minority students;

"(B) identifying determinants of appropriate high quality secondary school programs for limited-English-proficient students, and high quality curriculum-related instructional materials; and

"(C) identifying determinants of appropriate high quality early childhood development programs for limited-English-proficient children, including families, and appropriate high quality materials.

"(D) studies to identify models of effective program coordination that support students

while in transition to English language classrooms that develop and maintain high levels of proficiency in the native languages and English;

"(E) studies of effective curricula and instructional strategies for the development and maintenance of high levels of student proficiency in both their native language and English, including the role of family, community, and career contexts;

"(F) identification of strategies for effective participation by limited-English-proficient parents in their children's education for attainment of educational excellence;

"(G) identifying methods of improving classification, placement, and services to limited-English-proficient students including, but not limited to their participation in early childhood development programs, title I, special education, foreign language education, and gifted and talented education;

"(H) identification of methods for effective delivery of bilingual education to rural schools and in the less-commonly-taught languages using educational technology and electronic communications networks;

"(I) identification of trends in demand for language skills and of career opportunities for individuals with high levels of proficiency in English and a second language; and

"(J) establishing through the National Center for Education Statistics and in consultation with the Office of Bilingual Education and Minority Languages Affairs, and experts in bilingual education, second language acquisition and English-as-a-second language, a common definition of 'limited-English-proficient student' for purposes of national data collection.

"(c) FIELD-INITIATED RESEARCH.—The Secretary shall reserve at least 5 percent of the funds available under this section for field-initiated research by current or recent recipients of grants under parts A or C of this title. Research must be conducted by current grant recipients or by former recipients who have received such grants within the previous 5 years. Field-initiated research may provide for longitudinal studies of students or teachers in bilingual education, monitoring the education of such students from entry in bilingual education through high school completion. Applicants may submit an application for field-initiated research at the same time as applications are submitted under part A or part C. The Secretary shall complete a review of such applications on a timely basis to allow research and program grants to proceed in coordination where appropriate.

"(d) 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.

"(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 Office; and

"(2) may include collaborative research activities which are jointly funded and carried out by the Office of Bilingual Education and Minority Language Affairs and the Office of Educational Research and Improvement.

"(f) DATA COLLECTION.—The Secretary shall provide for the continuation of data collection on limited-English-proficient stu-

dents as part of the data systems operated by the Department.

"SEC. 7203. ACADEMIC EXCELLENCE AWARDS.

"(a) AWARDS.—The Secretary may make grants to, and enter into contracts and cooperative agreements with, State and local educational agencies, nonprofit organizations, and institutions of higher education to promote the adoption and implementation of bilingual education, special alternative instruction programs, and professional development programs that demonstrate great promise of assisting children and youth of limited-English-proficiency to meet challenging State standards.

"(b) APPLICATIONS.—(1) An entity desiring to receive an award under this section shall submit an application to the Secretary in such form, at such time, and containing such information and assurances as the Secretary may require.

"(2) The Secretary shall use a peer review process, using effectiveness criteria that the Secretary shall establish, to review applications under this section.

"(c) USE OF FUNDS.—Funds under this section shall be used to enhance the capacity of States and local education agencies to provide high quality academic programs for children and youth of limited-English-proficiency, which may include—

"(1) completing the development of such programs;

"(2) professional development of staff participating in bilingual education programs;

"(3) sharing strategies and materials; and

"(4) supporting professional networks.

"(d) COORDINATION.—Recipients of funds under this section shall coordinate their activities with those carried out by comprehensive technical assistance centers under title II of this Act.

"SEC. 7204. 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 its approved plan under title III of the Goals 2000: Educate America Act, if such plan exists, or, if such plan does not exist, its plan under title I of this Act, effectively provides for the education of children and youth of limited-English-proficiency within the State.

"(b) PAYMENTS.—The amount paid to a State educational agency under subsection (a) shall not be less than \$100,000 nor greater than 5 percent of the total amount awarded to local educational agencies within the State under part A of this title for the previous fiscal year.

"(c) USE OF FUNDS.—(1) A State educational agency shall 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; and

"(B) collect data on the State's language-minority and limited-English-proficient populations and the educational programs and services available to these populations.

"(2) The State educational agency may also use funds for the training of State educational agency personnel in educational issues affecting limited-English-proficient children and youth.

"(3) Recipients of awards under this section shall not restrict the provision of services under this section to federally-funded programs.

"(d) STATE CONSULTATION.—A State educational agency receiving funds under this section shall consult with recipients of

grants under this title and other individuals or organizations involved in the development or operation of programs serving limited-English-proficient children or youth to ensure that funds are used in a manner consistent with the requirements of this title.

"(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.

"(f) SUPPLEMENT NOT SUPPLANT.—Funds made available under this section for any fiscal year shall be used by the State educational agency to supplement and, to the extent practical, to increase to level of funds that would, in the absence of such funds, be made available by the State for the purposes described in this section, and in no case to supplant such funds.

"(g) REPORT TO THE SECRETARY.—State educational agencies receiving grants under this section shall provide for the annual submission of a summary report to the Secretary containing information on such matters as the Secretary shall, by regulation, determine necessary and proper to achieve the purposes of this title, including information on State capacity and progress in meeting the education needs of all limited-English-proficient children, plans for additional action, the effect of standards and assessments in improving their education. Such reports shall be in such form and shall be submitted on such date as the Secretary shall specify by regulation.

"SEC. 7205. 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) be administered as an adjunct clearinghouse of the ERIC system of clearinghouses supported by the Office of Educational Research and Improvement;

"(2) coordinate its activities with Federal data and information clearinghouses and dissemination networks and systems; and

"(3) develop a data base management and monitoring system for improving the operation and effectiveness of funded programs.

"SEC. 7206. INSTRUCTIONAL MATERIALS DEVELOPMENT.

"The Secretary may provide grants for the development, publication and dissemination of high quality instructional materials in Native American, Native Hawaiian and other languages for which instructional materials are not readily available. The Secretary shall give priority to the development of instructional materials in languages indigenous to the United States, its territories, and freely associated nations. The Secretary shall also accord priority to applications which provide for developing and evaluating materials in collaboration with activities under parts A and C of this title and which are consistent with national and State content standards.

"SEC. 7207. EVALUATION ASSISTANCE CENTERS AND MULTIFUNCTIONAL RESOURCE CENTERS.

"(a) TRANSITION.—The Secretary shall extend grants or contracts for Evaluation Assistance Centers and Multifunctional Resource Centers that are in effect on the date of enactment of the Improving America's School Act through fiscal year 1996.

“(b) CONTINUITY OF SERVICES.—(1) The Secretary shall ensure that the comprehensive regional technical assistance centers authorized under title II of this Act provide services which are at least equal in volume, scope, and quality to those provided by Evaluation Assistance Centers and Multifunctional Resource Centers.

“(2) The Secretary shall ensure that the comprehensive regional technical assistance centers authorized under title II of this Act, as amended by the Improving America's School Act, provide services which enable children and youth of limited-English-proficiency to meet challenging State and National standards.

“(3) The Secretary shall ensure that the comprehensive technical assistance centers authorized under title II of this Act are established with consideration given to the geographic and linguistic distribution of children and youth of limited-English-proficiency.

“(c) GIFTS, BEQUESTS, AND DEVICES.—The entities may accept (but not solicit), use, and dispose of gifts, bequests, or devises of services or property, both real and personal for the purpose of aiding or facilitating the work of entities under this section. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests or devises shall be deposited in the Treasury and shall be available for disbursement upon order of the national clearinghouse on bilingual education, the Evaluation and Assistance Center or Multifunctional Resource Center, respectively.

“PART C—BILINGUAL EDUCATION TEACHER TRAINING

“SEC. 7301. PURPOSE.

“The purpose of this part is to assist in preparing educators to improve the delivery of educational services to language-minority and limited-English-proficient children and youth. This part supports the training of all educational personnel to serve more effectively limited-English-proficient students. The goal of this part is to provide for the training of not less than 50,000 teachers who meet professional preparation and certification standards for bilingual education teachers by the year 2000.

“SEC. 7302. TRAINING FOR ALL TEACHERS PROGRAM.

“(a) PURPOSE.—The purpose of this section is to provide for the incorporation of courses and curricula on appropriate and effective instructional and assessment methodologies, strategies and resources specific to limited-English-proficient and language-minority students into education personnel preparation programs for teachers, counselors, administrators and other education personnel.

“(b) AUTHORIZATION.—The Secretary shall award grants for up to 5 years to institutions of higher education, local educational agencies, and State educational agencies or to nonprofit organizations which have entered into consortia arrangements with one of such institutions, agencies, or organizations.

“(c) PERMISSIBLE ACTIVITIES.—Activities conducted under this section may include the development of training programs in collaboration with training under titles I and II of this Act, the Head Start Act, and other relevant programs.

“(d) PRIORITY.—The Secretary shall give priority to applications from institutions of higher education which currently operate, with full-time tenured faculty, programs to prepare educators and administrators to work with language-minority and limited-English-proficient students in bilingual education settings and from institutions of

higher education which are attempting to start bilingual teacher training programs if such institutions demonstrate a significant commitment in financial and human resources, including cash and in-kind. The Secretary shall give special consideration to applications for such programs which provide training of secondary school teachers or early childhood development teachers. Such special consideration would not disallow the funding of applications for exemplary programs for the training of elementary school teachers.

“SEC. 7303. BILINGUAL EDUCATION TEACHERS AND PERSONNEL GRANTS.

“(a) PURPOSE.—The purpose of this section is to provide for degree programs to prepare new bilingual education teachers, administrators, counselors, and other educational personnel to meet high professional standards for bilingual education teachers and to increase the availability of educators to provide high quality education limited-English-proficient students.

“(b) AUTHORIZATION.—The Secretary shall award grants for up to 5 years to institutions of higher education in consortia with local or State educational agencies.

“SEC. 7304. BILINGUAL EDUCATION CAREER LADDER PROGRAM.

“(a) PURPOSE.—The purpose of this section is to upgrade the qualifications and skills of non-certified educational personnel, especially educational paraprofessionals, to meet high professional standards, including certification and licensure as bilingual education teachers and other educational personnel who serve limited-English-proficient students, through collaborative training programs operated by institutions of higher education and local and State educational agencies. Grants for programs under this section may also provide for collaborative programs operated by institutions of higher education and secondary schools which are designed to recruit and train secondary school students as bilingual education teachers and other educational personnel to serve limited-English-proficient students.

“(b) AUTHORIZATION.—The Secretary shall award grants of up to 5 years for bilingual education career ladder programs to institutions of higher education applying in consortia with local or State educational agencies; consortia may include community-based organizations or professional education organizations.

“(c) ACTIVITIES.—Grants funded under this section may—

“(1) include the development of bilingual education career ladder program curricula appropriate to the needs of the consortium participants;

“(2) provide assistance for stipends and costs related to tuition, fees and books for enrolling in courses required to complete degree and certification requirements as bilingual education teachers; and

“(3) include programs to introduce secondary school students to careers in bilingual education teaching that are coordinated with other activities under this program.

“(d) SPECIAL CONSIDERATION.—The Secretary shall give special consideration to applications under this section which provide for—

“(1) participant completion of baccalaureate and masters degree teacher education programs, certification and may include effective employment placement activities;

“(2) development of teacher proficiency in English and a second language, including required demonstration of proficiency in the

instructional use of English and a second language in classroom contexts;

“(3) coordination with Trio, the Teacher Corps, National Community and Service Trust Act, Mini Corps, and other programs for the recruitment and retention of bilingual students in secondary and post-secondary programs to train as bilingual educators; and

“(4) the applicant's contribution of additional student financial aid to participating students.

“SEC. 7305. GRADUATE FELLOWSHIPS IN BILINGUAL EDUCATION PROGRAM.

“(a) AUTHORIZATION.—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. For fiscal year 1994 not less than 500 fellowships leading to a masters or doctorate degree shall be awarded under this section, rising each subsequent year of this authorization by not less than 50. The Secretary shall include information on the operation and the number of fellowships awarded under the fellowship program in the report required under section 7401 of this title.

“(b) FELLOWSHIP REQUIREMENTS.—(1) Any person receiving a fellowship under this section shall agree to—

“(A) work in an activity related to the program or in an activity such as those authorized under this title, including work as a bilingual education teacher, for a period of time equivalent to the period of time during which such person receives assistance under this title; or

“(B) repay such assistance.

“(2) The Secretary shall establish in regulations such terms and conditions for such agreement as the Secretary deems reasonable and necessary and may waive the requirement of paragraph (1) in extraordinary circumstances.

“(c) The Secretary may give priority to institutions of higher education that demonstrate experience in assisting fellowship recipients find employment in the field of bilingual education.

“SEC. 7306. APPLICATIONS.

“(a) IN GENERAL.—Each applicant or consortium that desires to receive a grant under this part shall submit an application to the Secretary and the State educational agency or State board for higher education as appropriate, at such time and in such manner as the Secretary shall prescribe. The application shall demonstrate integration, where appropriate, with the State and local plans, if such plans exist, for serving limited-English-proficient students. The State and local educational agency, and where applicable the State board for higher education, may comment in writing on the application indicating how the application furthers State education reform activities, including the provision of appropriate high quality education to all language minority students. If the State educational agency or State Board for Higher Education submits comments on any application, it shall submit comments on all. The Secretary shall take any written comments that have been made into consideration when considering applications under this part.

“(b) ELIGIBLE ENTITIES.—

“(1) A grant may be made under this part upon application of an institution of higher education, applying individually or jointly with one or more local educational agencies,

nonprofit organizations, or State educational agencies.

"(2) The Secretary shall provide for outreach and technical assistance to institutions of higher education eligible under title III of the Higher Education Act and institutions of higher education that are operated or funded by the Bureau of Indian Affairs to facilitate their participation in activities under this part.

"(3) In making grants under this part, the Secretary shall, consistent with subsection (d), ensure adequate representation of Hispanic serving institutions that demonstrate competence and experience in the programs and activities authorized under this title and are otherwise qualified.

"(c) APPLICATION REQUIREMENTS FOR BILINGUAL TEACHER TRAINING PROGRAMS.—The application shall demonstrate integration, where appropriate, with the State plan, if one exists, for serving limited-English-proficient students.

"(d) PREFERENCE IN ASSISTANCE AND PURPOSE OF TRAINING.—

"(1) In making a grant under this part the Secretary shall give preference to programs which—

"(A) include tenured faculty in bilingual education, and

"(B) and for institutions of higher education which are attempting to start bilingual teacher training programs if such institutions demonstrate a significant commitment in financial and human resources, including cash and in-kind.

"(C) provide additional resources for such training from other sources.

"(2) In making grants under sections 7302, 7303 and 7304, the Secretary shall give special consideration to programs that ensure that individuals completing such programs demonstrate proficiency in English and a second language.

"SEC. 7307. PROGRAM REQUIREMENTS.

"Activities conducted under this part shall assist educational personnel in meeting State and local certification requirements for bilingual education and, wherever possible, shall award college or university credit.

"SEC. 7308. 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 part.

"SEC. 7309. PROGRAM EVALUATIONS UNDER PART C.

Each recipient of funds under part C of this title shall provide the Secretary with an evaluation of its program every two years. Such evaluation shall include data on—

"(1) post-program placement of persons trained;

"(2) how the training relates to the employment of persons served by the program;

"(3) program completion; and

"(4) such other information as the Secretary may require.

"PART D—ADMINISTRATION

"SEC. 7401. OFFICE OF BILINGUAL EDUCATION AND MINORITY LANGUAGE AFFAIRS.

"(a) ESTABLISHMENT.—There shall be, in the Department of Education, an Office of Bilingual Education and Minority Languages Affairs through which the Secretary shall carry out functions relating to bilingual education.

"(b) DIRECTOR.—(1) The Office shall be headed by a Director of Bilingual Education

and Minority Languages Affairs, appointed by the Secretary, to whom the Secretary shall delegate all delegable functions relating to bilingual education. The Director shall also be assigned responsibility for recommending improvements and providing technical assistance to other Federal programs serving language-minority and limited-English-proficient students and their families and for assisting the Assistant Secretary of the Office of Educational Research and Improvement in identifying research priorities which reflect the needs of language-minority and limited-English language proficient students.

"(2) The Office shall be organized as the Director determines to be appropriate in order to carry out such functions and responsibilities effectively.

"(3) The Secretary shall ensure that limited-English-proficient and language-minority students are included in ways that are valid, reliable and fair under all standards and assessment development conducted or funded by the Department.

"(c) REPORT.—The Director shall prepare and, not later than February 1 of every other year, shall submit to Congress, the President, the Governors, and the clearinghouse a report on—

"(1) the activities carried out under this title and their effectiveness in improving the education provided to limited-English-proficient children and youth;

"(2) a critical synthesis of data reported by the States pursuant to section 7204;

"(3) an estimate of the number of certified bilingual education personnel in the field and an estimate of the number of bilingual education teachers which will be needed for the succeeding 5 fiscal years;

"(4) the major findings of research carried out under this title; and

"(5) recommendations for further developing the capacity of our Nation's schools to educate effectively limited-English-proficient student.

"(d) ASSESSMENT OF GATEWAY EDUCATION.—The Secretary shall prepare a report on the education of all students who reside near the United States border with Canada and Mexico or areas or communities which serve as a gateway for immigrants to the United States. Gateway communities shall include Hawaii, the Commonwealth of Puerto Rico, as well as the territories and freely associated nations. The report shall identify trends in student and out-of-school youth immigration trends, appropriate procedures for the international transfer of records, the language proficiency of students living in border and gateway areas, and opportunities for teacher exchange. Such efforts shall be coordinated with other ongoing efforts in this area. A preliminary report on these issues shall be provided to the Congress not later than 2 years after the enactment of this Act. The final report including policy proposals for improvements in these areas shall be provided to Congress and the President not later than October 21, 1997.

"(e) COORDINATION WITH RELATED PROGRAMS.—In order to maximize 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 serving language-minority and limited-English-proficient students that are administered by the Department of Education and other agencies. The Secretary shall consult with the Secretary of Labor, the Secretary of Health and Human Services, the Secretary of Agriculture, Attorney General

and other relevant agencies to identify and eliminate barriers to appropriate coordination of programs that affect language-minority and limited-English-proficient students and their families. The Secretary shall provide for continuing consultation and collaboration between Office and relevant programs operated by the Department, including title I and other programs in this Act, in planning, contracts, providing joint technical assistance, providing joint field monitoring activities and in other relevant activities to ensure effective program coordination to provide high quality education opportunities to all language-minority and limited-English-proficient students. In no case shall such coordination at the local, State or Federal level permit funds under this title to be used in programs that do not provide bilingual education or special alternative instructional programs for the instruction of language-minority or limited-English-proficient students.

"(f) The Secretary shall, to the extent feasible, ensure that all data collected shall include for the collection and reporting of data on limited-English-proficient students in all Departmental data keeping and with respect to all Federal education programs.

"(g) STAFFING REQUIREMENTS.—The Secretary shall ensure that the Office of Bilingual Education and Minority Language Affairs is staffed with sufficient personnel trained or with experience in bilingual education to discharge effectively the provisions of this title.

"(1) Notwithstanding section 403 of the Department of Education Organization Act, the Assistant Secretary may appoint not more than 7 additional employees to serve as staff without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

"(2) The employees appointed under paragraph (1) may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, but shall not be paid a rate that exceeds the minimum rate of basic pay payable for GS-15 of the General Schedule.

"(h) READING APPLICATIONS.—For the purpose of reading applications for competitive grants authorized under this title, the Secretary shall use persons who are not employees of the Federal Government and who are experienced and involved in bilingual education including teachers, researchers, and administrators of educational programs similar to those assisted under this title. Readers of applications for grants involving conservation of Indian languages and other indigenous language which are subject to loss shall include individuals with expertise in such programs. The Secretary shall solicit nominations for application readers from State directors of bilingual education, graduate programs of bilingual education, tribal organizations and professional associations and shall have readers serve for a period of 3 years.

"(i) PUBLICATION OF PROPOSALS.—The Secretary shall publish and disseminate all requests for proposals for programs funded under this title.

"SEC. 7402. RELEASE TIME.

"Professional development programs funded under this Act shall permit use of funds for professional release time to enable participation in programs assisted under this part.

"SEC. 7403. EDUCATION TECHNOLOGY.

"Funds available under this Act may be used to provide for the acquisition or devel-

opment of education technology or instructional materials, including authentic materials in languages other than English, access to and participation in electronic networks for materials, training and communications, and incorporation of such resources in curricula and programs such as those funded under this title.

"SEC. 7404. NOTIFICATION.

"The State educational agency, when applicable, the State Board for postsecondary education, when applicable, the clearinghouse, the applicable Evaluation and Assistance Center and Multifunctional Resource Center shall be notified within three working days of the date a grant is made to an eligible entity within the State.

"SEC. 7405. CONTINUED ELIGIBILITY.

"Entities receiving grants under this title shall remain eligible for grants for subsequent activities which extend or expand and do not duplicate those activities supported by a previous grant under this title. In considering applications for grants under this title the Secretary shall take into consideration the applicant's record of accomplishments under previous grants.

"SEC. 7406. LIMITATION OF AUTHORITY.

"The Secretary shall not impose restrictions on the availability of funds authorized under this title other than those set out in this title or other applicable Federal statutes and regulations.

"PART E—TRANSITION

"SEC. 7501. TRANSITION PROVISIONS.

"Any grant or contract awarded under this title prior to the date of the enactment of the Improving America's Schools Act of 1994 shall be allowed to continue the term of the original award in accordance with the conditions of the original award but not for a period in excess of 3 years from the date of the grant or contract.

"PART F—EMERGENCY IMMIGRANT EDUCATION PROGRAM

"SEC. 7601. 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.

"SEC. 7602. STATE ADMINISTRATIVE COSTS.

"For any fiscal year, a State educational agency may reserve up to 1.5 percent of the amount allocated to it under section 7604 to pay the costs of performing its administrative functions under this part.

"SEC. 7603. 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. 7604. 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 7601.

"(b) ALLOCATIONS.—(1) Except as provided in subsections (c) and (d) of this section, of the amount appropriated for each fiscal year for this part, each State participating in this program shall receive a share equal to the proportion of its 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 that 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 this program.

"(2) 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) 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) 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 agency 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 of 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) If appropriations under this part exceed \$40,000,000 for a fiscal year, a State educational agency may reserve up to 20 percent of its payment for redistribution through competitive grants to local educational agencies within the State in the following manner:

"(A) At least one-half of such grants shall be made to local educational agencies within the State with the highest numbers and percentages of immigrant children and youth.

"(B) Remaining funds shall be distributed to local educational agencies within the State with a sudden influx of immigrant children and youth which are otherwise not eligible for assistance under this part.

"(2) Local educational agencies with the highest number of immigrant children and youth receiving additional funds under this subsection may make information available on serving immigrant children and youth to areas in the State with sparse numbers of such children.

"SEC. 7605. 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 section 7601, 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, including any developed under Goals 2000: Educate America Act, if such plan exists, or title I;

"(3) provide assurances that such payments, with the exception of payments reserved under section 7604(e), 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 7604(b)(1);

"(4) 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;

"(5) provide for making such reports as the Secretary may reasonably require to perform the functions under this part;

"(6) 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 these 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 and title 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;

"(7) provide that funds reserved under subsection (e) of section 7604 be awarded on the basis of merit and need consistent with such subsection; and

"(8) provide an assurance that State and local educational agencies receiving funds under this part will comply with the requirements of section 1121(b).

"SEC. 7606. PAYMENTS.

"(a) AMOUNT.—The Secretary shall pay by not later than June 1 of each year to each State educational agency that has its application approved under section 7605 the amount of the State's allocation as determined under section 7604.

"(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 7605(a)(6), 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. 7607. 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; and

"(5) 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 non-profit organizations to carry out the approved program.

"(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 non-profit organization, or a consortium of such entities to carry out an approved program, including a program to serve out-of-school youth.

"SEC. 7608. REPORTS.

"(a) TRIENNIAL REPORT.—Each State educational agency receiving funds under this part shall submit, once every 3 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 may be necessary for such report.

"(b) REPORT TO CONGRESS.—The Secretary shall submit, once every 3 years, a report to the appropriate committees of the Congress concerning programs under this part.

"SEC. 7609. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out the provisions of this part, there are authorized to be appropriated \$40,000,000 in fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

"TITLE VIII—IMPACT AID

"SEC. 8001. FINDINGS.

"The Congress finds that—

"(1) certain activities of the Federal Government place a financial burden on the local educational agencies serving areas where such activities are carried out; and

"(2) it is the shared responsibility of the Federal Government, the States, and local educational agencies to provide for the education of children connected to those activities.

"SEC. 8002. PURPOSE.

"In order to fulfill the Federal responsibility to assist with the provision of educational services to federally connected children, and to help them meet challenging State standards, it is the purpose of this title to provide financial assistance to local educational agencies that—

"(1) 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 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 Indian lands.

"SEC. 8003. 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 all real property in the local educational agency (similarly determined as of the time or times when such Federal property was so acquired); and

"(2) that such agency is not being substantially compensated for the loss in revenue re-

sulting from such ownership by increases in revenue accruing to the agency from the conduct of Federal activities with respect to such Federal property,

then such agency shall be paid the amount described in subsection (b).

"(b) AMOUNT.—

"(1) IN GENERAL.—(A) 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 from activities conducted on such property during the previous fiscal year.

"(B) If funds appropriated under section 8014(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 which exceeds the difference of—

"(i) the maximum amount that such agency is eligible to receive for such fiscal year under section 8004(b)(1)(C); and

"(ii) the amount that such agency receives in such fiscal year under section 8004(b)(2).

"(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)(i), 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 it was conveyed;

"(C) requires the grantee of the property to report to the Federal government (or its agent) containing 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.

"SEC. 8004. 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) 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;

"(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) 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

"(E) resided in low-rent housing.

"(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 (A) and (B) of paragraph (1) by a factor of .35 if the local educational agency has—

"(i) a number of such children described in such subparagraphs which exceeds 6,500; and

"(ii) an average daily attendance for all children which exceeds 100,000.

"(D) Multiply the number of children described in subparagraphs (D) and (E) of paragraph (1) by a factor of 20.

"(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 8014(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 entitled 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—

"(i) 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 3rd preceding fiscal year, or

"(II) one-half of the average per pupil expenditures of all of the States for the 3rd preceding fiscal year;

"(ii) 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 in effect on January 1, 1994; or

"(iii) 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 8014(b) are insufficient to pay to each local educational agency the full amount computed under paragraph (1), the Secretary shall make payments based upon the provisions of this paragraph.

"(B) LEARNING OPPORTUNITY THRESHOLD PAYMENTS.—(i) For fiscal years described in subparagraph (A), the Secretary shall compute a learning opportunity threshold payment (hereinafter '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 this paragraph 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 educational agency under this paragraph (not including amounts received under subsection (f)), and the denominator of which is the total current expenditures for such agency.

"(ii) Such total percentage used to calculate threshold payments under paragraph (1) shall not exceed 100.

"(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 the fiscal year preceding the fiscal year for which the agency is making application for payment.

"(d) USE OF FUNDS FOR CHILDREN WITH DISABILITIES.—

"(1) IN GENERAL.—From the amount appropriated under section 8014(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 (B) and (C) of

subsection (a)(1) who are eligible to receive services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) 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 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.—Notwithstanding any other provision of this section, the total amount that the Secretary shall pay to a local educational agency under subsections (b) and (f)—

"(A) for fiscal year 1995, shall not be less than 80 percent of the payment such agency received for fiscal year 1994 under section 3(a) of the Act of September 30, 1950 (Public Law 81-874, 81st Congress), as in effect for fiscal year 1994;

"(B) for fiscal year 1996, shall not be less than 60 percent of such payment received for fiscal year 1994; and

"(C) for fiscal year 1997, shall not be less than 40 percent of such payment received for fiscal year 1994.

"(2) REDUCTION IN PAYMENTS.—In order to make payments to local educational agencies in accordance with paragraph (1), the Secretary shall reduce payments to other local educational agencies determined under subsection (b).

"(f) ADDITIONAL ASSISTANCE FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

"(1) RESERVATION.—From amounts appropriated under section 8014(d) 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 local educational agency shall be eligible to receive additional assistance under this subsection only if such agency—

"(A)(i) has an enrollment of federally connected children described in subsection (a)(1) which constitutes at least 40 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;

"(B)(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

"(C) is a local education agency whose boundaries are the same as a Federal military installation or includes Federal property under exclusive Federal jurisdiction.

"(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 or the average per pupil expenditure of all the States;

"(II) the average per pupil expenditure of generally comparable school districts located in the State of the local educational agency, as defined by the Secretary in regulations; or

"(III) the average per pupil expenditure of three generally comparable school districts located in the State of the local educational agency, as defined by the Secretary in regulations.

"(ii) The Secretary shall next subtract from the amount determined under clause (i) the average amount of State aid per pupil received by the local educational agency.

"(iii) The Secretary shall next multiply the amount determined under clause (ii) by the sum of the total weighted units of the local educational agency, as computed under subsection (a)(2).

"(iv) If the tax rate of the local educational agency is greater than 94 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.—With respect to payments to local educational agencies described in subparagraphs (B) and (C) of paragraph (2), the maximum amount of such payments shall be equal to the product of the average per pupil expenditure of all the States multiplied by .7, except that such amount may not exceed 125 percent of the average per pupil expenditure of all local educational agencies in the State.

"(4) CURRENT YEAR DATA.—The Secretary shall, for purposes of providing assistance under this subsection, use—

"(A) data from the fiscal year in which the local educational agency is applying for assistance under this subsection; or

"(B) the most recent data available which is adjusted to such fiscal year.

"SEC. 8005. 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 8004 shall establish policies and procedures to ensure that—

"(1) such children participate in programs and activities supported by such funds on an equal basis with all other children;

"(2) parents of such children and Indian tribes are afforded an opportunity to present their views on such programs and activities, including an opportunity to make recommendations on the needs of those children and how they may help those children realize the benefits of those programs and activities;

"(3) parents and Indian tribes are consulted and involved in planning and developing such programs and activities;

"(4) relevant applications, evaluations, and program plans are disseminated to the parents and Indian tribes; and

"(5) parents and Indian tribes are afforded an opportunity to present their views on the

agency's general educational program to such agency.

"(b) RECORDS.—A local educational agency that claims children residing on Indian lands for the purpose of receiving funds under section 8004 shall maintain records demonstrating its 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 8004 is excused from the requirements contained in subsections (a) and (b) for any year with respect to any Indian tribe from which it has received a written statement that the agency need not comply with those subsections because the tribe is satisfied with the 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 them 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.

"SEC. 8006. APPLICATION FOR PAYMENTS UNDER SECTIONS 8003 AND 8004.

"(a) IN GENERAL.—A local educational agency desiring to receive a payment under section 8003 or 8004 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 8005 (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) 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 up to 60 days after a deadline established under subsection (c) that otherwise meets the requirements of this title, except that, notwithstanding section 8004(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).

"SEC. 8007. 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 current school

year is at least ten percent or 100 more than the number of children in average daily attendance in the preceding school year; and

"(2) the number of children in average daily attendance with a parent on active duty (as defined in section 101(18) of title 37, United States Code) in the Armed Forces who are in attendance at such agency because of the assignment of their parent to a new duty station between July 1 and September 30, inclusive, of the current year, as certified by an appropriate local official of the Department of Defense, is at least ten percent or 100 more than the number of children in average daily attendance in the preceding school year.

"(b) APPLICATION.—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 current school year, in such manner and containing such information as the Secretary may prescribe, including information demonstrating that it is eligible for such a payment.

"(c) CHILDREN TO BE COUNTED.—For each eligible local educational agency that applies for a payment under this section, the Secretary shall determine the lesser of—

"(1) the increase in the number of children in average daily attendance from the preceding year; and

"(2) the number of children described in subsection (a)(2).

"(d) PAYMENTS.—From the amount appropriated for a fiscal year under section 8014(c), the Secretary shall pay each local educational agency with an approved application an amount, not to exceed \$200 per eligible child, equal to—

"(1) the amount available to carry out this section, including any funds carried over from prior years, divided by the number of children determined under subsection (c) for all such local educational agencies; multiplied by

"(2) the number of such children determined for that local educational agency.

"(e) NOTIFICATION PROCESS.—

"(1) ESTABLISHMENT.—The Secretary shall endeavor to 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. 8008. PAYMENTS FOR CONSTRUCTION.

"(a) PAYMENTS AUTHORIZED.—From the amount appropriated for each fiscal year under section 8014(d), the Secretary shall make payments to each local educational agency—

"(1) that receives a basic payment under section 8004(b); and

"(2) in which the number of children determined under section 8004(a) who resided on Indian lands constituted at least 50 percent of the number of children who were in average daily attendance in the schools of such agency during the preceding school year.

"(b) AMOUNT OF PAYMENTS.—The amount of a payment to each agency described in paragraph (2) of subsection (a) shall be equal to—

"(1) the amount appropriated under section 8014(d); divided by

"(2) the number of children determined under section 8004(a) for all such agencies, but not including any children attending a school assisted or provided by the Secretary under section 8009 or section 10 of the Act of September 23, 1950 (Public Law 815, 81st Congress; 20 U.S.C. 640) as in effect prior to the date of the 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 8013(3) of this title.

"SEC. 8009. FACILITIES.

"(a) CURRENT FACILITIES.—From the amount appropriated for any fiscal year under section 8014(e), 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; 20 U.S.C. 640) as in effect prior to 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; 20 U.S.C. 640), or under section 204 or 310 of the Act of September 30, 1950 (Public Law 874, 81st Congress), as 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 must be consented to by the local education 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 Act.

"SEC. 8010. STATE CONSIDERATION OF PAYMENTS IN PROVIDING STATE AID.

"(a) GENERAL PROHIBITION.—Except as provided in subsection (b), a State may not—

"(1) consider payments under this title or under the Act of September 30, 1950 (Public Law 874, 81st Congress) in determining for any fiscal year—

"(A) the eligibility of a local educational agency for State aid for free public education; or

"(B) the amount of such aid; or

"(2) make such aid available to local educational agencies in a manner that results in less State aid to any local educational agency that is eligible for such payment than it would receive if it were not so eligible.

"(b) STATE EQUALIZATION PLANS.—

"(1) IN GENERAL.—A State may reduce State aid to a local educational agency that receives a payment under sections 8003 and 8004(a) (except the amount calculated in excess of 1.0 under subparagraph (B) of subsection (a)(2)) or under the Act of September 30, 1950 (Public Law 874, 81st Congress) as such Act existed prior to the enactment of the Improving America's Schools Act of 1994 (other than an increase in payments described in paragraphs (2)(B), (2)(C), (2)(D), or (3)(B)(ii) of section 3(d) of such Act of September 30, 1950) for any fiscal year if the Secretary determines, and certifies under subsection (c)(3)(A), that such State has in effect a program of State aid that equalizes expenditures for free public education among local educational agencies in such State.

"(2) COMPUTATION.—

"(A) IN GENERAL.—For purposes of paragraph (1), a program of State aid equalizes expenditures among local educational agencies if, in the second preceding fiscal year, the amount of per-pupil expenditures made by, or per-pupil revenues available to, the local educational agency in the State with the highest such per-pupil expenditures or revenues did not exceed the amount of such per-pupil expenditures made by, or per-pupil revenues available to, the local educational agency in the State with the lowest such expenditures or revenues by more than 10 percent.

"(B) OTHER FACTORS.—In making a determination under this subsection, the Secretary shall—

"(i) disregard local educational agencies with per-pupil expenditures or revenues above the 95th percentile or below the 5th percentile of such expenditures or revenues in the State; and

"(ii) take into account the extent to which a program of State aid reflects the additional cost of providing free public education in particular types of local educational agencies, such as those that are geographically isolated, or to particular types of students, such as children with disabilities.

"(3) EXCEPTION.—Notwithstanding paragraph (2), if the Secretary determines that the State has substantially revised its program of State aid, the Secretary may certify such program for any fiscal year only if—

"(A) the Secretary determines, on the basis of projected data, that the State's program will meet the 10 percent disparity standard described in paragraph (2) in that fiscal year; and

"(B) the State provides an assurance to the Secretary that, if final data do not demonstrate that the State's program met such standard for that year (or that it met such standard with a greater percentage of disparity than anticipated), the State will pay to each affected local educational agency the amount by which it reduced State aid to the local educational agency on the basis of such certification, or a proportionate share thereof, as the case may be.

"(c) PROCEDURES FOR REVIEW OF STATE EQUALIZATION PLANS.—

"(1) WRITTEN NOTICE.—

"(A) IN GENERAL.—Any State that wishes to consider payments described in subsection (b)(1) in providing State aid to local educational agencies shall submit to the Secretary, not later than 120 days before the beginning of the State's fiscal year, a written notice of its intention to do so.

"(B) CONTENTS.—Such notice shall be in the form and contain the information the Secretary requires, including evidence that the State has notified each local educational agency in the State of its intention to consider such payments in providing State aid.

"(2) OPPORTUNITY TO PRESENT VIEWS.—Before making a determination under subsection (b), the Secretary shall afford the State, and local educational agencies in the State, an opportunity to present their views.

"(3) QUALIFICATION PROCEDURES.—If the Secretary determines that a program of State aid qualifies under subsection (b), the Secretary shall—

"(A) certify the program and so notify the State; and

"(B) afford an opportunity for a hearing, in accordance with section 8012(a), to any local educational agency adversely affected by such certification.

"(4) NON-QUALIFICATION PROCEDURES.—If the Secretary determines that a program of

State aid does not qualify under subsection (b), the Secretary shall—

"(A) so notify the State; and

"(B) afford an opportunity for a hearing, in accordance with section 8012(a), to the State, and to any local educational agency adversely affected by such determination.

"(d) REDUCTIONS OF STATE AID.—

"(1) IN GENERAL.—A State whose program of State aid has been certified by the Secretary under subsection (c)(3) may reduce the amount of such aid provided to a local educational agency that receives a payment under subsection (b) by any amount up to—

"(A) the amount of such payment (excluding amounts provided under subsections (d) and (f)); multiplied by

"(B) 100 percent minus the percentage of disparity determined under subsection (b).

"(2) PROHIBITION.—A State may not make a reduction described in paragraph (1) before its program of State aid has been certified by the Secretary under subsection (c)(3).

"(e) REMEDIES FOR STATE VIOLATIONS.—

"(1) IN GENERAL.—The Secretary or any aggrieved local educational agency may, without exhausting administrative remedies, bring an action in a United States district court against any State that violates subsection (a) or subsection (d)(2) or fails to carry out an assurance provided under subsection (b)(3)(B).

"(2) IMMUNITY.—A State shall not be immune under the eleventh amendment to the Constitution of the United States from an action described in paragraph (1).

"(3) RELIEF.—The court shall grant such relief as it determines is appropriate, which may include attorney's fees to a prevailing local educational agency.

"SEC. 8011. 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.

"SEC. 8012. 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. 8013. 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) 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 (Public Law 92-203, 43 U.S.C. 1601 et seq.) 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 otherwise described in this paragraph, 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 its 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 (42 U.S.C. 11411); 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 sub-

ject 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 under contract with the Air Force at an airport owned by a State or political subdivision of a State.

"(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) CERTAIN PROPERTY LOCATED IN 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).

"(5) FREE PUBLIC EDUCATION.—The term 'free public education' means education that is provided—

"(A) at public expense, under public supervision and direction, and without tuition charge; and

"(B) as elementary or secondary education, as determined under State law, except that, notwithstanding State law, such term—

"(i) includes preschool education; and

"(ii) does not include any education provided beyond grade 12.

"(6) INDIAN LANDS.—The term 'Indian lands' means any Federal property described in paragraph (4)(A)(i) or (4)(F).

"(7) 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 local contribution percentage computed for the Nation as a whole.

"(8) 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.

"(9) LOW-RENT HOUSING.—The term 'low-rent housing' means housing located on property that is described paragraph (4)(A)(iii).

"(10) 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 its use; or

"(B) funds collected by another governmental unit, but distributed back to a local educational agency in the same proportion as it was collected as a local revenue source.

"(11) 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. 8014. AUTHORIZATION OF APPROPRIATIONS.

"(a) PAYMENTS FOR FEDERAL ACQUISITION OF REAL PROPERTY.—For the purpose of making payments under section 8003, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(b) BASIC PAYMENTS.—For the purpose of making payments under section 8004(a), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(c) PAYMENTS FOR CHILDREN WITH DISABILITIES.—For the purpose of making payments under section 8004(d), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(d) PAYMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

"(1) IN GENERAL.—For the purpose of making payments under section 8004(f), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

"(e) PAYMENTS FOR INCREASES IN MILITARY CHILDREN.—For the purpose of making payments under section 8007, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(f) CONSTRUCTION.—For the purpose of making payments under section 8008, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(g) FACILITIES MAINTENANCE.—For the purpose of carrying out section 8009, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

TITLE IX—GENERAL PROVISIONS

PART A—DEFINITIONS

SEC. 9101. DEFINITIONS.

"Except as otherwise provided, for the purposes of this Act, the following terms have the following meanings:

"(1)(A) Except as provided otherwise by State law or this paragraph, the term 'average daily attendance' means—

"(i) the aggregate number of days of attendance of all students during a school year; divided by

"(ii) the number of days school is in session during such school year.

"(B) The Secretary shall permit the conversion of average daily membership (or other similar data) to average daily attendance for local educational agencies in States that provide State aid to local educational agencies on the basis of average daily membership or such other data.

"(C) If the local educational agency in which a child resides makes a tuition or other payment for the free public education of the child in a school located in another school district, the Secretary shall, for purposes of this Act—

"(i) consider the child to be in attendance at a school of the agency making such payment; and

"(ii) not consider the child to be in attendance at a school of the agency receiving such payment.

"(D) If a local educational agency makes a tuition payment to a private school or to a public school of another local educational agency for a child with disabilities, as defined in section 602(a)(1) of the Individuals with Disabilities Education Act, the Secretary shall, for the purposes of this Act, consider such child to be in attendance at a school of the agency making such payment.

"(2) The term 'average per-pupil expenditure' means, in the case of a State or of the United States—

"(A) without regard to the source of funds—

"(i) the aggregate current expenditures, during the third preceding fiscal year (or, if satisfactory data for that year are not available, during the most recent preceding fiscal year for which satisfactory data are available) of all local educational agencies in the State or, in the case of the United States for all States (which, for the purpose of this paragraph, means the 50 States and the District of Columbia); plus

"(ii) any direct current expenditures by the State for operation of such agencies; divided by

"(B) the aggregate number of children in average daily attendance to whom such agencies provided free public education during such preceding year.

"(3) The term 'child' means any person within the age limits for which the applicable State provides free public education.

"(4) The term 'community-based organization' means a private nonprofit organization that—

"(A) is representative of a community or significant segments of a community; and

"(B) provides educational or related services to individuals in the community.

"(5) The term 'consolidated State application' means an application submitted by a State educational agency pursuant to section 9302 of this Act.

"(6) The term 'county' means one of those divisions of a State used by the Secretary of Commerce in compiling and reporting data regarding counties.

"(7) The term 'covered program' means each of the programs authorized by—

"(A) part A of title I of this Act;

"(B) part C of title I of this Act;

"(C) part A of title II of this Act; and

"(D) part A of title IV of this Act except section 4104.

"(8) The term 'current expenditures' means expenditures for free public education—

"(A) including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities; but

"(B) not including expenditures for community services, capital outlay, and debt service, or any expenditures made from funds received under title I and part A of title II of this Act.

"(9) The term 'Department' means the Department of Education.

"(10) The term 'educational service agency' means regional public multiservice agencies authorized by State statute to develop, manage, and provide services and programs to local educational agencies.

"(11) The term 'elementary school' means a nonprofit day or residential school that provides elementary education, as determined under State law.

"(12) 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.

"(13) The term 'institution of higher education' has the meaning given that term in section 1201(a) of the Higher Education Act of 1965.

"(14)(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.

"(15) The term 'mentoring' means a program in which an adult works with a child or youth on a 1-to-1 basis, establishing a supportive relationship, providing academic as-

sistance, and exposing the child or youth to new experiences that enhance the child or youth's ability to excel in school and become a responsible citizen.

"(16) The term 'other staff' means pupil services personnel, librarians, career guidance and counseling personnel, education aides, and other instructional and administrative personnel.

"(17) The term 'outlying area' means 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).

"(18) The term 'parent' includes a legal guardian or other person standing in loco parentis.

"(19) The terms 'pupil-services personnel' and 'pupil services' mean, respectively—

"(A) school counselors, school social workers, school psychologists, and other qualified professional personnel involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary services as part of a comprehensive program to meet student needs; and

"(B) the services provided by such individuals.

"(20) The term 'secondary school' means a nonprofit day or residential school that provides secondary education, as determined under State law, except that it does not include any education beyond grade 12. This definition shall not apply to any private, religious, or home school that does not receive funds under this Act.

"(21) The term 'Secretary' means the Secretary of Education.

"(22) The term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.

"(23) The term 'State educational agency' means the agency primarily responsible for the State supervision of public elementary and secondary schools.

SEC. 9102. APPLICABILITY OF THIS TITLE.

"Parts B through F of this title do not apply to title VIII of this Act.

SEC. 9103. REFERENCES IN OTHER ACTS.

"References to section 1471 of this Act, as it existed prior to the enactment of the Improving America's Schools Act of 1994, shall be deemed to refer to this section.

PART B—FLEXIBILITY IN THE USE OF ADMINISTRATIVE AND OTHER FUNDS

SEC. 9201. CONSOLIDATION OF STATE ADMINISTRATIVE FUNDS FOR ELEMENTARY AND SECONDARY EDUCATION PROGRAMS.

"(a) CONSOLIDATION OF ADMINISTRATIVE FUNDS.—(1) A State educational agency may consolidate the amounts specifically made available to it for State administration under one or more of the programs specified under paragraph (2) if such State educational agency can demonstrate that the majority of such agency's resources come from non-Federal sources.

"(2) This section applies to title I of this Act and the covered programs specified in sections 9101(7)(C) and (D).

"(b) USE OF FUNDS.—(1) A State educational agency shall use the amount available under this section for the administration of the programs included in the consolidation under subsection (a).

"(2) A State educational agency may also use funds available under this section for administrative activities designed to enhance the effective and coordinated use of funds under such programs, such as—

“(A) the coordination of programs specified in subsection (a)(2) with other Federal and non-Federal programs;

“(B) the establishment and operation of peer-review mechanisms under this Act;

“(C) the administration of this title;

“(D) the dissemination of information regarding model programs and practices; and

“(E) technical assistance under programs specified in subsection (a)(2).

“(c) RECORDS.—A State educational agency that consolidates administrative funds under this section shall not be required to keep separate records, by individual program, to account for costs relating to the administration of programs included in the consolidation under subsection (a).

“(d) REVIEW.—To determine the effectiveness of State administration under this section, the Secretary may periodically review the performance of State educational agencies in using consolidated administrative funds under this section and take such steps as the Secretary finds appropriate to ensure the effectiveness of such administration.

“(e) UNUSED ADMINISTRATIVE FUNDS.—If a State educational agency does not use all of the funds available to it under this section for administration, it may use such funds during the applicable period of availability as funds available under one or more programs included in the consolidation under subsection (a).

“SEC. 9202. SINGLE LOCAL EDUCATIONAL AGENCY STATES.

“A State educational agency that also serves as a local educational agency shall, in its applications or State plans under this Act, describe how it will eliminate duplication in the conduct of administrative functions.

“SEC. 9203. CONSOLIDATION OF FUNDS FOR LOCAL ADMINISTRATION.

“(a) GENERAL AUTHORITY.—In accordance with regulations of the Secretary, a local educational agency, with the approval of its State educational agency, may consolidate and use for the administration of one or more covered programs for any fiscal year not more than the percentage, established in each covered program, 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 shall, in collaboration with local educational agencies in the State, establish procedures for responding to requests from local educational agencies to consolidate administrative funds under subsection (a) and for establishing limitations on the amount of funds under covered programs that may be used for administration on a consolidated basis.

“(c) CONDITIONS.—A local educational agency that consolidates administrative funds under this section for any fiscal year shall not use any other funds under the programs included in the consolidation for administration for that fiscal year.

“(d) USES OF ADMINISTRATIVE FUNDS.—A local educational agency that consolidates administrative funds under this section may use these consolidated funds for the administration of covered programs and for the purposes described in section 9201(b)(2).

“(e) RECORDS.—A local educational agency that consolidates administrative funds under this section shall not be required to keep separate records, by individual covered program, to account for costs relating to the administration of covered programs included in the consolidation.

“SEC. 9204. ADMINISTRATIVE FUNDS STUDY.

“(a) STUDY.—(1) The Secretary shall conduct a study of the use of funds under this Act for the administration, by State and local educational agencies, of covered programs, including the percentage of grant funds used for such purpose in covered programs.

“(2) Based on the results of such study, the Secretary shall develop a definition of what types of activities constitute the administration of programs under this Act by State and local educational agencies.

“(3) Based on the results of such study, the Secretary may publish regulations or guidelines regarding the use of funds for administration under those programs, including the use of such funds on a consolidated basis and limitations on the amount of such funds that may be used for administration where such limitation is not otherwise specified in law.

“(b) REPORT.—The Secretary shall submit to the President and the appropriate committees of the Congress a report regarding the study conducted under this section within 30 days of its completion.

“SEC. 9205. CONSOLIDATED SET-ASIDE FOR DEPARTMENT OF THE INTERIOR FUNDS.

“(a) GENERAL AUTHORITY.—(1) The Secretary shall transfer to the Department of the Interior, as a consolidated amount for covered programs, the Indian education programs under part A of title VI of this Act, and the education for homeless children and youth program under subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act, the amounts allotted to the Department of the Interior under those programs.

“(2)(A) The Secretary and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of the programs specified in paragraph (1), for the distribution and use of those funds under terms that the Secretary determines best meet the purposes of those programs.

“(B) The agreement shall—

“(i) set forth the plans of the Secretary of the Interior for the use of the amount transferred, the steps to be taken to achieve the National Education Goals, and performance measures to assess program effectiveness, including measurable goals and objectives; and

“(ii) be developed in consultation with Indian tribes.

“(b) ADMINISTRATION.—The Department of the Interior may use up to 1.5 percent of the funds consolidated under this section for its costs related to the administration of the funds transferred under this section.

“SEC. 9206. AVAILABILITY OF UNNEEDED PROGRAM FUNDS.

“(a) 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 of this Act are not needed for the purpose of that covered program may use such funds, not to exceed five percent of the total amount of its funds under that covered program, for the purpose of another covered program.

“(b) COORDINATION OF SERVICES.—A local educational agency, individual school, or consortium of schools may use a total of up to 5 percent of the funds it receives under this Act for the establishment and implementation of a coordinated services project consistent with the requirements of Title X of this Act.”

“PART C—COORDINATION OF PROGRAMS; CONSOLIDATED STATE AND LOCAL APPLICATIONS

“SEC. 9301. 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. 9302. OPTIONAL CONSOLIDATED STATE APPLICATION.

“(a) GENERAL AUTHORITY.—(1) In order to simplify application requirements and reduce burden for State educational agencies under this Act, the Secretary shall, in accordance with subsection (b), establish procedures and criteria under which a State educational agency may submit a consolidated State application meeting the requirements of this section for each of the covered programs in which the State participates.

“(2) A State educational agency may also include in its consolidated application—

“(A) the Even Start program under part B of title I of this Act;

“(B) the education of neglected and delinquent youth program under part D of title I of this Act;

“(C) part A of title II of the Carl D. Perkins Vocational and Applied Technology Education Act;

“(D) Goals 2000: Educate America Act;

“(E) School-to-Work Opportunities Act; and

“(F) such other programs as the Secretary may designate.

“(3) A State educational agency that submits a consolidated State application under this section shall not be required to submit separate State plans or applications under any of the programs to which its consolidated application under this section applies.

“(b) COLLABORATION.—(1) In establishing criteria and procedures under this section, the Secretary shall collaborate with State educational agencies and, as appropriate, with other State agencies, local educational agencies, public and private nonprofit agencies, organizations, and institutions, private schools, and representatives of parents, students, and teachers.

“(2) Through the collaboration process described in subsection (b), the Secretary shall establish, for each program under the Act to which this section applies, the descriptions, information, assurances, and other material required to be included in a consolidated State application.

“(3) The Secretary shall require only descriptions, information, assurances, and other materials that are absolutely necessary for the consideration of the State application.

“SEC. 9303. 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 9302, 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 440 of the General Education Provisions Act does not apply to programs under this Act.

"SEC. 9304. CONSOLIDATED LOCAL APPLICATIONS.

"(a) GENERAL AUTHORITY.—A local educational agency receiving funds under more than one covered program may submit applications to the State educational agency under such programs on a consolidated basis.

"(b) REQUIRED CONSOLIDATED APPLICATIONS.—A State educational agency that has submitted and had approved a consolidated State application under section 9302 may require local educational agencies in the State receiving funds under more than one program included in the consolidated State application to submit consolidated local applications under such programs.

"(c) COLLABORATION.—A State educational agency shall collaborate with local educational agencies in the State in establishing procedures for the submission of the consolidated applications under this section.

"(d) The State educational agency shall require only descriptions, information, assurances, and other material that are absolutely necessary for the consideration of the application of the local educational agency.

"SEC. 9305. OTHER GENERAL ASSURANCES.

"(a) ASSURANCES.—Any applicant other than a State educational agency that submits an application under this Act, whether separately or pursuant to section 9304, shall have on file with the State educational agency a single set of assurances, applicable to each program for which an application is submitted, that provides that—

"(1) each such program will be administered in accordance with all applicable stat-

utes, regulations, program plans, and applications;

"(2)(A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency or in a nonprofit private agency, institution, organization, or Indian tribe, if the statute authorizing the program provides for assistance to such entities; and

"(B) the public agency, nonprofit private agency, institution, or organization, or Indian tribe will administer such funds and property to the extent required by the authorizing statutes;

"(3) the applicant will adopt and use proper methods of administering each such program, including—

"(A) the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program; and

"(B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation;

"(4) the applicant will cooperate in carrying out any evaluation of each such program conducted by or for the State educational agency or the Secretary or other Federal officials;

"(5) the applicant will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to such applicant under each such program;

"(6) the applicant will—

"(A) make reports to the State educational agency and the Secretary as may be necessary to enable such agency and the Secretary to perform their duties under each such program; and

"(B) maintain such records, provide such information, and afford access to the records as the State educational agency or the Secretary may find necessary to carry out the State educational agency's or the Secretary's duties; and

"(7) before the application was submitted, the applicant afforded a reasonable opportunity for public comment on the application and has considered such comment.

"(b) GEPA PROVISION.—Section 442 of the General Education Provisions Act does not apply to programs under this Act.

"PART D—WAIVERS

"SEC. 9401. WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS.

"(a) Except as provided in subsection (c), the Secretary may waive any requirement of this Act or of the General Education Provisions Act, or of the regulations issued under such Acts, for a State educational agency, Indian tribe, or other agency, organization, or institution that receives funds under a program authorized by this Act from the Department and that requests such a waiver 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.

"SEC. 9402. APPLICATIONS.

"(a) GENERAL REQUIREMENTS.—A school, local educational agency, or State that desires to receive a waiver under this Act shall—

"(1) indicate which Federal requirements are to be waived and how waiving such requirements will improve educational achievement among all students;

"(2) describe educational programs and goals being proposed and how such programs will meet the needs of all students;

"(3) identify the Federal programs to be included in the project;

"(4) indicate which State and local requirements to be waived;

"(5) describe specific, measurable educational improvement goals and expected outcomes for all affected students;

"(6) describe methods to be used to measure progress toward meeting such goals;

"(7) describe how programs will continue to focus on the same populations served by programs for which waivers are requested;

"(8) describe how students not now eligible for programs for which waivers are granted can be served without weakening the program benefits for eligible populations; and

"(9) describe the student population at proposed schools, including—

"(A) current data regarding the achievement levels of students, particularly disadvantaged students;

"(B) the number of students who—

"(i) are of limited English proficiency, as defined in section 7003(a)(1) of the Bilingual Education Act;

"(ii) are children with disabilities, as defined in section 602(a)(1) of the Individuals with Disabilities Education Act;

"(iii) are currently or were, within the past 5 years, migratory;

"(iv) are educationally disadvantaged for the purposes of title I of the Elementary and Secondary Education Act of 1965; and

"(v) are eligible for a free or reduced-price lunch.

"(b) ADDITIONAL REQUIREMENTS.—The Secretary of Education may include additional requirements as may reasonably be required.

"(c) INDIVIDUAL SCHOOL APPLICATIONS.—A local school that desires to receive a waiver under this Act shall submit an application to the local educational agency, which, after review, shall submit such application to the State educational agency.

"(d) LOCAL APPLICATIONS.—(1) A local educational agency that desires to receive a waiver under this Act shall submit an application to the State educational agency for review.

"(2) A State educational agency that approves an application submitted by a local educational agency shall forward such application to the Secretary of Education for consideration.

"(3) If an application requests a waiver for a program other than an education program, the State educational agency shall submit such application to the chief executive of the State for review before forwarding such application to the Secretary of Education.

"(e) STATE APPLICATIONS.—(1) A State educational agency that desires to receive a waiver under this Act shall—

"(1) submit an application to the Secretary of Education for consideration; and

"(2) provide all interested local education agencies in the State with notice and an opportunity to comment on the proposal.

"(f) WAIVERS NOT AUTHORIZED.—The Secretary may not waive, under this section, any statutory or regulatory requirement relating to—

"(1) comparability of services;

"(2) maintenance of effort;

"(3) the equitable participation of students attending private schools;

"(4) parental participation and involvement;

"(5) the distribution of funds to States or to local educational agencies or other recipients of funds under this Act;

"(6) maintenance of records;

"(7) applicable civil rights requirements; or

"(8) the requirements of sections 444 and 445 of the General Education Provisions Act.

"SEC. 9403. EVALUATIONS AND TECHNICAL ASSISTANCE.

"(a) WAIVERS.—Three years after a waiver is provided to a school or local educational

agency, the Secretary of Education shall evaluate the effectiveness of such waiver, based on reports and evaluations conducted by the State educational agency, in meeting the goals outlined in their application, in achieving educational reform, in raising student achievement for all students, including students with disabilities, students who are disadvantaged, and students who are limited English proficient, and in meeting the National Education Goals.

"(b) TECHNICAL ASSISTANCE.—If the Secretary determines that progress in achieving education reform is not satisfactory, the Secretary may provide technical assistance to a school or local educational agency.

"(c) TERMINATION.—If the Secretary determines that the technical assistance does not improve education reform efforts, the Secretary may immediately terminate any waivers previously granted.

"(d) NATIONAL EVALUATION.—Three years after the flexibility program is implemented and at the end of every succeeding 3-year period, the Secretary shall evaluate the effectiveness of the flexibility program nationwide. The findings of such evaluation shall be submitted to the Congress not later than 120 days after such evaluation is completed.

"SEC. 9404. REPORTS.

"(a) LOCAL REPORTS.—A local educational agency or school that participates in a flexibility project under this Act shall submit an annual report to the State educational agency that—

- "(1) describes project activities;
- "(2) evaluates the progress in achieving the goals stated in the application; and
- "(3) evaluates the effectiveness of coordinating services for students and their families.

"(b) STATE REPORTS.—(1) A State that participates in a flexibility project under this Act shall submit an annual report to the Secretary of Education which evaluates the progress in achieving goals stated in the application.

"(2) The State Educational Agency, upon receipt of reports of local educational agencies or schools participating in a flexibility project, shall review such documents and evaluate the progress of such programs in elevating academic achievement for all students, accomplishing education reform and meeting the National Education Goals. Such reports and evaluations shall be submitted to the Secretary of Education on an annual basis.

"(c) SECRETARY REPORTS.—The Secretary of Education shall submit to the Congress a biennial report, based on State reports, regarding the national progress of flexibility programs and the effect of such programs on improving educational achievement for all students and meeting the National Education Goals.

"SEC. 9405. GENERAL PROVISION REGARDING NON-RECIPIENT NONPUBLIC SCHOOLS.

"Nothing in this Act shall be construed to permit, allow, encourage, or authorize any Federal involvement with or control over any aspect of any private, religious, or home school that does not receive funds under the Act.

"TITLE X—COORDINATED SERVICES PROJECTS

"SEC. 10001. FINDINGS AND PURPOSE.

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

"(1) Growing numbers of children are negatively affected by influences outside of the classroom which increase their risk of academic failure.

"(2) Factors such as poor nutrition, unsafe living conditions, physical and sexual abuse, family and gang violence, inadequate health care, unemployment, lack of child care and substance abuse adversely affect family relationships and the ability of a child to learn.

"(3) Parents and other caregivers in today's high pressure society often face demands which place restraints on their time and affect their ability to adequately provide for the needs of their families.

"(4) Access to health and social service programs can address the basic physical and emotional needs of children so that they can fully participate in the learning experiences offered them in school.

"(5) Services for at-risk students need to be more convenient, less fragmented, regulated and duplicative in order to meet the needs of children and their families.

"(6) School personnel, parents, and support service providers often lack knowledge of, and access to, available services for at-risk students and their families in the community, and have few resources to coordinate services and make them accessible.

"(7) Service providers, such as teachers, social workers, health care and child care providers, juvenile justice workers and others, are often trained in separate disciplines that provide little support for the coordination of services.

"(8) Coordination of services is more cost effective because it substitutes prevention for expensive crisis intervention.

"(9) Coordinating health and social services with education can help the Nation meet the National Education Goals by ensuring better outcomes for children.

"(b) PURPOSE OF COORDINATING SERVICES.—The purpose of this section is to provide elementary and secondary school students and their families better access to the social, health and education services necessary for students to succeed in school and for their families to take an active role in ensuring that children receive the best possible education.

"SEC. 10002. DEFINITIONS.

"(a) The term 'coordinated services project' refers to a comprehensive approach to meeting the educational, health, social service, and other needs of children and their families, including foster children and their foster families, through a communitywide partnership that links public and private agencies providing such services or access to such services through a coordination site at or near a school.

"(b) An 'eligible entity' is a local educational agency, individual school, or consortium of schools.

"SEC. 10003. PROJECT DEVELOPMENT AND IMPLEMENTATION.

"(a) PROJECT PLANS.—Eligible entities exercising their authority under section 9206(b) shall submit to the Secretary an application for the development of a plan or a plan for the implementation of a coordinated services project.

"(b) PROJECT DEVELOPMENT.—The application for the development of the coordinated services project, which can last for up to one year, shall:

"(1) demonstrate that an assessment will be performed of the economic, social, and health barriers to educational achievement experienced by children and families, including foster children and their foster families, in the community, and the local, State, federal, and privately funded services available to meet such needs;

"(2) identify the measures that will be taken to establish a communitywide part-

nership that links public and private agencies providing services to children and families; and

"(3) identify any other measures that will be taken to develop a comprehensive plan for the implementation of a coordinated services project or projects.

"(c) PROJECT IMPLEMENTATION.—Eligible entities shall submit to the Secretary a plan for the implementation or expansion of a coordinated services project. Such plan shall include—

"(1) the results of a children and families needs assessment, which will include an assessment of the needs of foster children;

"(2) the membership of the coordinated services project partnership;

"(3) a description of the proposed coordinated services project, its objectives, where it will be located, and the staff that will be used to carry out the purposes of the project;

"(4) a description of how the success of the coordinated services project will be evaluated;

"(5) a description of the training to be provided to teachers and appropriate personnel; and

"(6) information regarding whether or not a sliding scale fee for services will be employed, and if not, an explanation of why such scale is not feasible.

"SEC. 10004. USES OF FUNDS.

"(a) Funds utilized under the authority of section 9206(b) may be used for activities under this title which include—

"(1) hiring a services coordinator;

"(2) making minor renovations to existing buildings;

"(3) purchasing basic operating equipment;

"(4) improving communications and information-sharing between members of the coordinated services project partnership;

"(5) providing training to teachers and appropriate personnel concerning their role in a coordinated services project; and

"(6) conducting the needs assessment required in section 10003(b)(1).

"(b) Projects operating under the authority of this title shall comply with the requirements of section 1121(b).

"SEC. 10005. CONTINUING AUTHORITY.

"The Secretary shall not approve the plan of any project which fails to demonstrate that it is achieving effective coordination after 2 years of implementation.

"SEC. 10006. FEDERAL AGENCY COORDINATION.

"(a) AGENCY COORDINATION.—The Secretaries of Education, Health and Human Services, Labor, Housing and Urban Development, Treasury, and Agriculture, and the Attorney General shall review the programs administered by their agencies to identify barriers to service coordination.

"(b) REPORT TO CONGRESS.—Such Secretaries and the Attorney General shall submit jointly a report to the Congress not later than 2 years after the date of the enactment of the Improving America's Schools Act, based on the review required under paragraph (a) recommending legislative and regulatory action to address such barriers, and during this time, shall use waiver authorities authorized under this and other Acts.

"SEC. 10007. LIMITATION ON USE OF FUNDS FOR COORDINATION OF SERVICES.

"None of the funds authorized under this Act which are used for projects which include the coordination of health and social services with education may be used to provide family planning or reproductive health services."

**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.; referred to in this title as "the Act") is amended to read as follows:

"TITLE; APPLICABILITY; DEFINITIONS

"SEC. 400. (a) This title may be cited as the 'General Education Provisions Act'.

"(b)(1) Except as otherwise provided, this title applies to each applicable program of the Department of Education.

"(2) Except as otherwise provided, this title does not apply to any contract made by the Department of Education.

"(c) As used in this title, the following terms have the following meanings:

"(1) The term 'applicable program' means any program for which the Secretary 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 statutes effective after the effective date of that Act.

"(2) The term 'applicable statute' means—
"(A) the Act or the title, part, section, or any other subdivision of an Act, as the case may be, that authorizes the appropriation for an applicable program;

"(B) this title; and

"(C) any other statute that by its terms expressly controls the administration of an applicable program.

"(3) The term 'Department' means the Department of Education.

"(4) The term 'Secretary' means the Secretary of Education.

"(d) Nothing in this title shall be construed to affect the applicability of title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, title V of the Rehabilitation Act of 1973, the Age Discrimination Act, or other statutes prohibiting discrimination, to any applicable program."

SEC. 212. REPEAL AND REDESIGNATION.

(a) The following provisions of the Act are repealed:

(1) Sections 400A, 401, 402, 405, 406, 406A, 406B, 406C, 407, 413, 416, 419, 421, 423, 424, 426A, and 429; and

(2) part D.

(b) Sections 403, 408, 409, 411, 412, 414, 415, 417, 420, 421A, 422, 425, 426, 427, 428, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, and 440 are redesignated as 401, 410, 411, 420, 421, 422, 423, 425, 426, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, and 446 respectively.

(c) Part E is redesignated as Part D.

**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. OFFICE OF NON-PUBLIC EDUCATION.

Section 401 of the Act (as redesignated) is amended by—

(1) striking the heading of such section and inserting the following new heading:

"OFFICE OF NON-PUBLIC EDUCATION".

(2) striking subsections (a), (b), and (c); and
(3) striking "(d)(1) There" and inserting "Sec. 401 (1) There".

SEC. 223. GENERAL AUTHORITY OF THE SECRETARY.

Section 410 of the Act (as redesignated) is amended to read as follows:

"GENERAL AUTHORITY OF THE SECRETARY

"SEC. 410. The Secretary, in order to carry out functions otherwise vested 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. 224. COORDINATION.

The Act is amended by inserting the following new section 412:

"COORDINATION

"SEC. 412. The Advisory Council on Education Statistics, the National Education Goals Panel, the National Education Statistics and Improvement Council, and any other Board established to analyze, address, or approve standards and assessments shall coordinate and interact with one another in order to ensure that each entity does not duplicate activities to assist States in their efforts to reform their educational systems."

**PART C—APPROPRIATIONS AND
EVALUATIONS**

SEC. 230. FORWARD FUNDING.

Section 420 of the Act (as redesignated) is amended to read as follows:

"FORWARD FUNDING

"SEC. 420. (a) To the end of affording the responsible State, local, and Federal officers adequate notice of available Federal financial assistance for carrying out ongoing education activities and projects, appropriations for grants, contracts, or other payments under any applicable program are authorized to be included in the appropriations Act for the fiscal year preceding the fiscal year during which such activities and projects shall be carried out.

"(b) In order to effect a transition to the timing of appropriation action authorized by subsection (a), the application of this section may result in the enactment, in a fiscal year, of separate appropriations for an applicable program (whether in the same appropriations Act or otherwise) for 2 consecutive fiscal years."

SEC. 231. AVAILABILITY OF APPROPRIATIONS.

(a) The heading for section 421 of the Act (as redesignated) is amended to read as follows: "AVAILABILITY OF APPROPRIATIONS ON ACADEMIC OR SCHOOL-YEAR BASIS; ADDITIONAL PERIOD FOR EXPENDITURE OF FUNDS".

(b) Section 421 of the Act (as redesignated) is further amended—

(1) in subsection (b) by striking "(b) Notwithstanding" and inserting "(b)(1) Notwithstanding"; and

(2) in subsection (c) by striking "section 3679(d)(2) of the Revised Statutes" and inserting "section 1341(a) of title 31 of the United States Code".

SEC. 232. CONTINGENT EXTENSION OF PROGRAMS.

Section 422 of the Act (as redesignated) of the Act is amended to read as follows:

"CONTINGENT EXTENSION OF PROGRAMS

"SEC. 422. (a) The authorization of appropriations for, or duration of, an applicable program shall be automatically extended for one additional fiscal year unless Congress, in the regular session that ends prior to the beginning of the terminal fiscal year of such authorization or duration, has passed legislation that becomes law and extends or repeals

the authorization or duration of such program.

"(b) The amount authorized to be appropriated for the period of automatic extension of an applicable program under subsection (a) shall be the amount that was authorized to be appropriated for that program during its terminal fiscal year.

"(c) During the period of automatic extension of an applicable program under subsection (a), the Secretary shall administer such program, including the performance of all required acts and determinations, in the same manner required in the termination fiscal year by the applicable statute.

"(d) This section shall not apply to the authorization of appropriations for a commission, council or committee which is required by an applicable statute to terminate on a date certain."

SEC. 233. STATE REPORTS.

Subpart 2 of part B of the Act is amended by inserting the following new section 424 at the beginning of such subpart.

**"RESPONSIBILITY OF STATES TO FURNISH
INFORMATION**

"SEC. 424. (a) Each State educational agency shall submit to the Secretary a report on or before March 15 of every second year. Each such report shall include—

"(1) information with respect to the uses of Federal funds in such State in the 2 preceding fiscal years under any applicable program under the jurisdiction of the State educational agency; and

"(2) information with respect to the uses of Federal funds in such State in the 2 preceding fiscal years under any Federal program administered by the State that provided grants or contracts to a local educational agency in the State.

"(b) Each report submitted as required by subsection (a) shall—

"(1) list, with respect to each program for which information is provided, all grants made to and contracts entered into with local educational agencies and other public and private agencies and institutions within the State during each fiscal year concerned;

"(2) analyze the information included in the report by local educational agency and by program;

"(3) include the total amount of funds available to the State under each such program for each fiscal year concerned; and

"(4) be made readily available by the State to local educational agencies and institutions within the State and to the public.

"(c) If the Secretary does not receive a report by the date required under subsection (a), or receives an incomplete report, the Secretary, not later than 30 days after such report is required to be submitted, shall take all reasonable measures to obtain the delinquent or incomplete information from the State educational agency.

"(d) When the Secretary receives a report required under subsection (a), the Secretary shall provide such information to the National Center for Education Statistics, and shall make such information available, at a reasonable cost, to any individual who requests it.

"(e) The Secretary shall consult with the Speaker and Minority Leader of the House of Representatives and the Majority and Minority Leaders of the Senate regarding the costs and feasibility of making the information described in subsection (a) available as part of a telecommunications network that is readily accessible to every member of Congress and other interested parties.

"(f) On or before August 15th of each year in which reports are submitted under sub-

section (a), the Secretary shall submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate. Such report shall include—

"(1) an analysis of the content and data quality of such reports;

"(2) a compilation of statistical data derived from such reports; and

"(3) information obtained by the Secretary with respect to—

"(A) direct grants made to local educational agencies by the Federal Government; and

"(B) contracts entered into between such agencies and the Federal Government."

SEC. 234. BIENNIAL EVALUATION REPORT.

Section 425 of the Act (as redesignated) is amended to read as follows:

"BIENNIAL EVALUATION REPORT

"SEC. 425. Not later than March 31 of each second year beginning with 1995, the Secretary shall transmit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate an evaluation report on the effectiveness of applicable programs during the two preceding fiscal years in achieving their legislated purposes. Such report shall—

"(1) contain program profiles that include legislative citations, multi-year funding histories, and legislated purposes;

"(2) contain recent evaluation information on the progress being made toward the achievement of program objectives, including listings of program performance indicators, data from performance measurement based on the indicators, evaluation information on the costs and benefits of the applicable programs being evaluated.

"(3) contain selected significant program activities, such as initiatives for program improvement, regulations, and program monitoring and evaluation;

"(4) list the principal analyses and studies supporting the major conclusions in such report; and

"(5) be prepared in concise summary form with necessary detailed data and appendices, including available data to indicate the effectiveness of the programs and projects by the race, sex, disability and age of their beneficiaries."

SEC. 235. TECHNICAL AMENDMENT.

(a) Section 423 of the Act (as redesignated) is amended by striking "Commissioner" and inserting "Secretary".

(b) Section 426 of the Act (as redesignated) is amended by—

(1) striking "title I of" and all that follows through "Congress)" and inserting "title VIII of the Elementary and Secondary Education Act of 1965"; and

(2) striking "subparagraph (C) of section 3(d)(2) or section 403(1)(C)" and inserting in lieu thereof "sections 8003(c) and residing on property described in section 8012(4)(B)(ii)".

SEC. 236. COORDINATION.

The National Assessment Governing Board, the Advisory Council on Statistics, the National Education Goals Panel, the National Education Statistics and Improvement Council, and any other Board established to analyze, address, or approve standards and assessments shall coordinate and interact with one another in order to ensure that each entity does not duplicate activities to assist States in their efforts to reform their educational systems.

PART D—ADMINISTRATION OF EDUCATION PROGRAMS

SEC. 241. RACE-NORMING.

The Act is amended by inserting after section 426 (as redesignated) the following new section:

"PROHIBITION AGAINST DISCRIMINATORY USE OF TEST SCORES

"SEC. 426A. No funds appropriated for the purpose of carrying out any applicable program may be used to adjust the scores of, use different scores for, or otherwise alter the results of educational tests on the basis of race, color, religion, sex, or national origin."

SEC. 242. JOINT FUNDING OF PROGRAMS.

Section 430 of the Act (as redesignated) is amended to read as follows:

"JOINT FUNDING OF PROGRAMS

"SEC. 430. (a)(1) The Secretary is authorized to enter into arrangements with other Federal agencies to jointly carry out projects of common interest, to transfer to such agencies funds appropriated under any applicable program, and to receive and use funds from such agencies, for projects of common interest.

"(2) Funds so transferred or received shall be used only in accordance with the statutes authorizing the appropriation of such funds, and shall be made available by contract or grant only to recipients eligible to receive such funds under such statutes.

"(3) If the Secretary enters into an agreement under this subsection for the administration of a project, the agency administering the project shall use its procedures to award contracts or grants and to administer such awards, unless the parties to the agreement specify the use of procedures of another agency that is a party to the agreement.

"(4) If the Secretary has entered into an agreement authorized under subsection (a) of this section and the Secretary and the heads of the other agencies participating in the agreement determine that joint funding is necessary to address a special need consistent with the purposes and authorized activities of each program that provides funding, the Secretary and the heads of the other participating agencies may develop a single set of criteria for jointly funded projects and require each applicant for those projects to submit a single application for review by the participating agencies.

"(b) The Secretary may develop the criteria for, and require the submission of, joint applications under two or more applicable programs under which awards are made on a competitive basis, and may jointly review and approve such applications separately from other applications under such programs, when the Secretary determines that such joint awards are necessary to address a special need consistent with the purposes and authorized activities of each such program. An applicant for such a joint award must meet the eligibility requirements of each such program.

"(c) The Secretary may not construe the provisions of this section to take precedence over a limitation on joint funding contained in an applicable statute.

"(d)(1) The Secretary shall provide notice to the Committee on Education and Labor of the House of Representatives and to the Committee on Labor and Human Resources of the Senate of each joint funding agreement made with other Federal agencies not later than 60 days following the making of such agreements.

"(2) Such notice shall include—

"(A) a description of the purpose and objectives of the joint funding arrangement;

"(B) the amounts and sources, by program, of the funds dedicated to such arrangement; and

"(C) the criteria developed to govern the award of contracts and grants."

SEC. 243. COLLECTION AND DISSEMINATION OF INFORMATION.

Section 431 of the Act (as redesignated) is amended by—

(1) striking "(a) The Commissioner" and inserting "The Secretary";

(2) inserting "and" at the end of paragraph (2);

(3) striking "and" at the end of paragraph (3) and inserting "and"; and

(4) striking paragraph (4) and subsections (b) and (c).

SEC. 244. REVIEW OF APPLICATIONS.

(a) Section 432 of the Act (as redesignated) 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 thereof, by inserting a comma after "the hearing"; and

(D) in the fourth sentence thereof—

(i) by striking the comma after "guidelines"; and

(ii) by inserting a comma after "program";

(2) in subsection (b), by striking "Commissioner" each place it appears and inserting "Secretary"; and

(3) in subsection (d), by striking "Commissioner" each time it appears and inserting "Secretary" and by inserting before the period "or issue such other orders as the Secretary may deem appropriate to achieve such compliance".

(b) All statistics and other data collection and analysis reported under this section shall, whenever feasible, be collected cross-tabulated, analyzed, and reported by sex within race or ethnicity and socioeconomic status. In the event that the Secretary determines that such statistics or data collection and analysis reveals no significant differences among such categories, the Secretary shall include in the relevant report incorporating such statistics or data an explanation of such determination.

SEC. 245. TECHNICAL AMENDMENT.

Section 434 of the Act (as redesignated) is amended in the first sentence by striking "the Commissioner" and "he" and inserting "the Secretary" in lieu of each.

SEC. 246. USE OF FUNDS WITHHELD.

Section 435 of the Act (as redesignated) is amended to read as follows:

"USE OF FUNDS WITHHELD

"SEC. 435. (a) At any time that the Secretary makes an allotment or reallocation to any State under any applicable program, the Secretary shall reduce such allotment or reallocation by such amount as the Secretary determines such allotment or reallocation would have been reduced, had the data on which the allotment or reallocation is based excluded all data relating to local educational agencies of the State that, on the date of the Secretary's action, are ineligible to receive the Federal financial assistance involved because of failure to comply with title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, or the Age Discrimination Act of 1975.

"(b) The Secretary may use any funds withheld under subsection (a)—

"(1) to increase the allotments of other local educational agencies within the State, or the allotments of all States, in accordance with the statutes governing the program; or

"(2) for grants to local educational agencies of that State in accordance with section 405 of the Civil Rights Act of 1964, or for any other program administered by the Department that is designed to enhance equity in education or redress discrimination on the basis of race, color, national origin, sex, age, or disability."

SEC. 247. APPLICATIONS.

Section 436 of the Act (as redesignated) is amended by striking "for three fiscal years" and inserting "for more than one fiscal year".

SEC. 248. REGULATIONS.

Section 437 of the Act (as redesignated) is amended—

(1) in the heading by striking "REQUIREMENTS AND ENFORCEMENT";

(2) in subsection (a) by—

(A) striking, in paragraph (1), "Commissioner" and inserting "Secretary"; and

(B) striking, in paragraph (2), "Department of Health, Education, and Welfare or the Office of Education, or by an official of such agencies" and inserting "Secretary";

(3) in subsection (b) by—

(A) striking "Commissioner" each place it appears and inserting "Secretary"; and

(B) striking the last sentence of paragraph (2)(B);

(4) in subsection (d) by—

(A) striking, in paragraph (1)—

(i) in the second sentence, "transmission unless the Congress shall, by concurrent resolution, find that the final regulation is inconsistent with the Act from which it derives its authority, and disapprove such final regulation, in whole or in part" and insert "transmission";

(ii) the last sentence; and

(iii) "(1)";

(B) striking paragraph (2);

(5) by striking subsections (e) and (f); and

(6) in subsection (g), by striking "Commissioner" each place it appears and inserting "Secretary".

SEC. 249. RECORDS; REDUCTION IN RETENTION REQUIREMENTS.

Section 443 of the Act (as redesignated) is amended—

(1) in subsection (a)—

(A) by striking out "grant, subgrant, contract, subcontract, loan, or other arrangement (other than procurement contracts awarded by an administrative head of an educational agency)" and inserting in lieu thereof "grant, subgrant, cooperative agreement, loan or other agreement";

(B) by inserting "financial or programmatic" immediately before "audit."; and

(C) by striking "five" in the last sentence and inserting "three"; and

(2) in subsection (b), by striking out "to any records of a recipient which may be related, or pertinent to, the grants, subgrants, contracts, subcontracts, loans, or other arrangements" and inserting in lieu thereof "to any records currently maintained by a recipient that may be related, or pertinent to, grants, subgrants, cooperative agreements, loans, or other arrangements".

SEC. 250. RELEASE OF RECORDS.

Section 444(b)(1)(E) of the Act (as redesignated) is amended to read as follows:

"(E) State and local officials or authorities to whom such information is specifically allowed to be reported or disclosed pursuant to State statute adopted—

"(i) before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and its ability to effectively serve the student whose records are released, or

"(ii) after November 19, 1974, if—

"(1) the allowed reporting or disclosure concerns the juvenile justice system and its ability to effectively serve the student whose records are released, and

"(2) the officials and authorities to whom such information is disclosed certify in writing to the educational agency or institution that the information will not be disclosed to any other party except as provided under State law without the prior written consent of the parent."

SEC. 251. PROTECTION OF PUPIL RIGHTS.

Section 445 of the Act (as redesignated) is amended to read as follows:

"PROTECTION OF PUPIL RIGHTS

"SEC. 445. (a) All instructional materials, including teacher's manuals, films, tapes, or other supplementary material which will be used in connection with any survey, analysis, or evaluation as part of any applicable program shall be available for inspection by the parents or guardians of the children.

"(b) No student shall be required, as part of any applicable program, to submit to a survey, analysis, or evaluation that reveals information concerning—

"(1) political affiliations;

"(2) mental and psychological problems potentially embarrassing to the student or his family;

"(3) sex behavior and attitudes;

"(4) illegal, antisocial, self-incriminating, and demeaning behavior;

"(5) critical appraisals of other individuals with whom respondents have close family relationships;

"(6) legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers; or

"(7) income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program),

without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of an unemancipated minor, without the prior written consent of the parent.

"(c) Educational agencies and institutions shall give parents and students effective notice of their rights under this section.

"(d) The Secretary shall take such action as the Secretary determines appropriate to enforce this section, except that action to terminate assistance provided under an applicable program shall be taken only if the Secretary determines that—

"(1) there has been a failure to comply with such section; and

"(2) compliance with such section cannot be secured by voluntary means.

"(e) The Secretary shall establish or designate an office and review board within the Department of Education to investigate, process, review, and adjudicate violations of the rights established under this section."

SEC. 252. ENFORCEMENT.

(a) Section 452 of the Act is amended—

(1) in the first sentence of paragraph (2) of subsection (a), by striking "stating" and all that follows through the end of such sentence and inserting "establishing a prima facie case for the recovery of funds, including an analysis reflecting the value of the program services actually obtained in a determination of harm to the federal interest.;"

(2) in the first sentence of paragraph (1) of subsection (b), by striking "30" and inserting "60"; and

(3) in subsection (d) by—

(A) striking "(d) Upon" and inserting "(d)(1) Upon";

(B) adding a new paragraph (2) as follows: "(2) During the conduct of such review, there shall not be any ex parte contact between the Secretary and individuals representing the Department or the recipient."

(b) Section 459 of the Act is amended—

(1) in paragraph (1) of subsection (a) by striking "and that the recipient is in all other respects in compliance with the requirements of that program"; and

(2) subsection (c) is amended to read as follows:

"(c) Notwithstanding any other provisions of law, the funds made available under this section shall remain available for expenditure for a period of time deemed reasonable by the Secretary, but in no case to exceed more than 3 fiscal years following the later of—

"(1) the fiscal year in which final agency action under section 452(e) is taken; or

"(2) if such recipient files a petition for judicial review, the fiscal year in which final judicial action under section 458 is taken."

SEC. 253. TECHNICAL AMENDMENTS.

(a) The heading for Part C of the Act is amended by striking "COMMISSIONER OF EDUCATION" and inserting "SECRETARY".

(b) Section 434 of the Act (as redesignated) is amended in the second sentence thereof, by inserting "is made" after "such determination".

(c) Section 436 of the Act (as redesignated) is amended by striking "Commissioner" each place it appears and inserting "Secretary".

(d)(1) The heading of section 440 of the Act (as redesignated) is amended by striking "EDUCATIONAL".

(2) Section 440 of the Act (as redesignated) is amended—

(A) by striking "Commissioner" each place it appears and inserting "Secretary"; and

(B) by inserting "(c)" before the last sentence and by deleting "paragraph (3)" in such sentence and inserting "subsection (b)(3)".

(e) Section 441 of the Act (as redesignated) is amended—

(1) by striking "Commissioner" each place it appears and inserting "Secretary"; and

(2) in subsection (a)—

(A) by striking the comma after "submits a plan"; and

(B) by striking "(subject, in the case of programs under chapter 1 and chapter 2 of title I of the Elementary and Secondary Education Act of 1965, to the provisions of title V of such Act)".

(f) Section 442 of the Act (as redesignated) 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 it appears and inserting "Secretary"; and

(C) in paragraph (7), by striking "handicapped individuals" and inserting "individuals with disabilities".

(g) Section 444 of the Act (as redesignated) is amended—

(1) in subsection (a)(4)(B)(ii), by striking the period at the end thereof 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 "The Secretary, or an administrative head of an education agency," and inserting "The Secretary";

(B) by striking "provisions of" after "enforce";

(C) by striking "according to the provisions of" and inserting "in accordance with"; and

(D) by striking "the provisions of" after "with"; and

(5) in subsection (g)—
(A) by striking "Health, Education, and Welfare" and inserting "Education"; and

(B) by striking "the provisions of".

SEC. 254. EQUITY FOR STUDENTS, TEACHERS, AND OTHER PROGRAM BENEFICIARIES.

The Act is further amended by inserting after section 426 (as redesignated) a new section 427 to read as follows:

"EQUITY FOR STUDENTS, TEACHERS, AND OTHER PROGRAM BENEFICIARIES

"SEC. 427. (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 their ability to meet high standards.

"(b) The Secretary shall require each applicant for assistance under an applicable program (other than an individual) to develop and describe in its application the steps it proposes to take to ensure equitable access to, and equitable participation in, the project or activity to be conducted with such assistance, by addressing the special needs of students, teachers, and other program beneficiaries in order to overcome barriers to equitable participation, including barriers based on gender, race, color, national origin, disability, and age.

"(c) The Secretary may establish criteria and provide technical assistance for meeting the requirements of this section.

"(d) Nothing in this section is intended to alter in any way the rights or responsibilities established under the statutes cited in section 400(d) of this Act."

PART E—RELATED AMENDMENTS TO OTHER ACTS

SEC. 261. DEPARTMENT OF EDUCATION ORGANIZATION ACT

The Department of Education Organization Act is amended—

(1) by repealing sections 414 and 427;
(2) by redesignating sections 209, 210, 211, 212, 214, 215, 303, 304, 305, 306, 307, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, and 428 as sections 208, 209, 210, 211, 212, 213, 302, 303, 304, 305, 306, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, and 426;

(3) the table of contents is amended to read as follows:

"TABLE OF CONTENTS

"Sec. 1. Short title; table of contents.

"TITLE I—GENERAL PROVISIONS

"Sec. 101. Findings.

"Sec. 102. Purposes.

"Sec. 103. Federal-State Relationships.

"Sec. 104. Definitions.

"TITLE II—ESTABLISHMENT OF THE DEPARTMENT

"Sec. 201. Establishment.

"Sec. 202. Principal officers.

"Sec. 203. Office for Civil Rights.

"Sec. 204. Office of Elementary and Secondary Education.

"Sec. 205. Office of Postsecondary Education.

"Sec. 206. Office of Vocational and Adult Education.

"Sec. 207. Office of Special Education and Rehabilitative Services.

"Sec. 208. Office of Educational Research and Improvement.

"Sec. 209. Office of Bilingual Education and Minority Languages Affairs.

"Sec. 210. Office of General Counsel.

"Sec. 211. Office of Inspector General.

"Sec. 212. Office of Correctional Education.

"Sec. 213. Federal Interagency Committee on Education.

"TITLE III—TRANSFERS OF AGENCIES AND FUNCTIONS

"Sec. 301. Transfers from the Department of Health, Education, and Welfare.

"Sec. 302. Transfers from the Department of Labor.

"Sec. 303. Transfers of programs from the National Science Foundation.

"Sec. 304. Transfers from the Department of Justice.

"Sec. 305. Transfers from the Department of Housing and Urban Development.

"Sec. 306. Effect of transfers.

"TITLE IV—ADMINISTRATIVE PROVISIONS

"PART A—PERSONNEL PROVISIONS

"Sec. 401. Officers and employees.

"Sec. 402. Experts and consultants.

"Sec. 403. Personnel reduction and annual limitations.

"PART B—GENERAL ADMINISTRATIVE PROVISIONS

"Sec. 411. General authority.

"Sec. 412. Delegation.

"Sec. 413. Reorganization.

"Sec. 414. Contracts.

"Sec. 415. Regional and field offices.

"Sec. 416. Acquisition and maintenance of property.

"Sec. 417. Facilities at remote locations.

"Sec. 418. Use of facilities.

"Sec. 419. Copyrights and patents.

"Sec. 420. Gifts and bequests.

"Sec. 421. Technical advice.

"Sec. 422. Working capital fund.

"Sec. 423. Funds transfer.

"Sec. 424. Seal of department.

"Sec. 425. Annual report.

"Sec. 426. Authorization of appropriations.

"TITLE V—TRANSITIONAL, SAVINGS, AND CONFORMING PROVISIONS

"Sec. 501. Transfer and allocation of appropriations and personnel.

"Sec. 502. Effect on personnel.

"Sec. 503. Agency terminations.

"Sec. 504. Incidental transfers.

"Sec. 505. Savings provisions.

"Sec. 506. Separability.

"Sec. 507. Reference.

"Sec. 508. Amendments.

"Sec. 509. Redesignation.

"Sec. 510. Coordination of programs affecting handicapped individuals.

"Sec. 511. Transition.

"TITLE VI—EFFECTIVE DATE AND INTERIM APPOINTMENTS

"Sec. 601. Effective date.

"Sec. 602. Interim appointments."

(4) in section 202(b), by inserting after paragraph (2) the following:

"(3) There shall be in the Department, a Special Assistant for Gender Equity who shall be appointed by the Secretary. The Special Assistant shall promote, coordinate, and evaluate gender equity programs, including the dissemination of information, technical assistance, coordination of research activities, and the administration of grant programs. The Special Assistant shall report directly to the Secretary, and shall perform such additional functions as the Secretary shall prescribe."

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) GRANT AMOUNTS.—Section 611(a) of the Individuals with Disabilities Education Act (referred to in this title as the "IDEA") is amended—

(1) by amending paragraph (1) to read as follows:

"(1) Except as provided in paragraph (5), the maximum amount of the grant for which a State is eligible under this section for any fiscal year is—

"(A) the sum of—

"(i) the number of children with disabilities in the State, aged six through 21, who are receiving special education and related services, as determined under paragraph (3); and

"(ii) the number of such children in the State, aged three through five, if the State is eligible for a grant under section 619; multiplied by

"(B) 40 percent of the average per-pupil expenditure in public elementary and secondary schools in the United States.";

(2) by amending paragraph (2) to read as follows:

"(2) For the purpose of this section, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico."; and

(3) in paragraph (5)(A)—

(A) in clause (i)—

(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 199— 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 in effect the day before the date of the enactment of the Improving America's Schools Act of 1994, whichever is greater, if the State"; and

(ii) by inserting "and" at the end thereof;

(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 in effect the day before the date of the enactment of the Improving America's Schools Act of 1994, whichever is greater, if the State"; and

(ii) by striking out the semicolon and "and" at the end thereof and inserting in lieu thereof a period; and

(C) by striking out clause (iii).

(b) AMOUNT RECEIVED.—Section 611(b) of the IDEA is amended to read as follows:

"(b)(1) Notwithstanding subsections (a) and (g) of this section, no State shall receive an amount under this section for any of the fiscal years 1995 through 1999 that is less than the combined amount it received for fiscal year 1994 under—

"(A) this section; and

"(B) subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 as in effect the day before the date of the enactment of the Improving America's Schools Act of 1994, for children with disabilities aged three 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 three through 21, counted for such 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 in effect the day before the date of the enactment of the Improving America's Schools Act of 1994, the amount determined under paragraph (1) for such State shall be reduced by the same percentage by which the number of such children so declined.

"(3) In any fiscal year in which the amount appropriated for grants under this section is less, in real dollar terms, than the amount appropriated in the immediate preceding fiscal year, the amount for each State under this subsection will be reduced proportionately."

(c) USES OF FUNDS.—Section 611(c) of the IDEA is amended—

(1) by amending paragraph (1) to read as follows:

"(1) Of the funds received under subsection (a) by any State for any fiscal year—

"(A) the State may use up to 25 percent in accordance with paragraph (2); and

"(B) except as provided in paragraph (4), the State shall distribute at least 75 percent to local educational agencies and intermediate educational units, in accordance with subsection (d), for use in accordance with priorities established under section 612(3)."

(2) in paragraph (2), by amending subparagraph (A) to read as follows:

"(A) From the funds that any State may use under paragraph (1)(A) for any fiscal year, the State—

"(i) may use 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) STATE FUNDS.—Section 611(d) of the IDEA is amended to read as follows:

"(d)(1) From the total amount of funds available for any fiscal year under subsection (c)(1)(B), the State shall provide to each local educational agency or intermediate educational unit an amount that bears the same ratio to such total amount as the number of children, aged 3 through 21, determined under subsection (a)(3) for such agen-

cy 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-owned or State-operated school or program or State-supported school or program that received fiscal year 1994 funds under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 receives, from the combination of such funds and funds provided under paragraph (1), an amount equal to—

"(I) the number of children, aged 6 through 21, determined under subsection (a)(3) for such agency; multiplied by

"(II) the per-child amount provided under such subpart for fiscal year 1994; and

"(ii) may use such funds to ensure that each local educational agency that received fiscal year 1994 funds under such subpart for children who had transferred from a State-owned, State-operated, or State-supported school or program assisted under such subpart receives, from the combination of such funds and funds provided under paragraph (1), an amount for each such child, aged 3 through 21, determined under subsection (a)(3) for such agency, equal to the per-child amount the agency received under such subpart for fiscal year 1994.

"(B) For the purpose of subparagraph (A), the number of children determined under subsection (a)(3) for any State agency or local educational agency shall not exceed the number of children aged 3 through 21 for whom such agency received funds under such subpart for such fiscal year.

"(3) In any fiscal year in which the amount appropriated for grants under this section is less, in real dollar terms, than the amount appropriated in the preceding fiscal year, the amount for each State under this subsection will be reduced proportionately."

(e) JURISDICTION.—Section 611(e)(1) of the IDEA is amended to read as follows:

"(1) The jurisdictions to which this subsection applies are Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and Palau (until the effective date of the Compact of Free Association with the Government of Palau)."

(f) POSSIBLE RATABLE REDUCTION.—Section 611(g) of the IDEA is amended to read as follows:

"(g)(1)(A) If the sums appropriated under subsection (h) for any fiscal year are not sufficient to pay in full the total of the amounts that all States are eligible to receive under subsection (a), each such amount shall be ratably reduced.

"(B) If additional funds become available for making such payments for any fiscal year, such reduced amounts shall be increased on the same basis as they were reduced.

"(C) Any State that receives any such additional funds shall distribute them in accordance with this section, except that any State that has used funds available under subsection (c)(2)(A)(ii) for the purposes described in subsection (d)(2) may—

"(i) deduct, from the amount that it would otherwise be required to make available to local educational agencies and intermediate educational units, the same amount of such additional funds as it so used; and

"(ii) use such funds in accordance with subsection (c)(2)(A)(ii).

"(2)(A) In any fiscal year for which payments have been reduced and additional funds have not been made available under

paragraph (1) to pay in full the amounts for which all States are eligible under this section, each State educational agency shall fix dates by which each local educational agency or intermediate educational unit shall report to the State agency the amount of funds available to it under this section that it estimates it will expend.

"(B) The State educational agency shall, in accordance with this section, reallocate any funds that it determines will not be used during the period of availability by such local educational agencies and intermediate educational units, and by any such agency or unit to which such funds would be available if it applied for them under this part, to such 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 IDEA is further amended by inserting after section 614 the following new section:

"TREATMENT OF CHAPTER 1 STATE AGENCIES

"SEC. 614A. (a) For the purpose of making payments under sections 611 and 619 of this Act, any State agency that received funds for fiscal year 1994 under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 shall be treated as if it were a local educational agency.

"(b) The State educational agency shall ensure that each State agency that owns or operates or supports a program or school for children with disabilities with funds under this part—

"(1) provides each child with a disability in such school or program a free appropriate public education in accordance with this part, including the due process protections of section 615, as if it were a local educational agency; and

"(2) has on file with the State educational agency an application that meets the requirements of section 614 that the Secretary finds appropriate.

"(c) Section 611(c)(4) shall not apply with respect to a State agency that is eligible for a payment under this part by virtue of this section."

SEC. 313. INFANTS AND TODDLERS WITH DISABILITIES.

(a) ALLOTMENTS.—Section 684(c) of the IDEA is amended—

(1) by redesignating paragraph (2) as paragraph (5); and

(2) by striking paragraph (1) and inserting paragraphs (1) through (4) to read as follows: "(1) Except as provided in paragraphs (3) and (4), from the funds remaining for each fiscal year after the reservation and payments under subsections (a) and (b), the Secretary shall first allot to each State an amount that bears the same ratio to the amount of such remainder as the number of infants and toddlers in the State bears to the number of infants and toddlers in all States.

"(2) For fiscal year 1995 only, the Secretary shall allot \$34,000,000 of the remaining funds described in paragraph (1) among the States in proportion to the relative numbers of infants and toddlers who—

"(A) are counted on December 1, 1994; and

"(B) would have been eligible to be counted under section 1221(c)(1) of the Elementary and Secondary Education Act of 1965 as in effect before the enactment of the Improving America's Schools Act of 1994.

"(3) Except as provided in paragraph (4), no State shall receive an amount under this sec-

tion for any fiscal year that is less than the greater of—

“(A) one-half of one percent of the remaining amount described in paragraph (1), not including any amounts allotted under paragraph (2); or

“(B) \$500,000.

“(4)(A) No State shall receive an amount under this section for any of the fiscal years 1995 through 1999 that is less than the combined amount it received for fiscal year 1994 under—

“(i) this part; and

“(ii) subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 for children with disabilities from birth through age two.

“(B) If, for fiscal year 1998 or 1999, the number of infants and toddlers in any State, as determined under paragraph (1), is less than the number of infants and toddlers so determined for fiscal year 1994, the amount determined under subparagraph (A) for that State shall be reduced by the same percentage by which the number of those infants and toddlers so declined.”

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect beginning in fiscal year 1995.

PART B—EDUCATION FOR HOMELESS CHILDREN AND YOUTH

SEC. 320. AMENDMENTS TO TABLE OF CONTENTS.

Section 101 of the Stewart B. McKinney Homeless Assistance Act is amended by striking subtitles A and B of title VII and inserting the following:

“Subtitle A—Adult Education for the Homeless

“Sec. 701. State literacy initiatives

“Subtitle B—Education for Homeless Children and Youth

“Sec. 721. Statement of policy.

“Sec. 722. Grants for state and local activities for the education of homeless children and youth.

“Sec. 723. Local educational agency grants for the education of homeless children and youth.

“Sec. 724. Secretarial responsibilities.

“Sec. 725. Definitions.

“Sec. 726. Authorization of appropriations.”

SEC. 321. STATEMENT OF POLICY.

Subtitle A of title VII of the Stewart B. McKinney Homeless Assistance Act is amended to read as follows:

“Subtitle A—Adult Education for the Homeless

“SEC. 701. STATE LITERACY INITIATIVES.

“(a) **GENERAL AUTHORITY.**—(1) The Secretary of Education is authorized to make grants to State educational agencies to enable each such agency to implement, either directly or through contracts and grants, a program of literacy training and academic remediation for adult homeless individuals within the State, which program shall—

“(A) include outreach activities; and

“(B) be coordinated with other agencies or organizations, such as community-based organizations, nonprofit literacy-action organizations, and funding recipients under the Adult Education Act, title II of the Job Training Partnership Act, the Youth Fair Chance program under title IV of the Job Training Partnership Act, the Volunteers in Service to America program under the Domestic Volunteers Service Act, part C of this title, or the Job Opportunity and Basic Skills program under the Social Security Act.

“(2) The Secretary of Education shall, in awarding grants under this section, give spe-

cial consideration to the estimates submitted in the application submitted under subsection (b) and make such awards in whatever amounts he or she determines would best serve the purposes of this section.

“(b) **APPLICATION.**—Each State educational agency desiring to receive a grant under this section shall submit to the Secretary of Education an application at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall include an estimate of the number of homeless individuals in the State and the number of such individuals expected to be served.

“(c) **AUTHORIZATION OF APPROPRIATIONS.**—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 Stewart B. McKinney Homeless Assistance Act is amended to read as follows:

“Subtitle B—Education for Homeless Children and Youth

“SEC. 721. STATEMENT OF POLICY.

“It is the policy of the Congress that—

“(1) each State educational agency shall ensure that each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youth;

“(2) in any State that has a compulsory residency requirement as a component of its compulsory school attendance laws or other laws, regulations, practices, or policies that may act as a barrier to the enrollment, attendance, or success in school of homeless children and youth, the State will review and undertake steps to revise such laws, regulations, practices, or policies to ensure that homeless children and youth are afforded the same free, appropriate public education as provided to other children and youth;

“(3) homelessness alone should not be sufficient reason to separate students from the mainstream school environment; and

“(4) homeless children and youth should have access to the education and other services that they need to ensure that they have an opportunity to meet the same challenging State performance standards to which all students are held.

“SEC. 722. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH.

“(a) **GENERAL AUTHORITY.**—The Secretary is, in accordance with the provisions of this section, authorized to make grants to States to carry out the activities described in subsections (d), (e), (f), and (g).

“(b) **APPLICATION.**—No State may receive a grant under this section unless the State educational agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

“(c) **ALLOCATION AND RESERVATIONS.**—(1) Subject to paragraph (2) and section 724(c),

from the amounts appropriated for each fiscal year pursuant to section 726, the Secretary is authorized to allot to each State an amount that bears the same ratio to the amount appropriated in each such year as the amount allocated under section 1122 of the Elementary and Secondary Education Act of 1965 to the State in that year bears to the total amount allocated to all States, except that no State shall receive less than \$100,000.

“(2)(A) The Secretary is authorized to reserve 0.1 percent of the amount appropriated for each fiscal year pursuant to section 726 to be allocated by the Secretary among the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and Palau (until the effective date of the Compact of Free Association with the Government of Palau), according to their respective need, as determined by the Secretary.

“(B)(i) The Secretary is authorized to transfer one percent of the amount appropriated for each fiscal year under section 726 to the Department of the Interior for programs for Indian students served by schools funded by the Secretary of the Interior, as determined under the Indian Self-Determination and Education Assistance Act, that are consistent with the purposes of this Act.

“(ii) The Secretary and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of this part, for the distribution and use of these funds under terms that the Secretary determines best meet the purposes of the covered programs. Such agreement shall set forth the plans of the Secretary of the Interior for the use of the amounts transferred, including appropriate goals, objectives, and milestones.

“(3) As used in this subsection, the term ‘State’ shall not include the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or Palau.

“(d) **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 provide grants to local educational agencies for purposes of section 723.

“(B) The State educational agency may reserve not more than the greater of five percent of the amount it receives under this subtitle for any fiscal year, or the amount such agency received under this subtitle for fiscal year 1990, to conduct activities under subsection (f) directly or through grants or contracts.

“(2) If the amount allotted to a State educational agency for any fiscal year under

this subtitle is less than the amount such agency received for fiscal year 1990 under this subtitle, such agency, at its discretion, may provide such grants or may conduct activities under subsection (f) directly or through grants or contracts.

“(F) FUNCTIONS OF THE OFFICE OF COORDINATOR.—The Coordinator of Education of Homeless Children and Youth established in each State shall—

“(1) estimate the number of homeless children and youth in the State and the number of such children and youth served with assistance provided under the grants under this subtitle;

“(2) gather, to the extent possible, reliable, valid, and comprehensive information on the nature and extent of the problems homeless children and youth have in gaining access to public preschool programs and to public elementary and secondary schools, the difficulties in identifying the special needs of such children and youth, any progress made by the State educational agency and local educational agencies in the State in addressing such problems and difficulties, and the success of the program under this subtitle in allowing homeless children and youth to enroll in, attend, and succeed in school;

“(3) develop and carry out the State plan described in subsection (g);

“(4) prepare and submit to the Secretary not later than October 1, 1997, and on October 1 of every third year thereafter, a report on the information gathered pursuant to paragraphs (1) and (2) and such additional information as the Secretary may require to carry out responsibilities under this subtitle;

“(5) facilitate coordination between the State educational agency, the State social services agency, and other agencies providing services to homeless children and youth and their families, including children who are preschool age; and

“(6) develop relationships and coordinate with other relevant education, child development, or preschool programs and providers of services to homeless children, homeless families, and runaway and homeless youth (including domestic violence agencies, shelter operators, transitional housing facilities, runaway and homeless youth centers, and transitional living programs for homeless youth), to improve the provision of comprehensive services to homeless children and youth and their families.

“(g) STATE PLAN.—(1) Each State shall submit to the Secretary a plan to provide for the education of homeless children and youth within the State, which plan shall describe how such children and youth are or will be given the opportunity to meet the same challenging State performance standards all students are expected to meet, shall describe the procedures the State educational agency will use to identify such children and youth in the State and to assess their special needs, and shall—

“(A) describe procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youth;

“(B) describe programs for school personnel (including principals, attendance officers, teachers and enrollment personnel), to heighten the awareness of such personnel of the specific needs of runaway and homeless youth;

“(C) describe procedures that ensure that homeless children and youth who meet the relevant eligibility criteria are able to participate in Federal, State, or local food programs;

“(D) describe procedures that ensure that—

“(i) homeless children have equal access to the same public preschool programs, administered by the State agency, as provided to other children; and

“(ii) homeless children and youth who meet the relevant eligibility criteria are able to participate in Federal, State, or local before- and after-school care programs;

“(E) address problems set forth in the report provided to the Secretary under subsection (f)(4);

“(F) address other problems with respect to the education of homeless children and youth, including problems caused by—

“(i) transportation issues; and

“(ii) enrollment delays that are caused by—

“(I) immunization requirements;

“(II) residency requirements;

“(III) lack of birth certificates, school records, or other documentation; or

“(IV) guardianship issues;

“(G) demonstrate that the State 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 that serves 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 public school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

“(B) In determining the best interests of the child or youth under subparagraph (A), the local educational agency shall comply, to the extent possible, 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;

“(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, including services and programs funded under the Runaway and Homeless Youth Act.

“(7)(A) Each local educational agency in a State that receives a grant under this subtitle shall designate a homelessness liaison to ensure that—

“(i) homeless children and youth enroll and succeed in the schools of such agency; and

“(ii) homeless families, children, and youth receive educational services for which they are eligible, including preschool programs administered by the local educational agency, 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 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.

“SEC. 723. LOCAL EDUCATIONAL AGENCY GRANTS FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH.

“(a) GENERAL AUTHORITY.—(1) The State educational agency shall, in accordance with section 722(e) and with amounts made available to such agency under section 726, make grants to local educational agencies for the purpose of facilitating the enrollment, attendance, and success in school 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 to homeless students on school grounds, schools may provide services to other children and youth who are determined by the local educational agency to be at risk of failing in, or dropping out of, schools, on an incidental basis. 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 are not intended to replace the regular academic program and shall be designed to ex-

pand 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 such 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 with amounts made available to such agency under section 726, award grants under this section to local educational agencies submitting an application under subsection (b) on the basis of the need of such agencies.

"(2) In determining need under paragraph (1), the State educational agency may consider the number of homeless children and youth enrolled in preschool, elementary, and secondary schools within the area served by the agency, and shall consider the needs of such children and youth and the ability of the agency to meet such needs. Such agency may also consider—

"(A) the extent to which the proposed use of funds would facilitate the enrollment, retention, and educational success of homeless children and youth;

"(B) the extent to which the application reflects coordination with other local and State agencies that serve homeless children and youth, as well as the State plan required by section 722(g);

"(C) the extent to which the applicant exhibits in the application and in current practice a commitment to education for all homeless children and youth; and

"(D) such other criteria as the agency determines appropriate.

"(3) Grants awarded under this section shall be for terms not to exceed three years.

"(d) AUTHORIZED ACTIVITIES.—(1) A local educational agency may use funds awarded under this section for activities to carry out the purpose of this subtitle, including—

"(A) the provision of tutoring and accelerated instruction and enriched educational services that are linked to the achievement of the same challenging standards the State establishes for other children or youth;

"(B) the provision of expedited evaluations of the strengths and needs of homeless children and youth, including needs and eligibility for programs and services (such as educational programs for gifted and talented students, children with disabilities, and students with limited-English proficiency, serv-

ices provided under title I of the Elementary and Secondary Education Act of 1965 or similar State or local programs, programs in vocational education, and school meals programs);

"(C) professional development and other activities for educators and other school personnel that is designed to heighten the understanding and sensitivity of such personnel to the needs of homeless children and youth, the rights of such children and youth under this Act, and the specific educational needs of runaway and homeless youth;

"(D) the provision of referral services to homeless children and youth for medical, dental, mental, and other health services;

"(E) the provision of assistance to defray the excess cost of transportation for students pursuant to sections 722(g)(4) or 722(g)(9), not otherwise provided through Federal, State, or local funding, where necessary to enable students to attend the school selected under section 722(g)(3);

"(F) the provision of developmentally appropriate early childhood education programs, not otherwise provided through Federal, State, or local funding, for preschool-aged children;

"(G) the provision of before- and after-school, mentoring, and summer programs for homeless children and youth in which a teacher or other qualified individual provides tutoring, homework assistance, and supervision of educational activities;

"(H) where necessary, the payment of fees 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, including programs funded under the Runaway and Homeless Youth Act;

"(K) the provision of counseling (including violence prevention counseling), social work, and psychological services, and referrals for such services;

"(L) activities to address the particular needs of homeless children and youth that may arise from domestic violence;

"(M) the adaptation of space and purchase of supplies for nonschool facilities made available under subsection (a)(2) to provide services under this subsection;

"(N) the provision of school supplies; and

"(O) the provision of other extraordinary or emergency assistance needed to enable homeless children and youth to attend school.

"SEC. 724. SECRETARIAL RESPONSIBILITIES.

"(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 dis-

semination 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) SUBMISSION AND DISTRIBUTION.—The Secretary shall require applications for grants under this subtitle to be submitted to the Secretary not later than the expiration of the 60-day period beginning on the date that funds are available for purposes of making such grants and shall make such grants not later than the expiration of the 120-day period beginning on such date.

"(e) DETERMINATION BY SECRETARY.—The Secretary, based on the information received from the States and information gathered by the Secretary under subsection (d), shall determine the extent to which State educational agencies are ensuring that each homeless child and homeless youth has access to a free appropriate public education as described in section 721(1).

"(f) REPORTS.—The Secretary shall prepare and submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate on the programs and activities authorized by this subtitle by December 31, 1997, and every third year thereafter.

"SEC. 725. DEFINITIONS.

"For the purpose of this subtitle, unless otherwise stated—

"(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.

"SEC. 726. AUTHORIZATION OF APPROPRIATIONS.

"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 fiscal years 1996, 1997, 1998, and 1999."

PART C—IMPACT AID STATUTES

SEC. 331. AMENDMENTS TO PUBLIC LAW 815.

(a) SECTION 2.—Section 2 of the Act of September 23, 1950 (Public Law 815, 81st Congress; 20 U.S.C. 632) is amended to read as follows:

"SEC. 2. PORTION OF APPROPRIATIONS AVAILABLE FOR PAYMENTS.

"For each fiscal year the Secretary shall distribute the funds appropriated in accordance with section 1 which shall be available for carrying out the provisions of sections 5, 9, 10, and 14. The funds provided under section 1 for the schools serving military dependents and Indian lands shall be divided equally between section 5 and section 14 of this Act. Funds provided under section 5 of this Act shall be divided equally between the priority categories of section 1(a)(1) and 1(a)(2) of this Act."

(b) SECTION 3.—Section 3 of such Act (20 U.S.C. 633) is amended to read as follows:

"SEC. 3. ESTABLISHMENT OF PRIORITIES.

"Applications for construction or modification projects provided for under this Act must be filed by June 30 of the fiscal year prior to the year in which funds are first requested. The Secretary shall use the following order of priority in approving applications under section 5 and funded in accordance with section 1(a)(1) and section 1(a)(2) of this Act. The priority of payment of application under section 1(a)(1) shall be based on the highest percentage of number of children in need of minimum school facilities. The priority of payment of applications under section 1(a)(2) shall be based on the highest percentage of federally connected students

eligible for payment. The Secretary shall use the priorities stated in this section in approving applications in the event the funds appropriated under section 1 of this title and remaining available on any such date for payment to local educational agencies are less than the Federal share of the cost of the projects with respect to which applications have been filed prior to such date (and for which funds under section 1 have not already been obligated). Only applications meeting the conditions for approval under this Act (other than section 6(b)(2)(C)) shall be considered applications for purposes of the preceding sentence. Such order of priority shall provide that applications payments based upon increases in the number of children residing on, or residing with a parent employed on property which is party of a low-rent housing project assisted under the United States Housing Act of 1937 shall not be approved for any fiscal year until all other applications under paragraph (2) of subsection (a) of section 5 have been approved for the fiscal year."

(c) SECTION 5.—Section 5 of such Act (20 U.S.C. 635) is amended to read as follows:

"SEC. 5. LIMITATION ON TOTAL PAYMENTS TO ANY LOCAL EDUCATIONAL AGENCY.

"(a) Subject to the limitations in subsection (c) the total of the payments to a local educational agency under this Act may not exceed the sum of—

"(1) the estimated increase, since the base year, in the number of children determined with respect to such agency who live on Federal property and have a parent who works on Federal property multiplied by 100 percent of the average per pupil cost of constructing minimum school facilities in the State in which the school district of such agency is situated;

"(2) the estimated increase, since the base year, in the number of children determined with respect to such agency who have a parent who lives on or works on Federal property multiplied by 50 percent of such cost;

"(3) In computing for any local educational agency the number of children in an increase under paragraph (1) or (2), the estimated number of children described in such paragraph who will be in the membership of the schools of such agency at the close of the increase period shall be compared with the estimated number of such children in average daily membership of the schools of such agency during the base year. However, the base year average daily membership shall be adjusted to exclude the number of children that formed the basis for previous payments on applications approved 30 or more years prior to the close of the increased period for the current application.

"(b) If two of the paragraphs of subsection (a) apply to a child, the local educational agency shall elect which of such paragraphs shall apply to such child, except that, notwithstanding the election of a local educational agency to have paragraph (2) apply to a child instead of paragraph (1), the determination of the maximum amount for such agency under subsection (a) shall be made without regard to such election.

"(c) A local educational agency shall not be eligible to have any amount included in its maximum by reason of paragraphs (1), (2), and (3) of subsection (a) unless the increase in children referred to in such paragraph is at least 20, and in the case of paragraphs (1), (2), and (3) of subsection (a), is—

"(1) equal to at least 6 percent of the number of federally connected children who were in the average daily membership of the schools of such agency during the base year, or

"(2) at least 750,

whichever is the lesser.

"(d) Notwithstanding the provisions of subsection (c) of this section, whenever and to the extent that, in his judgment, exceptional circumstances exist which make such action necessary to avoid inequity and avoid defeating the purposes of the Act, the Secretary may waive or reduce the minimum number requirement or any percentage requirement or requirements in subsection (c).

"(e) In determining under this section the total of the payments which may be made to a local educational agency on the basis of any application, the total number of children counted for purposes of paragraph (1) or (2), as the case may be, of subsection (a) may not exceed—

"(1) the number of children whose membership at the close of the increase period for the application is compared with average daily membership in the base period for purposes of that paragraph, provided that the base year average daily membership does not include any children which formed the basis of payment in the applications approved 30 or more years ago, minus

"(2) the number of such children whose membership at the close of the increase period was compared with membership in the base year for purposes of such paragraph under the last previous application, provided the application was funded within the last 4 years, if any, of the agency on the basis of which any payments have been or may be made to that agency."

(d) SECTION 6.—Section 6 of such Act (20 U.S.C. 636) is amended by adding at the end the following new subsection:

"(d) If the application has not been funded within the 3-year period, the local educational agency must recertify their need to have the application remain active."

SEC. 332. REPEAL OF PUBLIC LAW 874.

The Act of September 30, 1950 (Public Law 874, 81st Congress; 20 U.S.C. 236 et seq.) is hereby repealed.

PART D—AMENDMENTS TO ADULT EDUCATION ACT

SEC. 335. AMENDMENTS TO ADULT EDUCATION ACT.

(a) Section 342(c)(11) of the Adult Education Act is amended by inserting "Even Start," after "1963,"

(b) Section 384(n) is amended by striking "and 1995" and inserting "1995, and 1996".

TITLE IV—NATIONAL EDUCATION STATISTICS

SEC. 401. SHORT TITLE.

This title may be cited as the "National Education Statistics Act of 1994".

SEC. 402. FINDINGS; PURPOSE; DEFINITIONS.

(a) FINDINGS.—The Congress finds that—

(1) a Department 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 Department's 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 reform of the Nation's educational systems.

(b) PURPOSE.—It is the purpose of this title 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 title, 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;

(2) "Department" means the Department of Education;

(3) "institution of higher education" has the same meaning given such term in section 1201 of the Higher Education Act of 1965;

(4) "local educational agency" has the same meaning given such term in section 9101(13) of the Elementary and Secondary Education Act of 1965;

(5) "Secretary" means the Secretary of Education;

(6) "State educational agency" has the same meaning given such term in section 9101(20) of the Elementary and Secondary Education Act of 1965; and

(7) "United States" and "State" mean—

(A) other than for the purpose of section 411, each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico; and

(B) for the purpose of section 411, mean the same as in subparagraph (A) and include Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau (until the effective date of the Compact of Free Association with the Government of Palau).

SEC. 403. 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 (the "Center").

(b) COMMISSIONER AND ASSOCIATE COMMISSIONERS.—(1) The Center shall be headed by a Commissioner of Education Statistics (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 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) The Commissioner may appoint such Associate Commissioners as the Commissioner determines are necessary and appropriate.

SEC. 404. DUTIES OF THE CENTER.

(a) DUTIES.—The duties of the Center are to collect, analyze, and disseminate statistics and other information related to education in the United States and in other nations, including—

(1) collecting, acquiring, compiling (where appropriate, on a State by State basis), and disseminating full and complete statistics on the condition and progress of education, at the preschool, elementary, secondary, and

postsecondary levels in the United States, including data on—

(A) State and local school reform activities;

(B) student achievement and other educational outcomes at all levels of education;

(C) out of school youth and adults;

(D) teachers, administrators, counselors, and other educational personnel at all levels of education;

(E) the learning and teaching environment;

(F) financing and management of education; and

(G) the socioeconomic 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) collecting, analyzing, cross-tabulating, and reporting, to the extent feasible, so as to provide information by gender, race, socioeconomic status, limited-English proficiency, and other population characteristics when such disaggregated information would facilitate educational and policy decisionmaking;

(5) assisting public and private educational agencies, organizations, and institutions in improving and automating statistical and data collection activities; and

(6) acquiring and disseminating data on educational activities and student achievement in the United States compared with foreign nations.

(b) **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 appoint such employees as temporary fellows at the Center in order to assist the Center in carrying out its duties.

SEC. 405. PERFORMANCE OF DUTIES.

(a) **IN GENERAL.**—In carrying out the duties under this title, the Commissioner may enter into grants, contracts, and cooperative agreements.

(b) **GATHERING INFORMATION.**—(1) The Commissioner may use the statistical method known as sampling to carry out the purpose of this title.

(2) The Commissioner may, as the Commissioner considers appropriate, use information collected—

(A) from States, local educational agencies, public and private schools, preschools, 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) The Commissioner may—

(A) enter into interagency agreements for the collection of statistics;

(B) arrange with an 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) 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. 406. REPORTS.

(a) **REPORT ON THE CONDITION AND PROGRESS OF EDUCATION.**—The Commissioner shall, no later than June 1 of each year, submit to the President and the Congress a statistical report regarding 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. 407. ADVISORY COUNCIL ON EDUCATION STATISTICS.

(a) **ESTABLISHMENT.**—There is established, within the Center, the Advisory Council on Education Statistics (the "Council").

(b) **MEMBERSHIP.**—(1) 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 whom at least—

(i) three shall be educators;

(ii) three shall be education policy-makers;

(iii) three shall be professional statisticians; and

(iv) three shall be education researchers;

(B) the Director of the Census and the Commissioner of Labor Statistics, as voting, ex officio members; and

(C) the Assistant Secretary and the Commissioner, as nonvoting, ex officio members.

(2) The Secretary shall appoint the presiding officer of the Council from among the voting members.

(3) Members of the Council appointed under paragraph (1)(A) shall be appointed for three-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 five members in the same calendar year.

(4)(A) The Council shall meet at the call of the presiding officer, except that it shall meet—

(i) at least two times during each calendar year; and

(ii) in addition, whenever eight voting members request in writing that the presiding officer call a meeting.

(B) Nine voting members of the Council shall constitute a quorum.

(5) 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. 408. CONFIDENTIALITY.

(a) **GENERAL.**—(1)(A) 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.

(B) 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) No person may—

(A) use any individually identifiable information furnished under this title for any purpose other than a statistical purpose;

(B) make any publication whereby the data furnished by any particular person under this title can be identified; or

(C) permit anyone other than the individuals authorized by the Commissioner to examine the individual reports.

(b) **ADMINISTRATION.**—(1)(A) No department, bureau, agency, officer, or employee of the Government, except the Commissioner in carrying out the purposes of this title, shall require, for any reason, copies of reports that have been filed under this title with the Center or retained by any individual respondent.

(B) 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.

(C) This paragraph shall apply only to individually identifiable information (as defined in paragraph (5)(A)).

(2) 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 (5)(A)), the disclosure of which is prohibited by subsection (a)(2), and that comes into such individual's possession by reason of employment (or otherwise providing services) under this title, shall be found guilty of a class E felony and imprisoned for not more than 5 years, or fined as specified in 18 U.S.C. 3571, or both.

(3) 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) No collection of information or data acquisition activity undertaken by the Center shall be subject to any review, coordination, or approval procedure except as required by the Director of the Office of Management and Budget under the rules and regulations established pursuant to chapter 35 of title 44, United States Code, except such collection of information or data acquisition activity may be subject to review or coordination if the Commissioner determines that such review or coordination would be beneficial.

(5) 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 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.

(6) This paragraph shall not apply to—

(A) the survey required by section 1303(c) of the Higher Education Amendments of 1986; or

(B) to any longitudinal study concerning access, choice, persistence progress, or attainment in postsecondary education.

(7) 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 for a purpose other than a statistical purpose, or who otherwise violates subsection (a)(2)(A) or (B), 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 of the United States Code, or both.

(8) 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 to the Center under subsection (b)(1) and (7) shall apply.

SEC. 409. DISSEMINATION.

(a) GENERAL REQUESTS.—(1) 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) 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 such 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 Act 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) 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) All funds received in payment for work or services described in this paragraph shall be deposited in a separate account that 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) The Center shall cooperate with other Federal agencies having a need for educational data in providing access to educational data received by the Center.

(2) 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. 410. COOPERATIVE EDUCATION STATISTICS SYSTEMS.

The Commissioner shall establish 1 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.

SEC. 411. NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS.

(a) ESTABLISHMENT.—The Commissioner shall, with the advice of the Governing Board established under section 412, carry

out, through grants, contracts, or cooperative agreements with 1 or more qualified organizations, or consortia thereof, a National Assessment of Educational Progress (the "National Assessment").

(b) PURPOSE; CONTENTS.—(1) The purpose of the National Assessment is to provide a fair and accurate presentation of educational achievement in reading, writing, and other subjects that are included in National Education Goal Three.

(2) 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 (3). 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 in public and private schools;

(B) report achievement data on a basis that ensures valid and reliable trend reporting;

(C) include information on special groups; and

(D) ensure that achievement data are made available on a timely basis following official reporting, in a manner that facilitates further analysis.

(3)(A)(i) The Commissioner, in carrying out the National Assessment, may conduct State assessments of student achievement in grades 4, 8, and 12.

(ii) Each such State assessment, in each subject area and at each grade level shall be conducted on a trial basis.

(B)(i) States wishing to participate in State assessments shall enter into an agreement with the Secretary pursuant to subsection (d)(2).

(ii) Such agreement shall contain information sufficient to give States full information about the process for consensus decisionmaking on objectives to be tested, and of the standards for sampling, test administration, test security, data collection, validation, and reporting.

(C) 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.

(4) 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.

(5) In carrying out the National Assessment, the Commissioner may provide technical assistance to States, localities, and other parties.

(c) ACCESS.—(1) Except as provided in paragraph (2), the public shall have access to all data, questions, and test instruments of the National Assessment.

(2)(A) 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) Notwithstanding any other provision of law, the Commissioner may decline to make available to the public for a period, not to exceed 10 years after initial use, cognitive questions that the Commissioner intends to reuse in the future.

(C)(i) The Commissioner may, upon the request of a State educational agency or a local educational agency, in a limited number of cases and on a trial basis, make National Assessment test instruments available for assessing aggregate student achievement at the local educational agency level.

(ii)(I) Participation by a local educational agency shall be voluntary.

(II) A State requesting the participation of a local educational agency must accompany this request with a statement of full written concurrence by such agency and that such agency is requesting to participate in the local assessment.

(iii) Before receiving such instruments, an agency shall provide the Commissioner with assurances that confidentiality and security requirements and testing protocols, prescribed by the Commissioner, will be complied with in the use of such instruments.

(d) PARTICIPATION.—(1) Participation in the national and regional assessments by State and local educational agencies shall be voluntary.

(2) Participation in assessments made on a State basis shall be voluntary. The Commissioner 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)(A) 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, including the analysis and reporting of the data;

(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) The non-Federal share of payments under this paragraph may be in cash or in kind, fairly valued.

(C) The agreement described in paragraph (2) shall describe the manner in which, the costs of administering the assessment to private nonprofit schools included in the State sample may be met.

(4) The implementation of subparagraph (C) of paragraph (2) of subsection (d) shall involve no cost to the Federal Government.

(e) REVIEW OF NATIONAL AND STATE ASSESSMENTS.—(1) The Commissioner shall provide for continuing reviews by the National Academy of Education or the National Academy of Sciences of the National Assessment, State assessments, local educational agency assessments, and student performance goals. Such reviews shall address whether each trial state assessment is properly administered, produces high quality data that is valid and reliable, produces data on student achievement that is not otherwise available to the State exclusive of data comparing participating States to each other and the Nation, and is a cost-effective method of producing the data. The Commissioner shall also carry out evaluation studies by the Center and solicitation of public comment on the conduct and usefulness of the National Assessment. The Commissioner shall report to the Congress, the President, and the Nation on the findings and recommendations of such reviews.

(2) 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) 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 the defense dependents education system established under the Defense Dependents' Education Act of 1978.

(2) 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. 412. NATIONAL ASSESSMENT GOVERNING BOARD

(a) **ESTABLISHMENT.**—There is established the National Assessment Governing Board (the "Board"), which shall formulate policy guidelines for the National Assessment.

(b) **MEMBERSHIP.**—(1) 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, one elementary and one secondary; and

(M) four additional members who are representatives of the general public, including parents.

(2) The Assistant Secretary for Educational Research and Improvement shall serve as an ex officio, nonvoting member of the Board.

(3) 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 it exercises its independent judgment, free from inappropriate influences and special interests.

(c) **TERMS.**—Members of the Board shall serve for terms not to exceed four 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 three individuals who, by reason of experience or training, are qualified in that particular Board vacancy.

(e) **DUTIES.**—(1) In carrying out its functions under this section the Board shall—

(A) select subject areas to be assessed (consistent with section 11(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) The Board may delegate any of its procedural and administrative functions to its staff.

(3) The Board shall have final authority on the appropriateness of cognitive items.

(4) 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) 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 the exercise of its responsibilities, the Board shall be independent of the Secretary and the other offices and officers of the Department of Education.

(2) 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 three years, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, not more than six 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) Not more than 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 functions described in subsection (e).

(2) 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. 413. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title, \$103,200,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

Amend the title of the bill so as to read: "A bill 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."

By Mr. MINGE:
—Page 218, strike lines 10 through 18.

By Mr. OBEY:
—Page 458, after line 10, insert the following:
"SEC. 5202. STATISTICAL AND POLICY ANALYSIS.

"(a) **NATIONAL CENTER FOR EDUCATION STATISTICS.**—The National Center for Education

Statistics (established under section 403 of the Improving America's Schools Act of 1994) using standard statistical methods, shall conduct analysis of issues such as—

"(1) Federal policy issues regarding educational access and equity;

"(2) spending inequities at the State and local levels and alternative mechanisms for financing;

"(3) the ability and willingness of States and local educational agencies to generate new revenue sources for education;

"(4) the effect of Federal education assistance on the equalization of education funding at the State and local levels;

"(5) the effects of school finance equalization on the quality of education;

"(6) the costs in providing education to students with special needs;

"(7) the effects of high and low population density on education needs and costs;

"(8) the effects of different teacher compensation policies on costs of providing education services;

"(9) relationships among expenditures, the quality and quantity of instruction, and the different backgrounds of students; and

"(10) how legislation and judicial decisions regarding school finance programs affect education and equalization of funding.

"(b) **DATA AND INFORMATION.**—In addition to the issues reviewed in subsection (a), the National Center for Education Statistics may utilize data and information which includes—

"(1) sources of revenue and types of taxes;

"(2) tax assessment rates and ability of the State or local educational agency to generate additional revenues;

"(3) the cost of providing services to students with different abilities and needs; and

"(4) student enrollment, per pupil expenditures, and average daily attendance figures.

"SEC. 5203. STUDY OF EDUCATIONAL EQUITY.

"(a) **STUDY.**—The Secretary shall enter into appropriate arrangements with the National Academy of Sciences to conduct an in-depth study of school finance. The study by the National Academy of Sciences shall include the following:

"(1) Review Federal policy issues regarding educational access and equity with respect to fiscal and educational resources.

"(2) Review existing State and local systems and evaluate alternative mechanisms for school financing programs with regard to equity and adequacy.

"(3) Review the legal and constitutional context of school finance and equalization programs.

"(4) Evaluate the costs of providing education to students with special needs.

"(5) Evaluate the costs entailed in providing education that promotes the student outcomes called for in the National Education Goals.

"(6) Review the relationships between resources, instruction and children's learning needs, explore a variety of indicators of need, how to measure need, and how to link need to expenditure, and develop illustrative indicators of student achievement and other desired outcomes that might clarify the relationship between education expenditures, the quality and quantity of instruction and resources available, and the background characteristics of students.

"(7) Propose funding models for States and local educational agencies to consider and explicate the conceptual framework of each approach with regard to tax policy, equity, compensatory aid to populations with special needs, and a performance-oriented education policy.

“(b) INTERIM REPORT.—(1) The National Academy of Sciences shall prepare and submit to the Secretary and the Congress an interim report not later than 24 months after the procurement is made and a final report not later than 36 months after the date of procurement. The interim report shall—

“(A) review the data collection design prepared by the Secretary and any preliminary data on the current state of education finance; and

“(B) communicate appropriate findings to date.

“(2) The final report shall—

“(A) provide a comprehensive analysis of education finance structures and the legal context of school finance;

“(B) provide guidance on the resources that will be needed at the school, district, and State level to implement reform plans and meet the National Education Goals;

“(C) bring together the best thinking on equity and adequacy as philosophical underpinnings of education finance systems; and

“(D) propose and explicate a variety of funding models.”

—Page 458, strike lines 11 through 15 and insert the following:

“SEC. 5205. AUTHORIZATION OF APPROPRIATIONS.

“(a) TECHNICAL ASSISTANCE.—For the purpose of carrying out sections 5201 and 5202, there are authorized to be appropriated \$8,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

“(b) NATIONAL ACADEMY OF SCIENCES.—For the purpose of carrying out section 5203, there are authorized to be appropriated \$3,865,000 to be available until expended.

By Mr. ORTON:

—Page 201, line 6, strike “\$325,000” and insert “\$375,000”.

By Mr. OWENS:

—Beginning on page 28, strike line 12 and all that follows through page 30, line 2, and insert in lieu thereof the following:

“(iii) model opportunity to learn standards for schools which receive assistance under this title that address—

“(I) the alignment of curricula, instructional materials, and other school resources with the content and performance standards adopted by the State;

“(II) the capability of teachers to provide high quality instruction within each subject area for which the State has adopted content and performance standards;

“(III) such other factors that the State deems appropriate to ensure that students served under this title receive a fair opportunity to achieve the knowledge and skills described in content and performance standards adopted by the State.”

—Page 34, strike lines 7 through 11 (and redesignate any subsequent paragraphs accordingly)

—Page 36, line 18 after “agencies” insert “and the public of the standards and assessments developed under this section, and”

—Page 39, after line 12, insert the following new paragraph (and redesignate accordingly):

“(g) Notwithstanding any other provision of this Act, the implementation of model opportunity to learn standards shall be voluntary on the part of the States, local educational agencies, and schools. It is the sense of the Congress that the Federal government should provide additional assistance to States, local educational agencies, and schools to support the implementation of model opportunity to learn standards.”

—Page 39, after line 17, insert the following new paragraphs (and redesignate accordingly):

“(i) Nothing in this section shall be construed to create a legally enforceable right for any person against a State, local educational agency, or school based on opportunity to learn standards.

“(j) Nothing in this section shall be construed to mandate equalized spending per pupil for a State, local educational agency, or school.

“(k) Nothing in this section shall be construed to mandate national school building standards for a State, local educational agency, or school.”

—Page 42, strike lines 19 through 22

—Page 67, strike line 7 through 9

—Page 69, line 3, after “standards” insert “including reviewing the school’s plan in the context of the State’s model opportunity to learn standards”

—Page 70, line 13 after “include” insert “implementing the State’s model opportunity to learn standards.”

—Page 72, line 20, after “standards” insert “including reviewing the local educational agency’s plan in the context of the State’s model opportunity to learn standards”

—Page 74, line 1, after “including” insert “implementing the State’s model opportunity to learn standards.”

—Page 75, line 12, strike “and opportunity to learn standards”

—Page 91, line 19, strike “opportunity to learn standards”

—Page 183, after line 16 insert the following (and redesignate accordingly):

“(v) developing and voluntarily implementing model State opportunity to learn standards, including whether such standards are useful in improving teaching and learning;”

—Page 23, after line 20, insert the following:

“(e) ADEQUATE FUNDING.—In recognition of—

“(1) the special educational needs of children from low income families and the impact of concentrations of low income families on the ability of local educational agencies to provide educational programs which meet such needs; and

“(2) the special educational needs of children of migrant parents, of Indian children, of delinquent youth, and of youth who are at risk of dropping out,

the Congress declares it to be the policy of the United States to—

“(A) provide financial assistance to State and local educational agencies to meet the special needs of such educationally deprived children at the preschool, elementary and secondary levels;

“(B) expand the program authorized by this title over the next five years by increasing the funding for this title by at least \$1,000,000,000 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 1999;

“(C) provide such assistance in a way which eliminates unnecessary administrative burden and paperwork and overly prescriptive regulations and provides flexibility to State and local educational agencies in making educational decisions.”

—Page 24, line 2, strike “\$7,400,000,000” and insert in lieu thereof “\$7,600,000,000”

—Beginning on page 20, strike line 12 and all that follows through page 30, line 2, and insert in lieu thereof the following:

“(iii) model opportunity to learn standards for schools which receive assistance under this title that address—

“(I) the alignment of curricula, instructional materials, and other school resources with the content and performance standards adopted by the State;

“(II) the capability of teachers to provide high quality instruction within each subject area for which the State has adopted content and performance standards;

“(III) such other factors that the State deems appropriate to ensure that students served under this title receive a fair opportunity to achieve the knowledge and skills described in content and performance standards adopted by the State.”

—Page 34, strike lines 7 through 11 (and redesignate any subsequent paragraphs accordingly).

—Page 37, after line 7 insert the following (and redesignate any subsequent paragraphs accordingly):

“(6) how the State educational agency will inform the public about the content of its model State opportunity to learn standards;”

—Page 39, after line 17, insert the following new paragraphs (and redesignate accordingly):

“(i) Nothing in this section shall be construed to create a legally enforceable right for any person against a State, local educational agency, or school based on opportunity to learn standards.

“(j) Nothing in this section shall be construed to mandate equalized spending per pupil for a State, local educational agency, or school.

“(k) Noting in this section shall be construed to mandate national school building standards for a State, local educational agency, or school.”

—Page 42, strike lines 19 through 22.

—Page 67, strike lines 7 through 9.

—Page 69, line 3, after “standards” insert “including reviewing the school’s plan in the context of the State’s model opportunity to learn standards”

—Page 70, line 13 after “include” insert “implementing the State’s model opportunity to learn standards.”

—Page 72, line 20, after “standards” insert “including reviewing the local educational agency’s plan in the context of the State’s model opportunity to learn standards”

—Page 74, line 1, after “include” insert “implementing the State’s model opportunity to learn standards.”

—Page 75, line 12, strike “and opportunity to learn standards”

—Page 91, line 19, strike “opportunity to learn standards”

—Page 183, after line 16 insert the following (and redesignate accordingly):

“(v) developing and voluntarily implementing model State opportunity to learn standards, including whether such standards are useful in improving teaching and learning;”

—Page 264, line 17, after “facilities” insert “adult and family education programs,”

—Page 267, line 15, after “Labor” insert “the National Institute for Literacy,”

—Page 268, after line 12, add a new “(E)” (and redesignate succeeding paragraphs accordingly)

“(E) increased access to high quality adult and family education services through the use of technology for instruction and professional development;”

—Page 269, line 20, delete “and” and insert “,” and line 21, after “1993” insert “,” and the National Literacy Act”

—Page 270, line 3, after the comma insert “adult and family education,”

—Page 272, line 20, after “students” insert “of all ages” and line 21, strike “local edu-

educational agencies" and insert in lieu thereof "educational settings"

—Page 276, after line 8 insert "(iii) adult and family education programs;" (and redesignate succeeding paragraphs accordingly)

—Page 277, line 17, delete the first "and" and line 18, after "efforts" insert ", and how it will contribute to creating a high quality system of lifelong learning"

—Page 280, line 23, after "staff" insert ", and adult and family educators"

—Page 282, line 7, insert a new "(2)" (and redesignate the following paragraphs accordingly)

"(2) would provide services to programs serving adults, especially parents, with low levels of literacy; and"

—Page 287, line 2, after "agencies" insert ", and adult and family education programs"

—Page 288, line 21, after "students" insert "of all ages"

—Page 409, line 18, strike paragraph (2) and insert in lieu thereof:

"(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;

—Page 410, line 24, insert the following new paragraph:

"(3) for State grants under part C, \$100,000,000 for fiscal year 1995 and such sums as may be necessary for each of fiscal years 1996 through 1999."

—Page 416, line 23, strike "Except as provided in subparagraph (2)"

"(a) USE OF FUNDS.—The total amount allocated to a State under section 4101 for each fiscal year shall be used by the State educational agency and its local educational agencies for drug and violence prevention activities in accordance with this section."

—Page 417, line 4, strike paragraph (2).

—Page 431, line 19, strike "shall expend not less than 21 percent" and insert in lieu thereof "may expend"

—Page 438, line 22, insert the following: (and redesignate succeeding section accordingly).

"PART C—GRANTS TO STATE GOVERNORS"

"SEC. 4203. (a) STATE ALLOTMENTS.—The Secretary shall, for each fiscal year, allocate among the States—

"(A) one-half of the amount appropriated under paragraph (3) of section 5004 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 the amount appropriated under paragraph (3) of section 5004 according to the ratio between the amount each State received under sections 1124 and 1124A of this Act for the preceding year (or, for fiscal year 1995 only, sections 1005 and 1006 of this Act as in effect on the day before enactment of the Safe and Drug-Free Schools and Communities Act Amendments of 1994) and the sum of such amounts received by all the States.

"(2) For any fiscal year, no State shall be allotted under this subsection an amount less than 1 percent of the total amount allotted to all the States under this subsection.

"(3) The Secretary may reallocate 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 reallocation shall be made on the same basis as allotments made under paragraph (1).

"(4) For the purposes of this subsection, the term State means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"STATE APPLICATIONS"

"SEC. 4204. (a) IN GENERAL.—In order to receive its allotment under section 4203 for any

fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that contains a comprehensive plan for the use of funds under section 4203 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 activities under section 4205 with the State educational agency and other State agencies and organizations involved with drug and violence prevention efforts;

"(3) a description of how funds allotted under section 4203 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;

"(4) a description of how the chief executive officer will award funds under section 4205 and a plan for monitoring the performance of, and providing technical assistance to, recipients of such funds; and

"(5) a description of the special initiatives that will be undertaken with the funds allotted under section 4103 to assist those communities within the State which have the greatest need for drug and violence prevention assistance, as measured by objective factors which include—

"(A) high rates of alcohol or other drug abuse among youth;

"(B) high rates of victimization of youth by violence and crime;

"(C) high rates of arrests and convictions of youth for violent or drug- or alcohol-related crime;

"(D) the extent of illegal gang activity;

"(E) high rates of referrals of youth to drug and alcohol abuse treatment and rehabilitation programs;

"(F) high rates of referrals of youth to juvenile court;

"(G) high rates of expulsions and suspensions of students from schools; and

"(H) high rates of reported cases of child abuse and domestic violence.

"(6) a description of the special outreach efforts and other activities which will be undertaken to ensure the full participation of community-based organizations located in communities with high rates of poverty, as well as organizations which provide services to African-Americans, Hispanics, and other minorities; and

"(7) a description of how funds will be used to support community-wide comprehensive drug and violence prevention planning.

"(b) PEER REVIEW.—The Secretary shall use a peer review process in reviewing State applications under this section.

"SEC. 4205. (a) USE OF FUNDS.—The amount allocated to a State under section 4203 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.

"(b) STATE ADMINISTRATION.—A chief executive officer may use no more than 4 percent of the amount allotted under subsection (a) for the administrative costs incurred in carrying out the duties of such officer under this section.

"(c) PROGRAMS AUTHORIZED.—A chief executive officer shall use funds reserved under subsection (a) for grants to, or contracts with, parent groups, community action and job training agencies, community-based or-

ganizations, and other public entities and private nonprofit organizations to support programs and activities such as—

"(1) development 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, law enforcement, health, mental health, and other appropriate services;

"(2) planning and implementing drug and violence prevention activities that coordinate the efforts of community-based agencies with those of the local educational agency;

"(3) activities to protect students traveling to and from school;

"(4) developing and implementing strategies to prevent illegal gang activity;

"(5) coordinating and conducting community-wide violence and safety assessments and surveys;

"(6) programs and activities which address the needs of children and youth who are not normally served by the local educational agency, including preschoolers, dropouts, youth in juvenile detention facilities, and runaways or homeless children and youth;

"(7) disseminating information about drugs and violence prevention;

"(8) training parents, law enforcement officials, judicial officials, social service providers, health service providers and community leaders about drug and violence prevention, education, early intervention, counseling, or rehabilitation referral;

"(9) before- and after-school recreational, instructional, cultural, and artistic programs in supervised community settings; and

"(10) evaluating programs and activities carried out under this section."

—Page 762, after line 23, insert the following new part:

"PART G—CUSTODIAL SERVICES"

"SEC. 9701. COMPENSATION OF CUSTODIANS."

"Notwithstanding any other provisions of law, a local educational agency which contains five counties in their entirety and has a student population which exceeds 900,000 may not use any assistance under this Act to provide compensation or other financial benefits to personnel who provide janitorial or custodial services to and within schools."

—Page 762, after line 23, insert the following new part:

"PART G—CUSTODIAL SERVICES"

"SEC. 9701. COMPENSATION OF CUSTODIANS."

"Notwithstanding any other provisions of law, a local educational agency may not use any assistance under this Act to provide compensation or other financial benefits to personnel who provide janitorial or custodial services to and within schools."

—Page 880, line 1, insert the following new subparagraph (and redesignate succeeding subparagraphs accordingly)—

"(F) violence against teachers and students, and other indices of school safety;"

By Mr. PETRI:

—Page 218, line 18—following "of teacher certification," add

"Nothing in this section shall be construed to supersede waivers of teacher certification requirements, consistent with State law, that are granted to public charter schools by State and local educational agencies."

By Mr. PORTER:

—Page 701, strike line 14 and all that follows through line 13 on page 705 and insert the following:

"(f) ADDITIONAL ASSISTANCE FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

"(1) RESERVATION.—From amounts appropriated under section 8013(d) 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 local educational agency shall be eligible to receive additional assistance under this subsection only if such agency—

"(A)(i) has an enrollment of federally connected children described in subsection (a)(1) which constitutes at least 40 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;

"(B)(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

"(C) is a local education agency whose boundaries are the same as a Federal military installation or includes Federal property under exclusive Federal jurisdiction.

"(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 or the average per pupil expenditure of all the States;

"(II) the average per pupil expenditure of generally comparable school districts located in the State of the local educational agency, as defined by the Secretary in regulations; or

"(III) the average per pupil expenditure of three generally comparable school districts located in the State of the local educational agency, as defined by the Secretary in regulations.

"(ii) The Secretary shall next subtract from the amount determined under clause (i) the average amount of State aid per pupil received by the local educational agency.

"(iii) The Secretary shall next multiply the amount determined under clause (ii) by the sum of the total weighted units of the local educational agency, as computed under subsection (a)(2).

"(iv) If the tax rate of the local educational agency is greater than 94 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.—With respect to payments to local educational agencies de-

scribed in subparagraphs (B) and (C) of paragraph (2), the maximum amount of such payments shall be equal to the product of the average per pupil expenditure of all the States multiplied by .7, except that such amount may not exceed 125 percent of the average per pupil expenditure of all local educational agencies in the State.

"(4) CURRENT YEAR DATA.—The Secretary shall, for purposes of providing assistance under this subsection, use—

"(A) data from the fiscal year in which the local educational agency is applying for assistance under this subsection; or

"(B) the most recent data available which is adjusted to such fiscal year.

By Mr. RICHARDSON:
—Page 713, line 24, strike "For purposes" and insert "(i) For purposes".

—Page 714, after line 11, insert the following:

"(ii) If a program of State aid uses a 'weighted-pupil', a 'classroom', 'instructional unit', or other designated unit of need in determining allocations of State aid in order to take account of special cost differentials, the computation of per-pupil revenue or current expenditures may be made on the basis of any such unit of need.

By Mr. ROEMER:

—Page 313, after line 19, insert the following:

"(c) LIMITATION.—No funds shall be appropriated to carry out this part for a fiscal year until the funds appropriated to carry out section 2103 of this Act for such fiscal year equals the amount of funds authorized to be appropriated to carry out section 2103 for such fiscal year.

By Mr. ROMERO-BARCELÓ:

—Page 106, line 20 before "the percentage" insert "the greater of".

—Page 106, line 21, after "sentence" insert "and 60 percent for fiscal year 1995, 70 percent for fiscal year 1996, 80 percent for fiscal year 1997, 90 percent for fiscal year 1998, and 100 percent for fiscal year 1999 and succeeding fiscal years".

—Page 123, line 15, after "1.62" insert "for fiscal year 1995, 2.0 for fiscal year 1996, 2.33 for fiscal year 1997, 2.67 for fiscal year 1998, and 3.0 for fiscal year 1999 and succeeding fiscal years".

—Page 123, line 15, strike "1.62" and insert "2.5".

By Mr. ROHRBACHER:

—Page 25, after line 18, insert the following:

"SEC. 1003. REPORTING REQUIREMENTS.

"None of the funds authorized in section 1002 shall be made available to a local educational agency unless—

"(1) such agency, beginning on October 1, 1994, and continuing on or before such date in each subsequent year, submits to the Assistant Secretary of Education for Elementary and Secondary Education, a statement regarding the total number of students enrolled in its school system, the number of students enrolled who are not lawfully in the United States, the number of students who are lawfully in the United States who do not have at least 1 parent or legal guardian who is lawfully in the United States, and the average per pupil expenditure of the local educational agency.

"(2) The data submitted under paragraph (1) shall be current as of any date in the 30-day period prior to the date that the Assistant Secretary requires.

—Page 762, after line 8, insert the following:

"SEC. 9508. PROHIBITING BENEFITS FOR ILLEGAL ALIENS.

"No funds authorized in this Act may be used to provide any benefit or assistance to any individual who is not—

"(1) a citizen or national of the United States;

"(2) a permanent resident alien; or

"(3) an alien who is a parolee, asylee, or refugee under the Immigration and Nationality Act."

By Mr. ROTH:

—Page 619, beginning on line 15, strike "including" and all that follows through "language" on line 16.

—Page 620, line 7, strike ";" and insert a period.

—Page 620, strike lines 8 through 15.

—Page 621, strike lines 7 through 12 (and redesignate subsequent paragraphs accordingly).

—Page 622, line 15, insert "or" after the semicolon.

—Page 622, strike lines 16 through 19 (and redesignate any subsequent subparagraphs accordingly).

—Page 623, beginning on line 2, strike "is, thereby," and all that follows through line 3 and insert "is, as a result, in need of additional or remedial English assistance."

—Page 623, line 6, after "which" insert "may, but are not required, to".

—Page 628, line 6, strike "(A)".

—Page 628, strike lines 10 through 13.

—Page 628, line 16, strike "and to the extent feasible".

—Beginning on page 618, strike line 1 and all that follows through page 688, line 10.

By Mr. SKAGGS:

—Page 430, line 12, after "mediation" insert "student pledges to renounce the use of violence, student non-violence awareness days, student outreach efforts against violence."

—Page 431, at the end of line 17, add the following sentence: "Local educational agencies may use funds obtained under this part to pay the costs of programs and activities complying with the requirements of this section that are carried out by student organizations."

By Ms. SLAUGHTER:

—Page 852, line 24, strike "to the extent possible".

—Page 852, line 25, after "selection" insert "unless the local education agency has a compelling reason for not complying with this request."

By Mr. SMITH of Michigan:

—Page 26, after line 14, insert the following new subparagraph (B) and redesignate subsequent provisions:

"(B) supports the family unit by incorporating into instruction given to children the teaching of one or more of the following ethical principles—

"(i) Honesty: To be truthful, sincere, forthright, straightforward, frank and candid; to not cheat, steal, lie, deceive, or act deviously.

"(ii) Integrity: To be principled, honorable, and upright; to not be two-faced or unscrupulous.

"(iii) Promise-keeping: To be worthy of trust, keep promises, fulfill commitments, and abide by the spirit as well as the letter of an agreement.

"(iv) Loyalty: To be faithful and loyal to family, friends, employees, clients, and country.

"(v) Fairness: To be fair and open-minded, willing to admit error, and, if appropriate, change positions and beliefs; to demonstrate a commitment to justice and the equal treatment of individuals.

"(vi) Caring for others: To be caring, kind, and compassionate; to share; to be giving and of service to others; to help those in need and avoid harming others.

"(vii) Respect for others: To demonstrate respect for other people's property, human dignity, and privacy; to be courteous,

prompt, and decent; to not patronize, embarrass, or demean.

"(viii) Responsible citizenship: To obey the laws and, if a law is unjust, protest it and try to change it but continue to obey.

"(ix) Pursuit of excellence: To pursue excellence in all matters and in meeting personal responsibilities; to diligent, reliable, industrious, and committed; to perform all tasks to the best of one's ability, develop and maintain a high degree of competence, and be well informed and well prepared; to not be content with mediocrity; to not strive to 'win at any cost'.

"(x) Accountability: To be accountable and accept responsibility for decisions, for the foreseeable consequence of actions and inactions, and for setting an example for other."

By Mr. STEARNS:

—In Title III—Amendments to Other Acts, Part A—Amendments to the Individuals With Disabilities Education Act, page 840, after line 25, insert new Sec. 314—With Respect to Disciplinary Proceedings for Possession of Deadly Weapons:

SECTION 1. INAPPLICABILITY OF REQUIREMENT REGARDING CONTINUED EDUCATIONAL PLACEMENT OF CHILDREN WITH DISABILITIES DURING DISCIPLINARY PROCEEDINGS FOR POSSESSION OF FIREARMS OR OTHER DEADLY WEAPONS OR ASSAULT WITH DEADLY WEAPONS.

(a) IN GENERAL.—Paragraph (3) of section 615(e) of the Individuals with Disabilities Act (20 U.S.C. 1415(e)(3)) is amended—

(1) by inserting "A" after the paragraph designation;

(2) in subparagraph (A) (as so designated), by striking "During" and inserting "Except as provided in subparagraph (B), during", and

(3) by adding at the end the following new subparagraph:

"(B) The requirement contained in subparagraph (A) regarding the maintenance of a child with a disability in the current educational placement of such child shall not apply with respect to a disciplinary proceeding against such child for possession of a firearm or other deadly weapon or assault with a deadly weapon."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply with respect to a disciplinary proceeding commenced on or after the date of the enactment of this Act.

By Mr. THOMAS of Wyoming:

—On Page 52, line 11, strike "60 percent" and insert in lieu thereof the following: "50 percent".

By Mrs. THURMAN:

—Beginning on page 100, strike line 1 and all that follows through page 127, line 21, and insert the following:

"Subpart 2—Allocations

"GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR

"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 up to 0.8 percent to provide assistance to—

"(1) the outlying areas on the basis of their respective need for such assistance according to such criteria as the Secretary determines will best carry out the purpose of this part; and

"(2) the Secretary of the Interior in the amount necessary to make payments pursuant to subsection (b).

"(b) ALLOTMENT TO THE SECRETARY OF THE INTERIOR.—(1) The amount allotted for pay-

ments to the Secretary of the Interior under subsection (a)(2) for any fiscal year shall be, as determined pursuant to criteria established by the Secretary, the amount necessary to meet the special educational needs of—

"(A) Indian children on reservations served by elementary and secondary schools for Indian children operated or supported by the Department of the Interior; and

"(B) out-of-State Indian children in elementary and secondary schools in local educational agencies under special contracts with the Department of the Interior.

"(2) From the amount allotted for payments to the Secretary of the Interior under subsection (a)(2), the Secretary of the Interior shall make payments to local educational agencies, upon such terms as the Secretary of Education determines will best carry out the purposes of this part, with respect to out-of-State Indian children described in paragraph (1). The amount of such payment may not exceed, for each such child, the greater of—

"(A) 40 percent of the average per-pupil expenditure in the State in which the agency is located; or

"(B) 48 percent of such expenditure in the United States.

"SEC. 1122. ALLOCATIONS TO STATES.

"(a) GENERAL.—After reserving funds under section 1121(a), the Secretary shall allocate the remaining funds appropriated under section 1002(a) to States as follows:

"(1) 50 percent of such funds shall be allocated for basic grants in accordance with section 1123.

"(2) 50 percent of such funds shall be allocated for concentration grants in accordance with section 1124.

"(b) ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS.—(1) If the sums available under subsection (a) for any fiscal year are insufficient to pay the full amounts that all counties in States are eligible to receive under sections 1123 and 1124 for such year, the Secretary shall ratably reduce the allocations to such counties, subject to subsections (c) and (d) of this section.

"(2) If additional funds become available for making payments under sections 1123 and 1124 for such fiscal year, allocations that were reduced under paragraph (1) shall be increased on the same basis as they were reduced.

"(c) HOLD-HARMLESS AMOUNTS.—Notwithstanding subsection (b), the total amount made available to each county under sections 1123 and 1124 for any fiscal year shall be at least 85 percent of the total amount such county was allocated under such sections (or, for fiscal year 1995, their predecessor authorities) for the preceding fiscal year.

"(d) STATE MINIMUM.—Notwithstanding any other provision of this part, from the total amount available for any fiscal year to carry out sections 1123 and 1124, each State shall be allotted at least the lesser of—

"(1) one quarter of one percent of such amount; or

"(2) the amount it was allotted under such sections (or, for fiscal year 1995, under their predecessor authorities) for the previous year increased or decreased, as the case may be, by the same percentage by which such total amount appropriated for those sections increased or decreased from the previous year.

"(e) DEFINITION.—For the purpose of this section and sections 1123 through 1125, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 1123. BASIC GRANTS.

"(a) ELIGIBILITY OF COUNTIES.—A county in a State is eligible for a basic grant under this section for any fiscal year only if the number of children in the county counted under subsection (c)(1)(A) is at least—

"(1) 100; or

"(2) 18 percent of the total number of children aged five through 17 in the county.

"(b) GRANTS FOR COUNTIES, THE DISTRICT OF COLUMBIA, AND PUERTO RICO.—(1) The amount of the grant that a county in a State or that the District of Columbia is eligible to receive under this section for any fiscal year shall be the product of—

"(A) the number of children counted under subsection (c); and

"(B) 40 percent of the average per-pupil expenditure in the State, except that such percentage shall not be less than 32 percent nor more than 48 percent of the average per-pupil expenditure in the United States.

"(2) For each fiscal year, the amount of the grant for which the Commonwealth of Puerto Rico is eligible under this section shall be equal to—

"(A) the number of children counted under subsection (c) for Puerto Rico, multiplied by the product of—

"(B)(i) the percentage that the average per-pupil expenditure in Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States; and

"(ii) 32 percent of the average per-pupil expenditure in the United States.

"(c) CHILDREN TO BE COUNTED.—

"(1) CATEGORIES OF CHILDREN.—The number of children to be counted for purposes of this section shall be—

"(A) the total number of children aged five through 17 in a county—

"(i) from families below the poverty level, as determined under paragraph (2)(A);

"(ii) from families above the poverty level, as determined under paragraph (2) (B) and (C); and

"(iii) living in institutions for neglected or delinquent children (other than institutions operated by the United States and those with children counted under part D of this title) or being supported in foster homes with public funds, as determined under paragraph (2)(C); less

"(B) two percent of the total number of children aged five through 17 in the county.

"(2) DETERMINATION OF NUMBER OF CHILDREN.—(A)(i) The Secretary shall determine the number of children described in paragraph (1)(A)(i) on the basis of the most recent satisfactory data available from the Department of Commerce for counties, the District of Columbia, and Puerto Rico.

"(ii) In making such determinations, the Secretary shall use the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census.

"(B)(i) The Secretary shall determine the number of children described in paragraph (1)(A)(ii) on the basis of the number of such children from families receiving an annual income, in excess of the current criteria of poverty, from payments under the program of aid to families with dependent children under a State plan approved under title IV of the Social Security Act.

"(ii) In making such determinations, the Secretary shall use the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census, for a family of four, in such form as those criteria have been updated to reflect increases in the Consumer Price Index.

"(C) The Secretary shall determine the number of children described in paragraph (1)(A) (ii) and (iii) on the basis of—

"(i) caseload data for the month of October of the preceding fiscal year, using, in the case of children described in paragraph (1)(A)(ii), the criteria of poverty and the form of such criteria that were determined for the calendar year preceding such month of October; or

"(ii) to the extent that such data are not available to the Secretary by January 1 of the calendar year in which the Secretary's determination is made, on the basis of the most recent reliable data available to the Secretary at the time of such determination.

"(D) For purposes of this subsection, the Secretary shall consider all children who are in correctional institutions to be living in institutions for delinquent children.

"(E) The Secretary of Health and Human Services shall collect and transmit information on the number of children described in paragraph (1)(A)(ii) and the number of foster children described in paragraph (1)(A)(iii) to the Secretary by January 1 of each year.

"(d) LOCAL EDUCATIONAL AGENCY ALLOCATIONS.—(1) From funds remaining after the State educational agency reserves any funds under section 1601(c), and except as provided in section 1125(d), a State educational agency shall allocate each county amount determined under subsection (b) among all local educational agencies in the county or counties in which the agencies are located on the basis of—

"(A) the total number of children aged five through 17 in the local educational agency—

"(i) in local institutions for neglected or delinquent children; and

"(ii) from low-income families, as determined under paragraph (2); less

"(B) two percent of the total number of children aged five through 17 in the local educational agency.

"(2) The State educational agency shall determine the number of children from low-income families in local educational agencies—

"(A) based on the best data available on a Statewide basis; and

"(B) using the same measure of low income throughout the State.

"(3) The State educational agency shall distribute funds under this section to each local educational agency in proportion to the number of children counted under paragraph (1) in the local educational agency compared to the number of such children in all local educational agencies in the county.

"SEC. 1124. CONCENTRATION GRANTS.

"(a) ELIGIBILITY OF COUNTIES.—Except as otherwise provided in this section, a county in a State is eligible for a grant under this section if—

"(1) the number of children counted under section 1123(c)(1)(A) in the county is more than 6,500; or

"(2) the percentage of children counted under such section is greater than 18 percent of the total number of children aged five through 17 in the county.

"(b) GRANTS FOR COUNTIES, THE DISTRICT OF COLUMBIA, AND PUERTO RICO.—(1) The amount of the grant that a county in a State or that the District of Columbia or Puerto Rico is eligible to receive under this section for any fiscal year is the product of—

"(A) the number of children counted under section 1123(c)(1)(A), minus two percent of the total number of children aged five through 17 in the county; and

"(B) the per-pupil amount determined under section 1123(b) for the fiscal year for which the determination is being made for that county.

"(c) LOCAL EDUCATIONAL AGENCY ALLOCATIONS.—(1)(A) From funds remaining after

the State educational agency reserves any funds under section 1601(c), and except as otherwise provided in this subsection and in section 1125(d), funds allocated to counties under this section shall be allocated by the State educational agency only to those local educational agencies whose school districts lie, in whole or in part, within the county and that are determined by the State educational agency to meet either of the eligibility criteria in subsection (a).

"(B) Such determinations shall be made on the basis of the same poverty data used by the State educational agency under section 1123(d). If the State educational agency does not use census poverty data to determine eligibility, it must equate the poverty measure it uses to the latest available census data in order that eligibility is not affected by differences in sources of poverty data.

"(C) The State educational agency shall distribute funds under this section to each local educational agency that is eligible to receive those funds in proportion to the number of children counted under section 1123(d) in each local educational agency compared to the number of such children in all local educational agencies that are eligible for concentration grants in the county.

"(2)(A) In counties where no local educational agency meets either of the criteria in subsection (a), the State educational agency shall allocate such funds among the local educational agencies within such counties, in whole or in part, based on their respective concentrations and numbers of children counted under section 1123(d).

"(B) Only local educational agencies with concentrations of poverty that exceed the countywide average percentage of children counted under section 1123(d) or the countywide average number of such children may receive any funds on the basis of this paragraph.

"(3) In States that receive the minimum grant under section 1122(d), the State educational agency shall allocate such funds among the local educational agencies in such State either—

"(A) in accordance with paragraphs (1) and (2) of this subsection and section 1125(d); or

"(B) without regard to the counties in which such local educational agencies are located, based on their respective concentrations and numbers of children counted under section 1123(d), except that only those local educational agencies with concentrations of children counted under section 1123(d) that exceed the Statewide average percentage of such children or the Statewide average number of such children shall receive any funds on the basis of this subparagraph.

"(4) A State educational agency may reserve not more than ten percent of its allocation under this section to make direct payments to local educational agencies that meet either of the criteria in subsection (a), but are in ineligible counties.

"SEC. 1125. SPECIAL ALLOCATION PROCEDURES.

"(a) HOLD-HARMLESS AMOUNTS.—The total amount made available to each local educational agency under sections 1123 and 1124 for any fiscal year shall be at least 85 percent of the total amount such agency received under such sections (or, for fiscal year 1995, under their predecessor authorities) for the preceding fiscal year.

"(b) ALLOCATIONS FOR NEGLECTED OR DELINQUENT CHILDREN.—(1) If a State educational agency determines that a local educational agency in the State is unable or unwilling to provide for the special educational needs of children who are living in institutions for neglected or delinquent children as

described in section 1123(c)(1)(A)(ii), the State educational agency shall, if it assumes responsibility for the special educational needs of such children, receive the portion of such local educational agency's allocation under sections 1123 and 1124 that is attributable to such children.

"(2) If the State educational agency does not assume such responsibility, any other State or local public agency that does assume such responsibility shall receive that portion of the local educational agency's allocation.

"(c) ALLOCATIONS AMONG LOCAL EDUCATIONAL AGENCIES.—The State educational agency may allocate the amounts of grants under sections 1123 and 1124 between and among the affected local educational agencies when—

"(1) two or more local educational agencies serve, in whole or in part, the same geographical area; or

"(2) a local educational agency provides free public education for children who reside in the school district of another local educational agency.

"(d) ALLOCATIONS WITHOUT REGARD TO COUNTIES.—A State educational agency may allocate funds under sections 1123 and 1124 directly to eligible local educational agencies without regard to counties if the State educational agency can demonstrate to the Secretary's satisfaction that doing so will result in a reasonable allocation of those funds.

"(e) REALLOCATION.—If a State educational agency determines that the amount of a grant a local educational agency would receive under sections 1123 and 1124 is more than such local agency will use, the State educational agency shall make the excess amount available to other local educational agencies in the State that need additional funds in accordance with criteria established by the State educational agency.

"SEC. 1126. CARRYOVER AND WAIVERS.

"(a) LIMITATION ON CARRYOVER.—Notwithstanding section 412 of the General Education Provisions Act or any other provision of law, not more than 15 percent of the funds allocated to a local educational agency for any fiscal year under this subpart (but not including funds received through any reallocation under this subpart) may remain available for obligation by such agency for one additional fiscal year.

"(b) WAIVER.—A State educational agency may, once every three years, waive the percentage limitation in subsection (a) if—

"(1) the agency determines that the request of a local educational agency is reasonable and necessary; or

"(2) supplemental appropriations for this subpart become available.

"(c) EXCLUSION.—The percentage limitation under subsection (a) shall not apply to any local educational agency that receives less than \$50,000 under this subpart for any fiscal year."

By Mr. TRAFICANT:

—Page 762, after line 8, insert the following:
"SEC. 9508. COMPLIANCE WITH BUY AMERICAN ACT.

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. 9509. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any

equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 9510. PROHIBITION OF CONTRACTS.

If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

—Page 829, after line 11, insert the following:

SEC. 310. DEFINITIONS.

Section 602 of the Individuals with Disabilities Education Act is amended by adding at the end the following:

"(28) The term 'blind or visually impaired student' means an individual who—

"(1) has a visual acuity of 20/200 or less in the better eye with correcting lenses or has a limited field of vision so that the widest diameter of the visual field subtends an angle no greater than 20 degrees;

"(2) has a medically indicated expectation of visual deterioration; or

"(3) has a medically diagnosed limitation in visual functioning that restricts the student's ability to read and write standard print at levels expected of other students of comparable ability and grade level.

"(29) The term 'Braille Literacy Plan' means the components of an Individualized Education Plan (IEP) for a child who is blind or visually impaired which, through braille instruction and use, are designed to enable the child to communicate effectively. The plan shall—

"(1) be based on a presumption that effective communication commensurate with ability and grade level requires that a child who is blind or visually impaired must be given an assessment for braille and braille instruction and use unless, on an individual basis, the results of such assessment provide clear and convincing evidence that a child's reading and writing performance is not affected by a visual impairment;

"(2) describe the program of braille instruction designed for the child, including the frequency and length of instructional sessions, goals to be achieved, and the objective measures to be used for assessing progress; and

"(3) describe how braille will be implemented as the child's primary mode for learning through integration with other classroom activities."

—Page 837, after line 25, insert the following (and redesignate any subsequent sections accordingly):

SEC. 312. STATE PLANS.

Section 613(a)(11) of the IDEA is amended by inserting " and Braille Literacy Plans" after "programs" the 2d place it appears.

SEC. 313. APPLICATION.

Section 614(a) of the IDEA is amended—

(1) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(2) by inserting after paragraph (5) the following:

"(6) provide satisfactory assurances that the local educational agency or intermediate educational unit will—

"(A) establish or revise, whichever is appropriate, a Braille Literacy Plan which shall be incorporated into the Individualized Education Program of each child with a disability who is blind or visually impaired;

"(B) assure that braille instruction under each such plan is provided by personnel who have demonstrated competency in the teaching of braille consistent with standards adopted by the National Library Service for the Blind and Physically Handicapped of the Library of Congress; and

"(C) require that the publisher of any textbook or other educational material obtained with funds provided under the Elementary and Secondary Education Act of 1965 shall furnish along with the ink-print editions at least one digital text version of such textbook or other educational material."

—Page 838 after line 25, insert the following (and redesignate any subsequent sections accordingly):

SEC. 313. GRANTS FOR PERSONNEL TRAINING.

Section 631(a)(1) of the IDEA is amended—

(1) in subparagraph (D), by striking "and post-doctoral levels), and" and inserting "and post-doctoral levels);";

(2) by striking the period at the end of subparagraph (E); and

(3) by adding after subparagraph (E) the following:

"(F) training of special education personnel and other personnel in braille instructional services using standards consistent with the Competency Test for Teachers developed by the National Library Service for the Blind and Physically Handicapped of the Library of Congress."

By Ms. VELAZQUEZ:

—Page 406, after line 18, insert the following:

"PART J—HATE CRIME PREVENTION"

"SEC. 3941. GRANT AUTHORIZATION.

"The Secretary of Education may make grants to local educational agencies and community-based organizations for the purpose of providing assistance to localities most directly affected by hate crimes.

"SEC. 3492. USE OF FUNDS.

"(a) Grants under this section may be used to improve elementary and secondary educational efforts, including—

"(1) development of education and training programs designed to prevent and to reduce the incidence of crimes and conflicts motivated by hate;

"(2) development of curricula for the purpose of improving conflict or dispute resolution skills of students, teachers, and administrators;

"(3) development and acquisition of equipment and instructional materials to meet the needs of, or otherwise be part of, hate crime or conflict programs; and

"(4) professional training and development for teachers and administrators on the causes, effects, and resolutions of hate crimes or hate-based conflicts.

"(b) IN GENERAL.—In order to be eligible to receive a grant under this part for any fiscal year, a local educational agency or a local educational agency in conjunction with a community-based organization shall submit an application to the Secretary in such form and containing such information as the office may reasonably require.

"(c) REQUIREMENTS.—Each application under subsection (a) shall include—

"(1) a request for funds for the purposes described in this part;

"(2) a description of the schools and communities to be served by the grants; and

"(3) assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds.

"(d) COMPREHENSIVE PLAN.—Each application shall include a comprehensive plan that contains—

"(1) a description of the hate crime or conflict problems within the schools or the community targeted for assistance;

"(2) a description of the program to be developed or augmented by these Federal and matching funds;

"(3) assurances that such program or activity shall be administered by or under the supervision of the applicant;

"(4) proper and efficient administration of such program; and

"(5) fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this part.

"SEC. 3943. ALLOCATION OF FUNDS; LIMITATIONS OF GRANTS.

"(a) ADMINISTRATIVE COST LIMITATION.—The Secretary shall use not more than 5 percent of the total funds available under this part for the purposes of administration and technical assistance.

"(b) RENEWAL OF GRANTS.—Grants under this part shall be limited to a total of \$100,000 per recipient for a 2-year period.

"(c) FEDERAL SHARE.—The Federal share of a grant made under this part may not exceed 80 percent of the total costs of the projects for the fiscal year for which the project receives assistance under this part.

"SEC. 3944. AWARD OF GRANTS.

"(a) SELECTION OF RECIPIENTS.—The Secretary shall consider the incidence of crimes and conflicts motivated by bias in the targeted schools and communities in awarding grants under this part.

"(b) GEOGRAPHIC DISTRIBUTION.—The Secretary shall attempt, to the extent practicable, to achieve an equitable geographic distribution of grant awards.

"(c) DISSEMINATION OF INFORMATION.—The Secretary shall attempt, to the extent practicable, to make available information regarding successful hate crime prevention programs, including programs established or expanded with grants under this part.

"SEC. 3945. REPORTS.

"The Secretary shall submit to the Congress a report every 2 years which shall contain a detailed statement regarding grants and awards, activities of grant recipients and an evaluation of programs established under this part.

"SEC. 3946. DEFINITIONS.

"For the purposes of this part—

"(1) the term 'hate crime' means a crime as defined by the Hate Crime Statistics Act of 1990;

"(2) 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 and secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary and secondary schools and includes any other public institution or agency having administrative control and direction of a public elementary or secondary school;

"(3) the term 'community-based organization' means a private nonprofit organization which is representative of a community or significant segments of a community and which provides educational or related services to individuals in the community.

"SEC. 3947. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part, \$5,000,000 for fiscal year 1995 and such sums as may be necessary for fiscal years 1996 through 1999.

By Mr. WHEAT:

—Page 406, after line 18, insert the following:

"PART J—PARENTS AS TEACHERS**"SEC. 3941. SHORT TITLE.**

"This part may be cited as the 'Parents as Teachers: the Family Involvement in Education Act of 1994'.

"SEC. 3942. FINDINGS.

"The Congress finds—

"(1) increased parental involvement in the education of their children appears to be the key to long-term gains for youngsters;

"(2) providing seed money is an appropriate role for the Federal Government to play in education;

"(3) children participating in the parents as teachers program in Missouri are found to have increased cognitive or intellectual skills, language ability, social skills and other predictors of school success;

"(4) most early childhood programs begin at age 3 or 4 when remediation may already be necessary; and

"(5) many children receive no health screening between birth and the time they enter school, thus such children miss the opportunity of having developmental delays detected early.

"SEC. 3943. STATEMENT OF PURPOSE.

"It is the purpose of this part to encourage States to develop and expand parent and early childhood education programs in an effort to—

"(1) increase parents' knowledge of and confidence in child-rearing activities, such as teaching and nurturing their young children;

"(2) strengthen partnerships between parents and schools; and

"(3) enhance the developmental progress of participating children.

"SEC. 3944. DEFINITIONS.

"For the purposes of this part—

"(1) the term 'developmental screening' means the process of measuring the progress of children to determine if there are problems or potential problems or advanced abilities in the areas of understanding and use of language, perception through sight, perception through hearing, motor development and hand-eye coordination, health, and physical development;

"(2) the term 'eligible family' means any parent with one or more children between birth and 3 years of age, or any parent expecting a child;

"(3) the term 'lead agency' means the office or agency in a State designated by the Governor to administer the parents as teachers program authorized by this part;

"(4) the term 'parent education' includes parent support activities, the provision of resource materials on child development and parent-child learning activities, private and group educational guidance, individual and group learning experiences for the parent and child, and other activities that enable the parent to improve learning in the home;

"(5) the term 'parent educator' means a person hired by the lead agency of a State or designated by local entities who administers group meetings, home visits and developmental screening for eligible families, and is trained by the Parents As Teachers National Center established under section 3948; and

"(6) the term 'Secretary' means the Secretary of Education.

"SEC. 3945. PROGRAM ESTABLISHED.

"(a) IN GENERAL.—

"(1) The Secretary is authorized to make grants to States to pay the Federal share of the cost of establishing, expanding, and operating parents as teachers programs.

"(2) In awarding grants under paragraph (1), the Secretary shall give special consideration to applicants whose programs primarily serve hard-to-serve populations, including—

"(A) teenaged parents,

"(B) illiterate parents,

"(C) economically disadvantaged parents,

"(D) offenders and their families,

"(E) unemployed parents,

"(F) learning disabled parents, and

"(G) non-English speaking parents.

"(3) In determining the amount of a grant under paragraph (1), the Secretary shall take into consideration the size of the population to be served, the size of the area to be served, and the financial resources of such population and area.

"(b) SPECIAL RULE.—Any State operating a parents as teachers program which is associated with the Parents As Teachers National Center located in St. Louis, Missouri, shall be eligible to receive a grant under this part.

"SEC. 3946. PROGRAM REQUIREMENTS.

"(a) IN GENERAL.—(1) Each State receiving a grant under section 3945(a) shall conduct a parents as teachers program which—

"(A) establishes and operates parent education programs including programs of developmental screening of children; and

"(B) designates a lead State agency which shall—

"(i) hire parent educators who have had supervised experience in the care and education of children;

"(ii) establish the number of group meetings and home visits required to be provided each year for each participating family, with a minimum of 4 group meetings and 8 home visits for each participating family;

"(iii) be responsible for administering the periodic screening of participating children's educational, hearing and visual development, using the Denver Developmental Test, Zimmerman Preschool Language Scale, or other approved screening instruments; and

"(iv) develop recruitment and retention programs for hard-to-reach populations.

"(2) Grants awarded section 3945(a) shall only be used for parents as teachers programs which serve families during the period of time beginning with the last 3 months of a mother's pregnancy and ending when a child attains the age of 3.

"SEC. 3947. PARENTS AS TEACHERS NATIONAL CENTER.

"The Secretary shall establish a Parents As Teachers National Center to disseminate information to, and provide technical and training assistance to, States establishing and operating parents as teachers programs.

"SEC. 3948. EVALUATIONS.

"The Secretary shall complete an evaluation of the State parents as teachers programs within 4 years from the date of enactment of this part.

"SEC. 3949. APPLICATION.

"Each State desiring a grant under section 3945(a) shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may reasonably require. Each such application shall describe the activities and services for which assistance is sought.

"SEC. 3950. PAYMENTS AND FEDERAL SHARE.

"(a) PAYMENTS.—The Secretary shall pay to each State having an application approved under section 3949 the Federal share of the cost of the activities described in the application.

"(b) FEDERAL SHARE.—(1) The Federal share—

"(A) for the first year for which a State receives assistance under this part shall be 100 percent;

"(B) for the second such year shall be 100 percent;

"(C) for the third such year shall be 75 percent;

"(D) for the fourth such year shall be 50 percent; and

"(E) for the fifth such year 25 percent.

"(2) The non-Federal share of payments under this part may be in cash or in kind fairly evaluated, including planned equipment or services.

"SEC. 3951. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated \$20,000,000 for each of the fiscal years 1995, 1996, 1997, 1998, and 1998 to carry out this part."

By Ms. WOOLSEY:

—Title 9, p. 743, sec. 9206:

On line 21 change "Availability of Unneeded program funds" to "Availability of Flexible program funds"

On line 22 (a) change "unneeded" to "flexible".

Add the rest of section 9206 as it presently appears in the bill.

—Title 10, pg. 763, line 9 add "and youth" after the word children.

On line 24 add "and youth" after the word children.

Page 764: on line 3 add "youth" after the word children.

Page 765:

On line 18 change "the development of a plan" to "planning"

on line 19 delete "a plan for the"

on line 19 change "implementation of" to "implementing"

on line 22 delete "development of the"

—To Title IX, on p. 763, add a new Part G

Beginning on line 4 add "Part G—Sense of the Congress to Increase the Total Share of Federal Spending on Education

"The Congress finds that—

"(1) in order to increase our Nation's standard of living and to increase the number of good jobs, the United States must increase its productivity and ability to compete in the international marketplace by improving the educational level of our workforce;

"(2) although efforts are being made to establish higher educational standards and goals, there is a substantial shortage of resources to meet such standards and goals;

"(3) States and local communities are finding it increasingly difficult to meet even higher educational standards and goals, and States will not be able to fund needed changes without Federal help to reach such standards and goals;

"(4) the Federal Government has established many education programs but failed to provide adequate funding for such programs, for example one such program provides education to our Nation's disabled students and was established with a promise of 40 percent Federal funding but currently receives only 8 percent Federal funding;

"(5) the annual shortfall in Federal education programs is approximately half of the promised funding;

"(6) many needed education improvements will not need Federal funds, however, other suggested changes such as lengthened school years, better pay, after-school activities, mentoring for students at risk, programs for gifted students, and replacing substandard buildings will require substantial Federal assistance; and

"(7) the Federal contribution to education is less than 2 percent of the total Federal budget, and in order to make education a national priority, the total percentage of Federal education funding should be increased by 1 percent each year over the next 8 years to reach 10 percent of the total Federal budget.

"(b) It is the sense of the Congress that the total share of the Federal spending on education should increase by at least 1 percent each year until such share reaches 10 percent of the total Federal budget."

EXTENSIONS OF REMARKS

THE PRESIDENT'S 1995 BUDGET

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, February 16, 1994 into the CONGRESSIONAL RECORD:

THE PRESIDENT'S 1995 BUDGET

Last week President Clinton submitted to Congress his 1995 budget. It makes only fairly modest shifts in priorities, and includes no bold innovation. It reflects the constraints of two big deficit reduction agreements in recent years, and combines spending cuts in many programs and elimination of others, with modest new initiatives to promote technology and education, and to fight crime.

MAJOR THEMES

President Clinton proposes spending \$1.52 trillion in 1995, up from \$1.48 trillion this year. As in past years, the biggest spending increases are for Social Security (up \$17 billion), Medicare and Medicaid (up \$22 billion), and interest on the national debt (up \$10 billion). Spending on these three areas now comprises 51% of total federal spending, and without the increases in these three areas, overall federal spending would actually drop next year.

The other major category of federal spending, national defense, would decline by \$9 billion under the Clinton plan. Some 17% of total federal spending goes to defense.

Everything else the federal government does makes up the remaining 32% of total federal spending. Under the Clinton budget, spending in this category would basically remain unchanged from the 1994 level. The President would, however, shift around some spending. He would eliminate 115 programs, cut spending for more than 200 others, and reduce the federal workforce in order to increase spending for his investment agenda. Savings from energy programs, foreign aid, and farm programs, for example, would be used to fund science and technology, infrastructure, education, job training, environmental protection, and anti-crime efforts.

The President's budget proposes \$1.35 trillion in revenues, up from \$1.25 trillion this year. Most of the increased revenue results from the strengthening economy.

The President estimates that the 1995 deficit will be \$176 billion, down from \$255 billion in 1993 and an expected \$235 billion this year. The deficit would be at its lowest level since 1985.

The modest economic assumptions underlying the budget seem in line with private forecasts. The budget assumes 3.0% economic growth in 1994 declining to 2.7% next year, inflation rising from 3.0% to 3.2%, and unemployment dropping from 6.4% to 6.0%.

The budget reflects the major Clinton themes—cutting the deficit and increasing investment on programs intended to boost U.S. productivity. The budget leaves out several important items, including the cost of

welfare reform and implementation of the worldwide trade agreement.

MAJOR BUDGET ISSUES BEFORE CONGRESS

It is my sense that Congress will generally be comfortable with the broad outlines of the Clinton budget. Yet several major budget questions will have to be considered by Congress this year.

How much to provide for new investment? The Clinton emphasis on shifting a greater share of federal spending to productivity-enhancing investment and away from consumption is a good one. Greater investments in public infrastructure, education and training, science and technology, and programs for children are central to a growing economy that produces good jobs and is internationally competitive. Yet, since 1980 the share of total federal spending going to non-defense investment has decreased sharply from 16% to 9%.

The President's investment agenda halts that decline and increases it slightly. Yet funding these investments will not be easy. Tight caps on discretionary spending will make these investments difficult without offsetting cuts in other programs. And some of the cuts the President has proposed, such as cuts in mass transit operating subsidies and in low-income energy assistance, will have difficulty getting through Congress.

How much to reduce the deficit? The President and Congress gave top priority last year to reducing the deficit, and that has clearly paid dividends. The lower deficit has helped bring down long-term interest rates and stimulate the economy. The principal message of the President's budget is that the deficit is coming down. The 1995 deficit would be 2.5% of Gross Domestic Product—down from 4.9% in 1992 and the lowest percentage of GDP since 1979.

Deficit reduction will be a major concern of Congress again this year. The balanced budget amendment is scheduled for a Senate vote later this month, and Congress will continue to consider additional spending cuts totalling \$35 billion or more over the next five years.

Although major progress has been made on the deficit, more can be done. We need to cut deeply into programs that have outlived their usefulness, and look not just at spending subsidies but also tax subsidies, such as tax breaks for companies to build plants overseas. At the same time, we need to make sure that the cuts proceed at a reasonable pace and do not stall the current economic recovery or preclude productivity-enhancing investments central to the long-term health of the economy. Any sustained attack on the deficit must include a healthy economy that ensures a strong stream of federal revenues.

What to do about health care? Most of the changes from health care reform under consideration would kick in after 1995. Yet the key to reducing the budget deficit in future years is getting federal health care spending under control. For example, federal Medicare costs were \$57 billion ten years ago, now stand at \$143 billion, and, without program changes, will rise to \$435 billion in another ten years.

Reining in federal health care costs must be a central component of the health care re-

form debate. We need a package that meets unmet needs and increases the health security of Americans, but also is fiscally responsible and helps bring down health care outlays. Otherwise, all the recent progress we have made on the deficit will be wiped out.

CONCLUSION:

The President's budget is the most important document of the federal government, but it does not get the public attention it should and once did. The budget reflects hundreds of tough decisions, assures a contentious debate, and puts some real limitation on federal spending. Over the past several years, Congress typically has changed a President's budget proposal by less than 1% of total spending, though it has rearranged some priorities. In this sense, the President is still the chief budgetmaker, setting the agenda which Congress largely follows.

TRIBUTE TO NARCISA RUIZ

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. TOWNS. Mr. Speaker, I want to commend Narcisa Ruiz, a dedicated community worker who serves the needs of elderly Hispanic residents in Brooklyn, NY. Narcisa is the executive director of the Diana H. Jones Senior Center which operates in Williamsburg, Greenpoint, Bushwick and surrounding areas in Brooklyn. She is an advocate for programs that will enhance the quality of life for elderly citizens.

Narcisa has served as the director of the Hispanic Outreach Program for the elderly for the past 8 years, a program geared specifically toward servicing the needs of Spanish speaking elderly.

Narcisa, as the past director of the New York State legalization impact assistance grant in Williamsburg/Bushwick, assisted thousands of immigrants to prepare for the second stage of the immigration process to become a legal permanent resident. Clearly, she has provided critical services to a constituency that vitally needs her expertise.

Her efforts have assisted in addressing the often unmet needs of Hispanic elderly. It is my pleasure and honor to recognize the contributions of Narcisa Ruiz on behalf of Brooklyn's seniors.

TRIBUTE TO THOMAS GRASSO

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle

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

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Scout in the Boy Scouts of America. He is Thomas Grasso of Troop 10 in Westerly, RI, and he is honored this week for his noteworthy achievement.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 merit badges, 11 of which are required from areas such as citizenship in the community, citizenship in the Nation, citizenship in the world, safety, environmental science, and first aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. This young man has distinguished himself in accordance with these criteria.

For his Eagle Scout project, Thomas repaired and reshingled storage sheds at the Frank A. Olean Regional Center in Westerly.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout Thomas Grasso. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 80 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that Thomas Grasso will continue his public service and in so doing will further distinguish himself and consequently better his community. I join friends, colleagues, and family who this week salute him.

AUTHORIZING CONVEYANCE OF U.S.S. "SPHINX"

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. ORTIZ. Mr. Speaker, today I am introducing legislation to authorize the conveyance of the U.S.S. *Sphinx* to the Rio Grande Military Museum in Port Isabel, TX for use as an all wars service museum.

The U.S.S. *Sphinx* is an amphibious vessel that first saw action during World War II. In all, the *Sphinx* has received nine battle stars and has served in three wars. It is now the last of its kind and deserves preservation. This vessel was transferred from the Department of Defense to the Department of Transportation, where it has been set aside for potential donation to a State for use as an artificial reef. My bill would instead authorize the Secretary of Transportation to convey the vessel to the Rio Grande Military Museum for use as a museum and tourist attraction to be located in the Port Isabel-South Padre Island area.

The cost of this conveyance would be taken up by the museum and the legislation specifically states that the movement and transfer of the vessel will be without cost to the Federal

Government. Furthermore, the bill stipulates that the museum, an established not-for-profit corporation, shall demonstrate sufficient financial resources prior to conveyance.

Mr. Speaker, the benefits and value of this transfer and of the creation of this museum are numerous. The vessel will serve as a physical monument to the numerous individuals who served on the U.S.S. *Sphinx* and similar vessels in defense of our Nation. Its location will allow it to serve not only as a thriving tourist attraction for the numerous visitors that come to South Padre Island each year, but also as a reunion location for a number of military veterans groups from throughout the country that have expressed a strong interest in the project. In addition, the vessel and its equipment on board will be available for emergency readiness in case a natural disaster such as a hurricane strikes the area. Finally, museum officials intend to use the vessel as the vehicle for a youth vocational training program that will engage young people from the community in research and restoration projects aboard ship and in the construction and exhibition of the museum.

Mr. Speaker, this bill will allow the U.S.S. *Sphinx* to serve one last important mission: To preserve for future generations the valiant efforts and deeds of the U.S.S. *Sphinx* and its crew and to actively engage the youth of the area in this process. This no-cost-to-the-Government transfer will provide a fitting end to the U.S.S. *Sphinx*' honorable service record and I urge my colleagues to support this bill. Thank you.

THE LEGACY AND FUTURE OF NUCLEAR WEAPONS PRODUCTION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. HAMILTON. Mr. Speaker, I am inserting my Washington report for Wednesday, February 9, 1994, into the CONGRESSIONAL RECORD:

THE LEGACY AND FUTURE OF NUCLEAR WEAPONS PRODUCTION

During the cold war the United States spent hundreds of billions of dollars producing nuclear weapons. The end of that era is bringing dramatic changes to nuclear weapons production. Arms control agreements and independent national security decisions under both the Bush and Clinton administrations have begun substantial reductions in the nuclear arsenal. With the nuclear threat from abroad sharply diminished, the U.S. plans to dismantle thousands of nuclear warheads this decade and is closing several production facilities as the stockpile of weapons shrinks. Combined with similar efforts in the former Soviet Union, this will make the world a safer place. Unfortunately, nearly five decades of production have left a dangerous, vast, and expensive environmental legacy, in the form of nuclear waste. Consequently, we will be paying the costs of nuclear weapons production for years to come.

The Nuclear Weapons Complex: The nuclear weapons production complex, which is run by the Department of Energy (DOE), consists of 17 major facilities for the design, construction, and testing of nuclear war-

heads, and production of naval reactor fuel. Major installations include the Hanford reservation near Richland, WA, and the Pantex plant near Amarillo, TX, which are run by contracted private corporations. Another is the Fernald facility in Ohio, just across the border from Indiana's 9th District. These facilities encompass about 4,000 square miles in 13 states.

As part of the reductions in military forces and spending, the nuclear weapons complex is shrinking and changing. Warhead production has ceased. Several facilities are partially closed and others, such as Fernald, are shutting down completely. The work being done at several of the remaining facilities is now largely weapons disassembly. The other shift is from the production of nuclear materials to the environmental cleanup and storage of nuclear wastes.

Although the exact number is classified, the United States currently has roughly 20,000 nuclear weapons. The number has been dropping as defense planning and arms control treaties have reduced substantially the number of necessary warheads. In 1993 the DOE was scheduled to dismantle about 1,400 weapons, but plans for the eventual size of the stockpile are not public information.

While warhead assembly has been stopped, future needs are an open question. Billions of dollars could be spent to modernize production facilities and construct new ones. Some plants are no longer needed and will remain closed; others might be required to maintain limited production of some nuclear materials. Stockpiles of plutonium, including that from warhead disassembly, eliminate the need for further production. However, tritium, another key ingredient in thermonuclear weapons, has a relatively short life span. Nevertheless, a 1991 National Academy of Sciences study found that if the stockpile were reduced to a few thousand warheads, the current supply of tritium would last for several decades. A new facility for tritium would be very expensive for what looks like a very limited need.

The Environmental Legacy: The scale of environmental contamination at these facilities is staggering; 80 million gallons of high-level waste, and millions of cubic meters of lower level wastes, are stored or disposed of at several of the facilities. Vast quantities of nonradioactive waste add to the problem. The DOE estimates that 3,700 sites throughout the nuclear weapons production complex have been contaminated by radioactive waste and other hazardous materials, which in several locations are escaping into the environment. These facilities were not designed for the long term storage of waste; in most cases the waste must be removed and prepared for permanent storage. The main threat posed by the disposed waste and deteriorating temporary storage facilities is to water sources, particularly ground water.

We are faced with two formidable environmental problems: the clean-up of radioactive and other hazardous waste at the production facilities and the longterm isolation and storage of various types of radioactive materials. Neither problem is simply one of time and money. Most of the several billion dollars spent on DOE environmental restoration has been exclusively for research into how to clean up and store various types of waste; very little storage or cleanup has actually occurred. The DOE now spends about one third of its total budget on environmental restoration. Even such a large sum is a small down payment on the eventual total cost of cleaning up all the nuclear weapons facilities in the country. Projected cleanup costs over

the next 30 years range from \$100 to \$300 billion.

The long-term isolation and storage of radioactive materials and waste is the second major problem. Plutonium, one of the most expensive materials ever produced, may be the hardest thing on earth to dispose of. It reaches background levels of radioactivity in 240,000 years. Despite years and billions of dollars of work on a solution, the best means for the disposal of highly radioactive waste is still a matter of dispute. Current plans center on vitrification (the transformation of the waste into a glass-like solid) and underground storage in the Yucca Mountain facility in Nevada. Work is proceeding amid concerns that even such elaborate measures cannot guarantee safe isolation for the thousands of years necessary. It is possible to recycle both highly-enriched uranium and plutonium for use in commercial electricity production, but some of the technology is untested, and nuclear power remains quite controversial in this country. Furthermore, the commercial recycling of weapons-grade materials, both here and especially in Russia, raises the specter of nuclear proliferation should even small quantities fall into the wrong hands.

Conclusion: During the cold war, national security priorities prevailed to such an extent that other concerns frequently were neglected. We were reminded of this recently with the disclosures about human radiation experiments. The veil of secrecy that shrouded the nuclear weapons production complex obscured vast environmental problems, the full extent of which is still being discovered. While national security remains a paramount concern, other matters demand our attention, including the environment. We must confront this nuclear legacy and deal with its consequences. Most pressing is the need for a solution to the long term storage or disposal of radioactive waste. We have to accelerate efforts to find a safe, permanent method of disposal, including a nuclear waste repository. And while we clean up the mess we must ensure that any future production is absolutely necessary and does not repeat the mistakes of the past.

TRIBUTE TO JEANETTE RAMSEUR

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. TOWNS. Mr. Speaker, I want to commend Jeanette Ramseur for her dedication to excellence and public service. Jeanette personifies the pursuit and the realization of academic excellence. She received her law degree from the University of Michigan, her master's from Boston University, and her bachelor's from Hofstra University. She presently works for the Civil Court, city of New York, and is a member of the New York State Bar.

In her current capacity, Jeanette assists housing court judges in scheduling their calendars. She also assists in landlord-tenant mediation, nonpayment, and holdover cases. She has worked in a number of other capacities such as an attorney, a psychotherapist, a law assistant, and an adoption worker. The diversity of her work experiences is a tribute to her numerous talents.

Jeanette embodies the attributes of academic achievement, community service, and

professional dedication. There is no doubt that she is destined for even greater successes in life. It is my pleasure to introduce her to my colleagues.

CONGRESS' ROLE IN SHAPING THE FUTURE

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. GALLO. Mr. Speaker, last Thursday, February 17, I held a town meeting in Roseland, NJ, that demonstrates that the people in my district—and, I imagine, people around America—are deeply concerned about their future and about Congress' role in shaping that future.

In a room designed to hold 100, so many people were squeezed in that we had to run the air-conditioning—despite the fact that a foot and a half of snow was on the ground outside.

Those who were unable to find space inside the meeting room—and there were at least 50—stood in the hall, listening and writing down questions and comments that were passed inside to be read to those gathered.

In my 10 years in Congress, I cannot remember a larger or more interested group of citizens at a town meeting.

Mr. Speaker, I believe that so many people braved the cold and ice on a weekday night because they are vitally interested in what Government is going to do in an effort to address the problems our country is facing.

However, the common theme that ran through the meeting, and through the written comments of those who did not have a chance to speak, was not "how will government solve my problems," but rather, "what will government do to help me solve my problems."

In addressing health care, there was very little support expressed for the President's effort to turn over to the Federal Government our health care system.

People identified problems that Government could help people solve, but there was no expectation—indeed there was strong opposition to the idea—that expanding the size of Government's control over this part of our lives would solve the problems in our health care system.

Regarding crime, people expressed concern that Congress' efforts to reduce crime would instead restrict the rights of law abiding citizens. There was support, not only for harsher punishment for criminals, but for making certain that our judicial system does not give more weight to the rights of criminals than to those of the victims and the rest of society.

People are also concerned about Federal spending and Congress' inability to bring the deficit under control. One small business owner in the audience told me that he wished Congress would approach its budgetary problems the way he would, by finding things to cut before raising taxes.

All of these issues impact our future. What will the future of our health care system be? Will it continue to provide the best quality health care available anywhere in the world?

What will the future of our communities be like? Will we be able to walk the streets without fear? Will our children feel safe in school?

What will the future of our children and grandchildren be like? Will they find themselves so overwhelmed by the burden of Government debt that their ability to support themselves and their families will be even further eroded?

Many other issues were raised—too many to enumerate here—but what they all had in common was their concern with the future of our families, communities, State, and Nation.

Actions Congress takes in the coming months will help determine the answers to these and other important questions. I believe that each of the answers we attempt to provide should keep one fundamental thought in mind: "Will the action we take make it easier for people to solve problems and plan for a better future or will they make it easier for government to control the shape of our future?"

If we can keep this basic question in mind, I believe that we can help our constituents face the future with the optimism, spirit, and determination that has been the hallmark of Americans down through the generations.

RICHARD ROBERTS WAS OUTSTANDING PUBLIC SERVANT IN QUEENSBURY, NY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. SOLOMON. Mr. Speaker, one of the finest public servants I have ever known, Richard Roberts of Queensbury, NY, died recently, leaving a void that can never be filled.

When I moved into the Glens Falls area Richard Roberts was one of the first people I met. And when I became supervisor of the Town of Queensbury, I asked him to serve on the planning board. He had a quality that's so important for a board like that, and that's respect for the feelings of other people. He looked out for the best long-term interests of Queensbury, but he treated people fairly.

He was the chairman of the planning board from 1978 to 1990, and led the Town of Queensbury through a period of unprecedented growth and development.

But the planning board wasn't Richard Roberts only contribution to the town and to his neighbors. He also served as director of the Warren County Dairy Association and as chairman of the Committee of Agriculture Stabilization and Conservation.

Last year, he was the recipient of the Liberty Bell Award from the Warren County Bar Association for his years of service on the planning board.

Mr. Roberts operated a dairy farm for several decades, but before that he served with the 45th Infantry Division in Korea.

He was also an avid sailor, golfer, and gardener. But the most important thing about Richard Roberts is that he was also a good family man who was loved by all who knew him.

Mr. Speaker, I ask you and every member to join me in expressing condolences to his

wife, Grace, and to his three children. The Town of Queensbury has lost an outstanding public servant, and I have lost a good friend.

TRIBUTE TO THE PHILADELPHIA
TRIBUNE

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. FOGLIETTA. Mr. Speaker, I rise on this occasion to salute the Philadelphia Tribune, America's oldest African-American newspaper, on the occasion of its 110th anniversary. The paper was founded in 1884 as a forum for African-American progress and justice by Christopher James Perry, Sr., and continues that mission today under current chairman of the board, Walter R. Livingston, and president, Robert W. Bogle.

The Tribune has a great history of service to the African-American community in the Philadelphia area, paving the road for positive change to the political and social landscape. In 1929, under the leadership of editor E. Washington Rhodes, the Tribune launched a campaign for the appointment of a black to the city's board of education, the election of a black city council member, and the election of a black judge. In 1932, these efforts began to bear fruit, as Dr. John P. Turner was named to the school board where he served with distinction until his death in 1958.

In 1934, the Tribune fought, through its news and editorial pages, to help bring an end to racial riots in Chester, PA, where movie theaters were segregated and where African-American children went to "for colored only" schools until they reached the 11th grade. In 1937, the Tribune joined with the North Philadelphia Civic Betterment League and the black veterans organizations to sponsor America's first Clean Block Campaign, and in 1947, the Philadelphia Tribune Charities was established to assist the community's needy, to foster civic pride and betterment, and encourage worthy students through scholarship aid.

The Philadelphia Tribune has always been blessed with strong, active leadership. E. Washington Rhodes, in addition to his duties as president of the Tribune from 1922 through 1970, served in a wide variety of distinguished positions. In 1926, he was appointed Assistant U.S. Attorney for the Eastern District of Pennsylvania by President Calvin Coolidge. He was the first African-American ever to hold such a position. From 1933 to 1935, Rhodes served as president of the National Bar Association, the professional association of African-American attorneys. In 1938, Rhodes was elected as a State Representative in the 6th legislative district. As the Tribune's publisher, E. Washington Rhodes was in 1962 elected as president of the National Newspaper Publisher's Association. Reaffirming the Tribune's continued prominence as a national leader in its field, this same position is now held by current Tribune president, Robert Bogle, who is serving his second term as president of this, the oldest trade association for African-American media.

Mr. Speaker, the Philadelphia Tribune is well into its second century of service to the

EXTENSIONS OF REMARKS

Philadelphia community. I join with the Philadelphia community in congratulating the Tribune on its 110 years of history.

TRIBUTE TO ELAINE FIGUEROA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. TOWNS. Mr. Speaker, it gives me great pleasure to recognize Ms. Elaine Figueroa. Ms. Figueroa is a devoted wife, mother of two, humanitarian, and community activist.

Elaine has dedicated herself to providing desperately needed services to the east New York community. She has volunteered her time supporting many community projects. Elaine has helped feed the homeless at Saint Rita's soup kitchen, and actively participates in parent-supported programs at I.S. 302, and the Police Athletic League [PAL]. Elaine is also responsible for introducing a new school program called Victim Service. Ms. Figueroa serves as a member of the New Democratic Club and her block association committee.

She truly symbolizes her quote, "My goal is to be there for my family and the community." It is my pleasure to salute Elaine on her tremendous efforts to help members of her community.

THE STATE OF THE UNION AND
THE CONGRESSIONAL AGENDA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, February 2, 1994, into the CONGRESSIONAL RECORD:

THE STATE OF THE UNION AND THE
CONGRESSIONAL AGENDA

President Clinton delivered his first State of the Union address last week with no major surprises but plenty of policy recommendations, detail, and moral passion. The programs that the President emphasized were the ones everyone expected him to emphasize: health care, crime, education, welfare. It was a strong speech, and his rhetorical gifts were on full display. The President clearly set an ambitious agenda for the nation, but he also used symbols and illustrations in an effort to seize the moral high ground.

MAJOR THEMES

The speech took place against a backdrop of solid economic accomplishments. The economic recovery that is occurring in the country has helped President Clinton's standing in the polls. Particularly encouraging has been the dramatic success in reducing the deficit—originally projected to be \$300 billion in 1995 but now expected to be less than \$180 billion. The President called for continued attention to deficit reduction, saying that his budget will be one of the toughest ever presented to Congress and will cut spending for 300 programs and eliminate 100 others.

The President gave nearly equal billing to health care reform, welfare reform, and

crime. On health care the President pushed his plan to expand the employer-based system to guarantee insurance for everyone. His insistence that health care reform means comprehensive, guaranteed benefits for every American and his threat to veto any health care package without it was a tough stance. His veto threat increased the stakes for health legislation, but he did indicate a willingness to negotiate on all other aspects of the health care proposal.

He emphasized overhauling the welfare system to reward work over welfare, and repeated his view that after two years on welfare, anyone who can work must work—in the private sector if possible, in community service if necessary.

Responding to the increased national concern about crime, he said that we must reclaim our streets from violent criminals. He called for life behind bars for those convicted of three violent crimes, more police on the streets, and a ban on assault weapons, while at the same time saying that we need to improve economic opportunities in America's poorest and toughest neighborhoods.

Several other items were on the President's domestic agenda: education reform, a new "reemployment" program replacing current job training and unemployment programs, campaign finance and lobbying reform, clean water legislation, and creation of an information superhighway linking every classroom, library, and hospital by the end of the century.

The President clearly did not intend to make foreign policy the focus of his speech. He barely mentioned the crises in Bosnia and Somalia. Much criticized recently for failing to articulate his foreign policy goals, he made an effort to be clearer about those goals in his State of the Union address. His refusal to cut military spending further was strongly stated and widely applauded. It indicates a clear shift in the mood of Congress in the last few years on the level of military spending.

The dramatic highlight of the 63 minute speech came at the closing with his emphasis on family, community, and work. One of the President's major themes has been that America can prosper only if its citizens rely less on government and more on themselves. When he said in his speech that our problems go beyond the reach of government, he drew strong applause from legislators who are very conscious of the limitations of lawmaking.

CONGRESSIONAL AGENDA

The major themes emphasized by the President mean that the 103rd Congress could well turn out to be the "reform Congress". Besides taking up the policy reforms urged by the President—in health care, welfare, education and training—Congress will take up several reforms in the way it does business. It will continue its work on campaign finance and lobbying reforms and take up a wide-ranging package that would cut congressional committees and staff, curb "pork barrel" spending, reform the budget process, make Congress live under the laws that apply to everyone else, and improve the ethics process.

There are several reasons for the emphasis on reform this year. Some of the reform areas are left over from the Bush presidency, in which the domestic agenda was fairly modest and the emphasis was on "staying the course". President Clinton emphasized many of these reforms during his presidential campaign, and he wants to make good on his promises. And after a year of focussing mainly on economic matters—cut-

ting the deficit and reducing trade barriers—he is prepared to move on to other priorities this year. In addition, public opinion polls continue to show low approval ratings of the job Congress is doing, and Congress and the President want to show that they can tackle the issues that Americans care most about.

OUTLOOK

Although each item on this reform agenda before Congress is important, it will be extremely difficult, if not impossible, to accomplish all of it in one year. Many of the problems are complex and technical, with little consensus over how they should be handled. In some areas, there is not even agreement over what the problem is—for example, whether the health system is in crisis or not.

Political obstacles also loom large. Partisan considerations could increase during this election year, and many of the reforms need to work their way through multiple congressional committees, are opposed by determined special interest groups, and face the threat of a filibuster in the Senate. It is my sense that a large dose of bipartisanship will be needed to pass these reform bills.

Despite the difficulties ahead, I expect some significant accomplishments during this second session of the 103rd Congress. Congress and the President broke gridlock last year, but a great deal remains to be done.

COMMEMORATION OF THE 100TH ANNIVERSARY OF THE UKRAINIAN NATIONAL ASSOCIATION

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. PETRI. Mr. Speaker, it is my pleasure to congratulate the Ukrainian National Association for its century of dedication and service to the Ukrainian-American community.

While the Ukrainian National Association was preserving the Ukrainian culture in the United States, it never lost sight of its goal of helping Ukraine become an independent and democratic nation.

The Ukrainian National Association has assisted its 66,000 members through financial, education, and cultural endeavors to preserve the customs and heritage of the Ukrainian-American community. It has also assisted United States policymakers by keeping them up-to-date on the continually changing struggle for independence in the Ukraine.

Since Ukraine gained its independence the Ukrainian National Association has continued its commitment to the people of Ukraine by providing humanitarian, educational, and technical assistance. I applaud the Ukrainian National Association for its effort.

It is my hope that the Ukrainian National Association will continue to work in cooperation with the Ukraine and the United States to promote and develop democracy and free markets in the Ukraine.

LEGISLATION TO MODIFY BOUNDARIES OF FLOWER GARDENS NATIONAL MARINE SANCTUARY

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. ORTIZ. Mr. Speaker, I rise today to introduce legislation which will modify the boundaries of the Flower Gardens National Marine Sanctuary.

The Flower Gardens Sanctuary was established by Congress in 1992 and has been a model in the National Marine Sanctuary Program which is administered by the National Oceanic and Atmospheric Administration. The sanctuary is located 120 miles off of the Texas coast, and protects the northern-most living coral reefs on the U.S. continental shelf. The Flower Gardens Sanctuary protects two discrete areas encompassing 47.1 square miles which are used by sport divers, fishermen, and researchers.

The bill I introduce today will add a small, nearby bank to the Flower Gardens Bank Sanctuary. The area, known as Stetson Bank, is known for its spectacular array of fish and invertebrates and is a common destination for scuba divers. Damage to the bank due to anchoring and depletion of resources through shell collecting and spearfishing has led scientists and sport divers to call for inclusion of the bank within the Flower Gardens Sanctuary. The proposed legislation directs the Secretary of Commerce to modify sanctuary boundaries and regulations to include Stetson Bank, and to provide public notice in the Federal Register.

Mr. Speaker, this small but important area is a valuable marine resource and warrants protection as part of the Flower Gardens National Marine Sanctuary. I urge you and the other Members of the House to support this bill.

TRIBUTE TO YVETTE C. GRANT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. TOWNS. Mr. Speaker, I want to introduce the Members of the House of Representatives to Yvette C. Grant. Yvette is a full-time educator, community leader, and mother. She was born in Harlem, NY. She attended Boston University, and received her master's of education from Columbia University.

Yvette's achievements include being a research associate and education coordinator at the ARTC Skills Training Center in Brooklyn, NY. She is an educator at P.S. 213 in the New York City Board of Education. To her credit, she is involved in progressive programs that promote conflict resolution, mentoring, and remedial tutorial assistance.

Yvette is the director of Why See Grant? Enterprises. She also is responsible for a host of projects that promote artistic development among black youth. A physically active person, Yvette is also an aerobic and step instructor. She is an active walker, and enjoys photography, dance aerobics, and reading.

The hallmark of Yvette Grant is her dedication to family, and their love, respect, and admiration for her.

HONORING THEIR BRETHERN

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. BARCIA. Mr. Speaker, it is with great pride that I pay tribute to the Saginaw Township Police Department Honor Guard, as we celebrate their first year of dedicated service to our Saginaw community.

This year past, the Saginaw Township Police Department established the honor guard to represent the Police Department at funerals for fallen officers throughout the State, parades, ceremonies and other local functions to highlight the integral role the police play in our community.

The tenets subscribed to by the Saginaw Township Police Department Honor Guard echo the commitment and dedication with which officers pledge to uphold every waking moment, recognizing their badge as a symbol of public faith and accepting it as a public trust.

Often forgotten in our litigious society is the awesome responsibility vested in local police departments. The Saginaw Township honor guard reminds each of us that as officers, their fundamental duty is to serve and protect, to safeguard lives and property, to protect the innocent against deception, the weak from oppression, and the peaceful from violence.

Mr. Speaker, I urge all my colleagues to salute the continuing efforts of our local police departments, notably the lofty principles which the Saginaw Township Honor Guard continually preserve.

TIMES-UNION EDITORIAL TELLS TRUTH ABOUT CLINTON HEALTH CARE PLAN

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. SOLOMON. Mr. Speaker, on February 13, the Albany Times-Union, a fine Hearst daily newspaper in 22d district of New York, published what I consider the finest editorial I've ever read concerning health care.

The editorial argues what more and more Americans have come to realize. The Clinton health care plan not only won't work, it will worsen health care, greatly expand the Federal bureaucracy, and bankrupt the economy.

Mr. Speaker, I proudly place this outstanding editorial in today's RECORD, and urge all Members to read it.

WRONG RX FOR HEALTH CARE

The issue: An examination of the proposed Clinton plan shows it won't do what it claims.

Our opinion: An alternative to overhauling the whole system is needed.

The more closely one examines the proposed Clinton health care reform plan, the

more it is evident that those responsible for it have learned nothing from the failed efforts of centralized planning.

For the Clinton reform scheme is nothing if not a blueprint for converting America's largely private health care industry into a single, micromanaged bureaucracy whose head, naturally, would lie in Washington, D.C.

An outline of the bureaucracy that would be needed to carry this off should by itself be enough to give the game away. One member of Congress whose staff actually bothered to read the full plan has reported that it will require 59 new federal programs or bureaus, expand 20 others, and will impose almost 80 new federal mandates, besides changing the tax code. It would include—as a small sample—an agency for health care policy, a drug pricing committee, the by now notorious health alliances, a bureau to regulate the corporate alliances, another to monitor the performance of regional alliances, yet another monitor health care implementation at the county level, and the list goes on.

This bureaucracy is needed, presumably, to control costs. Controlling costs would entail the government dictating how much money overall is to be spent on health care. The White House has denied that this is so, saying that only insurance premiums would be controlled. But, clearly, if insurance premiums are annually fixed, it necessarily follows that the amount of money available for health care will also be fixed. Thus it would seem to be true, as some critics contend, that the plan entails dictating, albeit indirectly, how much money doctors can receive for what treatment.

Naturally, given such a grandiose plan, the proposal must, and does, detail how most persons will be required to enroll in one of the regional alliances, how health care will be limited and rationed, and how doctors will be directed into certain fields of practice.

The plan requires as much bureaucracy as it does because of the desire to fix beforehand every little aspect of health care—everything from what treatment is available in what amounts to who should be treated (people over 65, for example, would not have access to most new cures).

Unfortunately, the Congressional Budget Office has now given the lie to claim the money will be saved, at least in the short run. Instead of trimming \$59 billion in the first six years, as the President claimed, it will likely add \$74 billion to the total cost of health care.

Central planning, it turns out, cannot even deliver on cost cutting. What reason is there to believe it could deliver health care?

The proposal itself suggests that for many people health care could be considerably worse. In addition, we would be saddled with a huge, and expensive, new bureaucracy; while the unanticipated added costs, laid on small business for the most part, would very likely depress the economy.

Hillary Rodham Clinton publicly has stated that the plan would not restrict the patient's choice of doctor. The written plan itself contradicts that. The head of the Office of Management and Budget said the plan will neither set prices nor allocate care. By fixing insurance premiums, it would almost surely do both.

Of course, it has some good points, not least of which are the guarantee for universal health insurance; the portability of insurance, and the promise of coverage for people with "pre-existing" ailments. Any revised plan should include these elements, but should most certainly exclude any reliance

on the creation of a new bureaucracy, and all the rules, regulations, employees and pension plans that that entails.

LEGALIZING DRUGS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, February 23, 1994 into the CONGRESSIONAL RECORD:

LEGALIZING DRUGS

In recent high school convocations I have held in southern Indiana, the question of whether drugs should be legalized is almost always asked. It is a timely question. Late last year, when Surgeon General Joycelyn Elders suggested that the idea of legalizing drugs should be studied, her remarks drew harsh criticism from the public, law enforcement officials, and President Clinton. I do not support legalization.

Arguments for legalization: Drug legalization has over the years attracted proponents from all points on the political spectrum. But even they do not always agree on answers to serious questions about where to draw the line: which drugs would be legal, who would administer the dosage of drugs, what quantities each individual would get, would the government establish tax-supported facilities to sell drugs, where would the supply of drugs come from, how much would drugs cost, how would underage people be dealt with? Some proponents favor selling drugs in the same manner as tobacco and alcohol, with restrictions only on sales to minors and licensing requirements for retailers. Most proponents of legalization, though, favor additional regulations, such as monitoring drug production carefully, including health warnings on drug labels, and allowing only certain establishments, such as pharmacies, to sell drugs. Some favor assessing a substantial tax on drugs offered for sale, limiting the quantity of drugs a person could buy, legalizing only certain drugs, or only legalizing drugs prescribed as part of treatment and detoxification programs for addicts.

Proponents' primary argument is that drug legalization would reduce violent crime. They often liken the current drug-related crime problem to the Prohibition era, when ruthless gangsters operated an illicit trade in alcohol. If the black market for drugs were eliminated, their price would be drastically reduced, and drug users would no longer have to resort to crime to support their habit. Furthermore, drug pushers would be put out of business, thereby ending their violent turf wars.

Second, legalization advocates believe that the public health would improve. Money currently devoted to drug enforcement activities could be used instead for treatment and prevention. Since drug addicts would no longer fear prosecution, they might be more apt to seek treatment. Intravenous drug users would have access to clean needles, and thus be less likely to spread the virus which causes AIDS. Since the government would be able to closely monitor the production of drugs, drug deaths that are currently caused by ingestion of impure or too potent drugs would be prevented.

Third, proponents argue that a punitive approach toward drug use is a futile and inef-

ficient use of law enforcement resources. Drugs will always flow into this country to some extent, no matter how great an effort is made to stop them, and drug dealers will become increasingly violent and sophisticated in response to more vigorous law enforcement. Were drugs no longer illegal, the intense pressure on the courts, the prison system and police would be abated.

Arguments Against Legalization: Those who oppose drug legalization, like me, argue that while the cost of fighting drugs is very high, the cost of not doing so is higher.

First, there is general agreement that drug use will increase under legalization. Open availability of drugs would compound already mammoth social problems in the country. It would increase drug abuse and addiction, perhaps to catastrophic levels, by making highly dangerous substances cheaper, purer, and more widely available. Many Americans currently do not use drugs precisely because they are illegal. If drugs were made legal, a whole new class of potential addicts would be opened up. It is entirely possible that the new treatment facilities made available because of drug legalization would see a substantial number of people who would never have become addicted were drugs still illegal. The most apt analogy to Prohibition may be that after its repeal, alcohol consumption increased by 350%. Furthermore, the threat posed to the public health by illegal drugs does not even approach that presented by currently legal drugs. Tobacco and alcohol kill over 500,000 Americans every year, and exact a huge toll on society through lost productivity, rising health costs, chronic disease and premature death. What is to make us think that use of other drugs will not follow the same trend if made legal?

Second, legalization would fail to eliminate drug crime, except by defining it away. Even if drugs were cheaper, some drug addicts would not be able to afford all the drugs they want to would continue to rob and steal to support their habit. Moreover, some drug users would be unhappy with the regulations that are placed on legal drug sales. If drugs were only available in certain quantities, to certain people, or in certain varieties, the black market, and its attendant violence would continue to exist.

Third, legalization would send precisely the wrong message to our young people. Drug legalization would undermine any educational effort to persuade young people about the harmful effects of drugs. It would shift social approval toward drug use and away from abstinence, and suggest that the government is morally indifferent to drugs.

Assessment: Most of us would probably agree that our nation's current anti-drug efforts are not working as well as we would like, but I do not believe that legalization is the answer to America's drug problem. Health concerns and increasingly negative social attitudes about drugs are probable reasons for declining drug use. We must build on those gains. Fortunately, more 85% of American voters believe that drugs should be illegal.

I support strengthened efforts to eradicate foreign drug crops, interdict the flow of drugs into this country, and lock up drug dealers. But I also believe we must put much more effort into reducing demand for drugs, through prevention, education and treatment. Most of the answers to American drug problems lie here at home. We must not legalize drugs and concede defeat to those whose goal is to ruin others' lives.

TRIBUTE TO JUDITH MARY
MUNEIO FOUST

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. TOWNS. Mr. Speaker, many of us owe a debt of gratitude to librarians, for it is they who have promoted literacy and intellectually enriched the lives of countless Americans. I am honored to recognize Judith Mary Muneio Foust, a dedicated librarian.

Judith received an undergraduate degree in mathematics from Nazareth College, and graduate degrees respectively from Wayne State and Penn State Universities. She presently serves as the deputy director for the Brooklyn Public Library.

Judith is actively involved in her community. She is a member of the 10th Congressional District Education Commission. She also serves as a delegate to the New York Urban League from the NYUL Brooklyn Advisory Board.

Ms. Foust is a highly published author who has dedicated herself to enlightening avid readers, students, and professionals. I salute Judith Foust for her dedication to the Brooklyn Public Library.

TRIBUTE TO HENRY NICHOLAS

HON. THOMAS M. FOGLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. FOGLETTA. Mr. Speaker, I rise today to honor a dedicated, long time advocate of organized labor and a very distinguished resident of the city of Philadelphia. Henry Nicholas began his career as a labor organizer in 1959, when as a worker at Mount Sinai Hospital in Manhattan, he led the campaign to organize local 1199 of the Drug and Hospital Employees Union. Soon after, he was instrumental in the 1199 strike which led to the first union contracts for thousands of New York City hospital employees.

By 1969, thanks to Henry's tireless organizational efforts for local 1199 in New York, the union drive was expanded to the national level, with Henry being named as the assistant director for the 1199 National Organization Committee. In this role, Henry led hospital worker organizational campaigns in Pittsburgh, Ohio, and Detroit. He also gained national attention for leading the 113-day hospital strike in Charleston, SC, a major event in the struggle for black civil rights. By 1973, the success of the national hospital organizing drive, due in large part to Henry's enthusiasm and tireless dedication, led to the creation of the National Union of Hospital and Health Care Employees, with Henry elected as its first secretary-treasurer.

Henry arrived in Philadelphia that same year and within 2 years won contracts for over 5,000 employees of Philadelphia's major health care institutions. He also played a key role in winning the right to union representation for Pennsylvania hospital workers. Henry's

hard work led to the chartering of district 1199C, the Philadelphia local of the national union by the spring of 1974. This local now represents over 15,000 hospital and health care employees from 110 institutions in the Delaware Valley area. Henry's achievements were recognized in 1981 by his election as the second national president of the National Union of Hospital and Health Care Employees. Under his leadership, the national union has extended its membership to 21 States, the District of Columbia, and Puerto Rico.

Henry has had a profound impact on my district, where he lives. Despite all his successes on the national level, he has not abandoned north Philadelphia or its people. He has been one of my closest advisors, demonstrating great concern for the quality of life for health care workers, the homeless, the elderly, and children. Henry has emerged as a national spokesman in the fight to preserve quality patient care, opposing economic cutbacks in health care and insensitive health care reimbursement policies and programs. As the current debate on health care reform proceeds, he will continue to be a forceful advocate for providers and patients alike in the Philadelphia area.

In recognition of Henry Nicholas' dedication to his work and compassion for his community, I join with his family, friends, colleagues, and all members of the National Union of Hospital and Health Care Employees in honoring him. He is a true leader for these times and a model for us all.

THE JUNIOR LEAGUE OF SAGINAW
VALLEY: 60 YEARS OF INVALU-
ABLE COMMUNITY SERVICE

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. BARCIA of Michigan. Mr. Speaker, I am pleased to highlight the outstanding efforts of the Junior League of Saginaw Valley as we celebrate their 60th year of dedicated service to our Saginaw Valley community.

As advocates for community empowerment, the Junior League of Saginaw Valley has successfully developed reciprocal programs which not only educate communities on those issues elevating the quality of life for Michigan residents, but continually focus their energies on major legislative initiatives to enhance the impact of direct service projects.

At present, the Junior League of Saginaw Valley has initiated, staffed, or funded several of the most successful community-based programs in the mid-Michigan area, notably the First Ward Community Center, the Voluntary Action Center, the Saginaw Art Museum, and the Saginaw Community Foundation.

Yet while affecting many in our community, the true commitment of the Junior League is to children, and their subsequent relation to family development. The Junior League's efforts in such areas as teen pregnancy support and prevention, transitional housing programs, children's grief support, and community immunization programs highlight a necessary, constructive, perpetual force for change in our community.

Mr. Speaker, I urge all my colleagues to salute the dedicated efforts of the Junior League of Saginaw Valley as they pave the way for tomorrow's leaders.

NARCOTICS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. SOLOMON. Mr. Speaker, I would like to take this opportunity to draw your attention to the recent remarks by the gentleman from New York, Mr. BEN GILMAN, before the 42d European Parliament/United States Congress Interparliamentary Meeting in Athens, Greece, regarding narcotics.

At the meeting, Representative GILMAN remarked on narcotics. In those remarks, he noted that drug trafficking is at an alltime high. Not only does this problem hit us here in the United States, but it also affects other nations all over the globe. In Southeast Asia, for example, Burma has a never-ending growth rate in opium production and heroin trade. In Colombia, despite drug lord Escobar's death, drug suppliers continue to increase cocaine trafficking.

My friend from New York correctly points out that this is an administration problem. Unfortunately, neither the Clinton administration nor Congress are making the war on drugs their top priority.

Stricter sentences and penalties must be imposed on those caught trafficking, dealing, or using narcotics. We need to work together with other governments to establish these tough penalties at home and abroad.

We must be firm and resolute in our opposition to drug use. In this regard, I am pleased to have worked with Mr. GILMAN in requiring drug testing for certain Government employees who are involved in safety related or national security positions.

I am inserting the full text of Representative GILMAN's remarks on the international efforts to combat narcotics trafficking.

NARCOTICS

I had the opportunity last year of meeting with Ms. Heinke Salish in Washington to exchange views on the narcotics-related work of the European Parliament's Committee on Civil Liberties and Internal Affairs. I want to congratulate my European colleagues for increasing the visibility of the narcotics issue within the European Parliament with this important effort.

In the U.S., the new Clinton Administration struggled last year with developing its own anti-drug policy. We, on our side of the Atlantic, lost ground to the drug traffickers. The Administration's indecision and the change in emphasis away from interdiction and eradication to primarily treatment of the hard core user, has set us back in the battle against the traffickers.

In the Congress, as well, we lost further ground in 1993 with the elimination of the House Select Committee on Narcotics for cost saving reasons, not lack of interest. I might add. Ironically, I have long urged that the European Parliament establish its own special Narcotics Committee as you have, sadly only to see the U.S. Congress eliminate its own select committee.

Despite these changes, for the drug traffickers, it has been business as usual. Heroin use is once again on the rise in our country. Opium production and heroin trade from Southeast Asia, especially Burma, is higher than we can ever recall, and shows no sign of abating. Even with Drug Kingpin Pablo Escobar's death in Colombia, the cocaine traffic will continue, carried on by the more sophisticated Cali cartel.

However, let us not overlook the fact that Escobar's death was an important victory for legitimate governments over those who would rule by violence and intimidation to promote the illicit drug trade. It is a trade that soon infects an entire society, including its government systems, and all other institutions of stability that we know. We must protect our societies from the traffickers, if freedom is to survive.

Escobar's death is reflective of the violent nature of the narcotics trade. Those who live by the sword die by the sword. Hopefully, from his violent death, the youth of the world will learn that the glamour and attraction that the drug trade may hold can also lead to a violent end. The Colombian government is to be complimented for its courageous and dogged pursuit of this international outlaw.

Throughout the world today there is a growing awareness that illicit drugs are a major international problem. It is no longer just an American problem, as we heard from too many just a few years ago. Narcotics producers, traffickers and consumers are not limited by any geographic, political, ethnic or ideological boundaries. Traffickers produce and sell to anyone, and consumers can be found in every society and at every socioeconomic level.

Europe has long been a consumer market and a transit point for Asian heroin. It has also become an increasingly attractive market for Latin America's cocaine cartels. The U.S. Drug Enforcement Administration (DEA) estimates that 55 percent of the cocaine destined for Europe transits through the Iberian Peninsula. The Cali Cartel, stronger than ever with Escobar's demise, is the major source of European cocaine.

Europe has also grown as a money laundering location, and seen the development of new and menacing criminal organizations, especially in some of the states of the former Soviet Union. Joint U.S.-European-Latin law enforcement efforts have disrupted money laundering operations in Italy, Spain, Switzerland, Germany and Belgium to mention only a few.

According to both the U.S. State Department and our General Accounting Office, European commitment to international counternarcotics controls is growing. There is also growing cooperation among our law enforcement communities. All of these positive steps we must continue to support to be effective against the scourge of illicit narcotics.

As these important cooperative strides continue, permit me to share with you some insights I have gained in over twenty years of action and legislative involvement in counternarcotics efforts.

In fighting illicit narcotics, no one government action or program by itself is sufficient. There must be a combination of programs to address both the supply and demand aspects of this epidemic. The narcotics problem cannot be overcome by concentrating all one's resources on the demand side of treatment, education and rehabilitation efforts alone.

Any successful drug war must truly be comprehensive and fought simultaneously on

many fronts. It must contain components that support eradication and alternative development for producing countries, effective interdiction and enforcement programs, along with education, treatment and rehabilitation efforts at home. Any emphasis of one to the detriment of the other, simply doesn't work.

Over the last few years, the United States has gained invaluable experience in fighting narcotics production, distribution, and use. Together, we should build on these experiences and increase cooperation with all our allies around the globe to defeat this plague.

We stand ready to further those cooperative and productive relationships that can benefit all of our people, and generations to come, in defeating the scourge of drugs.

TRIBUTE TO CAROLYN SANDERS-JAMES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. TOWNS. Mr. Speaker, it is my pleasure to acknowledge the vast contributions and achievements of Carolyn Sanders-James. Carolyn is a native of South Carolina and has lived in New York City since 1963. She received her undergraduate degree from Pace University, and a master's degree from Long Island University.

Carolyn's life is rich with achievement and service. A politically active person, she serves as the vice chair of the Democratic County Committee in Brooklyn. She currently works full-time as a special liaison for Council President Andrew Stein.

Everywhere Ms. Sanders-James has worked she has made a vital contribution. As a manager at Morgan Guaranty Trust Co., she specialized in community reinvestment service programs. She has been instrumental in developing economic development packages for the 55th Assembly District.

Some of her notable accomplishments include the development of a joint program with St. Mary's Hospital and Paul Robeson High School students to help crack-addicted babies. Carolyn was recently honored for winning State funds for the Bedford-Stuyvesant Volunteer Ambulance Corps, the only black volunteer ambulance corps in the State of New York.

Carolyn also has been instrumental in establishing a Meals-on-Wheels Program for senior citizens of Greater Bibleway Church in Brooklyn, and a health workers training program between Medgar Evers College and Pratt Institute.

A recipient of numerous awards for civic and community service, she is a member of the Coalition of African-American Elected Officials, and the Central Mobilization Political Club.

KEY DOCUMENTS PROVE INNOCENCE OF JOSEPH OCCHIPINTI

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. TRAFICANT. Mr. Speaker, as part of my continuing efforts to bring to light all the facts in the case of former Immigration and Naturalization Service agent Joseph Occhipinti, I submit into the RECORD the first part of a sworn affidavit from one Luis Rodriguez:

STATEMENT OF LUIS RODRIGUEZ—STATE OF NEW YORK, COUNTY OF NEW YORK

1) Luis Rodriguez, being duly sworn deposes and says I am a Dominican national and a naturalized United States citizen residing in the State of New Jersey.

2) In April and May of 1991, I agreed to work as an undercover investigator for a private investigator called David Venezian.

3) The goal of the investigation was to prove that certain Dominican merchants in upper Manhattan were involved in various crime. These merchants claiming to be honest merchants testified against the immigration officer Joseph Occhipinti had violated their civil rights and in some cases stolen money.

4) I agreed to do this undercover work at great personal risks and free of charge. The reasons were many: Mr. Occhipinti is well respected in the Dominican community for helping illegal aliens and fighting the drugs dealers and criminals who kill our children; also, Mr. Occhipinti arrested my sister about fifteen years ago as an illegal alien. He never abused her or violated her rights as these merchants say. In fact, he helped my sister to get her green card and eventually became a US citizen.

5) In April, 1991 I began to enter various Dominican bodegas and stores posing as a drug dealer from New Jersey interested in buying and selling all kind of illegal things. In these conversations I gave permission to have my conversations monitored with a tape recorder. I succeeded in proving that these merchants were involved in some of the following illegal activities: smuggling aliens, selling false documents, drug trafficking, gambling, illegal wiring of drug money to the Dominican Republic, IRS frauds, illegal sale of untaxed liquors and others. During these investigations, I successfully bought illegal bolitas (illegal gambling numbers), untaxed rum and false documents. I also negotiated the sale of stolen property, drug trafficking and illegal money transfers.

6) During this period, I conducted undercover work at the following businesses which relate to the witnesses who testified against the Officer Occhipinti.

THE CRUCEY GROCERY

(1) On April 19, 1991, I went to the Crucey Grocery at 3882 Broadway, New York, New York. I placed an illegal bet and bought untaxed rum from an employee.

(2) On May 6, 1991, I met with Altigracia Crucey who was the owner of the Bodega and one of the witnesses who testified against Mr. Occhipinti. I told her I had a truck load of stolen beer that I wanted to sell. She told me she was afraid at this time to buy it because she was a government witness. She explained to me that she had been pressured to testify by the prosecutor, who was also tell-

ing her how to testify. She was upset about being a witness because the government kept on going to her house. She admitted being arrested by immigration for having a gun. She told me that she was thinking of suing the government because she had a miscarriage.

(3) I have been told that Ms. Crucey testified at trial that her bodega doesn't sell untaxed rum and bolitas. She also denied ever negotiating with me to buy the stolen beer. That testimony was a lie and could be verified by hearing the tape.

LIRANZO GROCERY

(1) On April 22nd, 1991, I spoke to the wife of Antonio "Santana" Marte at the Liranzo Grocery, 352 Audubon Avenue, New York, New York regarding the sale of stolen beer. The wife told me to speak directly to "Santana" and gave me his telephone number, (212) 928-2266.

(2) On April 27th, 1991, I called "Santana" about the stolen beer. He explained to me he was afraid to buy it because the beer was from New Jersey and did not have the five cents return stamp on the can. I also discussed with "Santana" about buying a case of untaxed Dominican rum. He told me that there was a shortage of rum because recent shipments of rum were confiscated by US Customs after they found cocaine.

(3) On April 30th, 1991, I met with "Santana" at the Liranzo Grocery in order to discuss the sale of the stolen beer.

I made up the story that immigration had confiscated some of my rum. At that time, "Santana" told me that he was a government witness against an immigration officer. He was bragging how he admitted to the court being an illegal alien and how he entered the United States with someone's passport. He explained that the prosecutor promised him and other witnesses that if they testify against the officer, they will no longer be bothered by the police or immigration. So, he agreed. "Santana" bragged how he told the prosecutor he was still selling "bolitas" and did not intend to stop. The prosecutor never responded to his statement. "Santana" said that when the newspaper articles came out against the immigration officer saying he had stolen money from Liberato, "Santana" received a phone call asking him "how much money are you going to say was taken." "Santana" also said that the prosecutor had changed the first Judge in order to get a stricter Judge. He identified the Judge as being a black woman. "Santana" said that on April 29, 1991, the prosecutor had a private meeting for the witnesses testifying, he cautioned them to be careful because people may be coming around to them asking questions.

(4) I have been informed that the trial "Santana" denied any interest in buying the stolen beer because it was illegal. That was a lie. The only reason he refused to buy the beer because it did not have the five cent return deposit stamp as required in New York State.

LIBERATO GROCERY

(1) On April 19, 1991, I placed a gambling bet at the Liberato Grocery located at 369 Audubon Avenue, New York, New York.

TERRORISM

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. SOLOMON. Mr. Speaker, I would like to take this opportunity to draw your attention to

the recent remarks by the gentleman from New York [Mr. GILMAN] before the 42d European Parliament/United States Congress Interparliamentary Meeting in Athens, Greece, regarding terrorism.

In his remarks, Representative GILMAN succinctly outlines the nature of the threat facing both our Nation, and our European allies, and notes that this threat is growing, and must not be ignored. Rather, he recommends that through enhanced cooperation among governments, we can and should earnestly fight this criminal scourge on all of our societies.

I have worked closely with Mr. GILMAN on this issue, including introduction of my legislation, H.R. 1241, the Domestic Anti-Terrorism Reward Act, a measure to increase the reward for information on domestic terrorism from \$500,000 to \$2 million.

Furthermore, Representative GILMAN has introduced the Anti-Terrorism Act, of which I am an original cosponsor. This bill imposes a full embargo on imports from nations which continue to support international terrorism. It also addresses the threat of nuclear terrorism, and it creates a government/business antiterrorism council to seek out additional measures which our Government and businesses can take to counter terrorist activities. Finally, the bill calls for the death penalty for terrorists who murder Americans, whether at home or abroad.

I am inserting the full text of Representative GILMAN's remarks on terrorism.

REMARKS OF REPRESENTATIVE BENJAMIN A. GILMAN, 42ND EP/U.S. CONGRESS INTERPARLIAMENTARY MEETING, ATHENS, GREECE—JANUARY 1994

TERRORISM

As we begin a new year, this is a good time to reflect on events of the past year, especially in this troubling area of international terrorism. We can never be too alert, or prepared enough, against this evil of worldwide terrorism.

On the terrorism front, 1993 was a difficult and alarming year for us in the United States. We witnessed the terrorist bombing of the World Trade Center in New York. It was a cowardly deed that took six innocent lives, caused more than a thousand injuries, and resulted in well over \$600 million in property damage and business disruption. International terrorism had come home to America. We Americans, frequently the target of terrorists abroad, were no longer safe, even on our own soil.

In addition, in 1993 we saw the arrest in our nation by the FBI of several Abu Nidal terrorists who were plotting to attack the Israeli embassy in Washington, D.C. We also had a plot uncovered in Kuwait to assassinate former President George Bush. Finally, the FBI exposed and thwarted the plot to blow up the U.N. complex and commuter tunnels in New York City, as well as planned attacks on several U.N. and U.S. public officials.

In each of these incidents our government's response was swift, sure, and tough. Almost all of the figures in the World Trade Center bombing have been arrested, one with the very valuable assistance of the government of Egypt. They now face trial in our federal courts. Another suspect is the subject of a \$2 million U.S. government international reward for his capture. The U.N. plotters, along with the Abu Nidal terrorists, have also been charged and await federal trial. President Clinton responded quickly in a appropriate retaliatory missile strike on

the Iraqi government's intelligence headquarters for its involvement in the plot against former President Bush, based upon evidence clearly establishing a link.

These tough, aggressive responses are necessary against those who utilize terrorism as a tool for resolution of their international grievances.

The lessons for us in the U.S. in combating terrorism are clear. They are applicable here as well. Even in this post-Cold War era, we still face threats from the scourge of international terrorism. We must always maintain our guard. The threat of terrorism is still with us, whether from organized or state sponsored groups, or the newer, and looser, religiously knit groups we have observed most recently. No anger—for whatever cause—justifies the cowardly acts of the terrorist.

These unlawful acts must be met with swift, sure, and appropriate punishment from civilized society. We cannot surrender one iota of legitimacy to the terrorist in any debate on whatever cause, or for whatever grievance.

In Europe you have seen and felt the sting of terrorism this past year as well. For example, from the well coordinated and extensive acts by the Turkish Kurds (PKK), to the violent events we are all too familiar with, emanating from the situation in Northern Ireland, to cite just a few. Incidentally, we are all very hopeful for a peaceful solution in Northern Ireland to the violence that has gone on from both sides, for far too long. Our compliments to the Prime Ministers of Britain and Ireland for their courageous efforts to find a peaceful and fair solution for all concerned. We wish them success in their courageous efforts to bring about peace.

Together, all of our governments must work closely to diminish the threat of terrorism. We must cooperatively work to prevent, and solve terrorist acts. We must work to swiftly bring to justice those who must be punished for these barbaric acts. The U.N. sanctions against Libya for the Pan Am 103 bombing, is a clear case in point. Cooperatively, the international community must help bring to justice those responsible for that act that took so many innocent lives. As President Clinton said recently on the fifth anniversary of the Pan Am 103 bombing " * * * our nation will never stop pursuing justice against those who caused it." The state sponsors of terrorism must know that it is never going to be business as usual, and that there is a heavy price to pay for behaving as international outlaws.

Our law enforcement entities must be able to share intelligence and evidence with each other, and help thwart planned acts before they occur. We must—where appropriate—permit and encourage the extradition of those responsible for acts of terrorism to face trial and swift punishment, and they must serve their full sentences. Finally, no nation must be willing to give safe haven to those who would plot from, or seek to use one nation's soil, as a base to conduct terrorism against another.

In the European Community you face even tougher new challenges against terrorism. As your border barriers diminish, along with the greater free flow of commerce, the job grows even tougher. The terrorists' travel and the cross shipment of some of the tools of their violence, is made easier. The EC's Justice Council's working groups on terrorism will have to labor even harder to foster greater cooperation and information sharing to thwart terrorism under these improved conditions for border travel and commerce.

We must not, and cannot, let the terrorists dictate or limit the ability of free nations to progress and improve commerce, and travel freely throughout the world today.

We in the U.S. stand ready to work with you against the threat of international terrorism. Together we can, and will make 1994 a better and safer year for all nations right-fully concerned about the safety of their citizens from this grave threat of terrorism.

EXPRESSING THE SENSE OF CONGRESS THAT THE PRESIDENT SHOULD NOT HAVE GRANTED DIPLOMATIC RECOGNITION TO THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Ms. SNOWE. Mr. Speaker, like all Americans of Greek ancestry, I was extremely disappointed by the administration's recent decision to recognize the Skopje regime as an independent nation while it continues to insist on calling itself Macedonia. This decision was an insult to a loyal and trusted ally, and the only true democracy in the region—Greece. This misguided decision could further inflame tensions in a region already plagued by terrible violence and instability.

Today, I have introduced a resolution expressing the sense of the Congress that the President should not have granted diplomatic recognition to the former Yugoslav republic of Macedonia. The resolution also calls on the President to reconsider his decision and withdraw diplomatic recognition until such time as the Skopje regime renounces its use of the name Macedonia.

The name "Macedonia" is Hellenic in origin, and for thousands of years it has been the traditional name of the northern Greek province whose capital is Salonika. Archaeological evidence clearly demonstrates that the ancient Macedonians were Greek. The Macedonia of Alexander the Great was Greek, and Alexander himself was tutored by Aristotle. The Slavic people of the Skopje regime have no links to classical Greece and are not entitled to use a name that is a fundamental part of Greek history and culture.

It is also an accepted historical fact that, in 1945, Marshall Tito gave the region surrounding Skopje the name "Macedonia" in order to frustrate Bulgarian claims to that territory. It was part of a campaign to usurp Greek history and claim it for Tito's communist system. Tito's Macedonia was an artificial creation meant to serve only one purpose—giving communist Yugoslavia territorial access to the Aegean Sea through the port of Salonika.

The Skopje regime has refused to remove from its constitution a reference to the 1944 declaration by the then Communist regime calling for the unification of neighboring territories in Greece and Bulgaria with this false Macedonian Republic. Despite other amendments to that constitution adopted over the last few years, this clause reflecting an expansionist philosophy remains intact.

In addition to its flagrant and illegal use of the name Macedonia in its constitution, the

Skopje regime persists in using the 16-pointed Star of Vergina, an ancient Greek emblem, in its flag and state symbols. These are just part of that regime's blatant attempt to manipulate history for its own purposes and to monopolize the Macedonian name to further its territorial claims on sovereign Greek territory. Greece, on the other hand, has repeatedly stated that it has no territorial claims on the Skopje regime.

I urge my colleagues to support this resolution. By doing so we will send an unequivocal message that the United States should support stabilizing policies that promote peaceful coexistence in the Balkans.

TRIBUTE TO SANDRA BREAKER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. TOWNS. Mr. Speaker, it is my pleasure to recognize Sandra Breaker, a native New Yorker. She has been a resident of East New York for the past 20 years.

Sandra attends Salem Baptist Missionary Church. She is active in many community organizations, including local parent teacher associations and public housing advocacy groups.

During her summers, Ms. Breaker can be found working with youth groups. She brings a special vitality to everything she does. For example, she spearheaded, along with the Fiorentino Plaza Tenant Association president Juanita Fisher, an increase the peace, stop the violence demonstration. She is currently pursuing a degree at the Metropolitan Educational Center, a community based campus of Molloy College.

I want to congratulate Sandra Breaker on her community activism as an East New Yorker.

PERSONAL EXPLANATION

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. TRAFICANT. Mr. Speaker, in my 1 minute statement on Thursday, February 3, 1994, I stated that Eastman Kodak Co. cut 400,000 jobs. To clarify, Eastman Kodak Co. will cut 10,000 jobs over the next 3 years.

UKRAINIAN NATIONAL ASSOCIATION SALUTED ON 100TH ANNIVERSARY

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. BOEHLERT. Mr. Speaker, it gives me great pleasure to honor the Ukrainian National Association, Inc., which is celebrating its 100th anniversary on the birthday of George Wash-

ington. Like the Father of our country, the UNA is pledged to freedom. UNA has never forgotten the people left behind in the Ukraine, living under the yoke of a totalitarian government. The organization's first century was devoted to preserving and supporting the ideal of a free Ukraine. With that goal accomplished, UNA has embarked on helping the Ukraine build a democratic, free market society.

Here at home, UNA's achievements are equally noteworthy. Over the past 100 years it has grown from 13 branches to 370 branches and 66,000 members in 27 States and 7 Canadian provinces. Along with providing for the life insurance needs of the Ukrainian-American community by offering low-cost life insurance protection, the UNA provides its members with a wide range of educational, cultural, social and charitable benefits.

In addition to publishing Svoboda, the oldest Ukrainian-language daily in the world, UNA has been publishing an English language newspaper, The Ukrainian Weekly, for more than 60 years, and a monthly children's magazine, Veselka [Rainbow]. As part of its fraternal benefit work, the UNA annually provides more than \$120,000 in scholarships to its members. It operates Soyuzivka, a year-round, full-service resort in the beautiful Catskill Mountains of New York State.

With its stellar history and record of accomplishments, UNA deservedly looks to a second century of service and achievement as rich as the first.

It is a special privilege for me to represent a sizeable Ukrainian community in the 23rd District of New York. They are caring, sharing, loving neighbors who give unselfishly to so many worthy causes and help make a great area even greater.

THE GIFT OF SIGHT

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. BRYANT. Mr. Speaker, I rise today to remind my colleagues of the importance of preserving sight. Impairment of this precious sense can be debilitating, and in some cases cause complete dysfunction, robbing an individual of living a normal, productive life. Unobstructed sight serves as the largest data intake function of the human body. Special care and attention must be paid to improving, maintaining, and restoring this sense.

It is not only important to observe routine eye care, but to advance initiatives which educate Americans on methods to protect the human eye from damage and to provide options for those with impaired sight. Today, corneal transplantation provides many Americans with a chance of sight. In 1992, over 92,000 donor eyes were used by eye banks across the United States and Canada to restore or enhance sight and conduct research. It is with this valuable service in mind, I join with the Eye Bank Association of America [EBAA] in their effort to promote the month of March 1994 as "National Sight Conservation and Eye Donor Awareness Month."

Since 1961, when the EBAA was founded, more than 440,133 corneal transplants have

been performed with a 90-percent success rate. The success rate of this procedure represents the highest success rate among all transplant surgical procedures. The thousands who have had their sight restored by transplant know firsthand the importance of support for donor programs and the EBAA's role in promoting sight restoration education. The EBAA, through its member eye banks, provides programs to increase eye donations, expedite research and maintain high-quality medical services for the deliver of corneal transplant.

Although donation of eyes for transplant and research has risen in recent years, many people are still waiting for the precious gift of sight which can only be achieved through donation. Their hopes rest with a public that is completely aware of the donation process. Great effort must be made to inform Americans that eyes are acceptable for donation, regardless of the donor's quality of vision.

We in Congress can help educate the public about the need for eye donation and encourage more Americans to become donors. We have joined the EBAA every year since 1983, and so again by saluting their commemoration of March, 1994, as "National Sight Conservation and Eye Donor Awareness Month." In so doing, we call on all Americans to support us in promoting the worthy endeavor of enhancing the lives of fellow citizens through restoration of sight.

TRIBUTE TO CLAUDETTE SMITH

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. TOWNS. Mr. Speaker, I am honored to introduce to my colleagues, Ms. Claudette Smith. Claudette works as a staff manager for NYNEX. Claudette is a tireless humanitarian and community servant. She consistently tutors with Project Live a corporate tutorial aid program coordinated with the New York City public school system.

Claudette has been recognized for her community efforts. In 1993 she received an award for the Philadelphia S.D.A. Bronx Church for outstanding community service. She is that special someone who feeds the homeless, assists her elderly neighbors, and helps friends and strangers.

Claudette was born in Kingston, Jamaica and came to the United States when she was 10 years old. Claudette personifies the work ethic. She attended school at night earning a degree in accounting, while working full time. Her daughter is a freshman at Wesleyan University. This family tradition of hard work and commitment to education has continued with her daughter, who is a freshman at Wesleyan University.

PRIVATE SCHOOL AND HOME SCHOOL FREEDOM AMENDMENT INTRODUCED

HON. RICHARD K. ARMEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. ARMEY. Mr. Speaker, yesterday, I introduced the private school and home school freedom amendment to H.R. 6. This en bloc amendment is designed, first, to address the concerns of private school teachers and home-schooling parents who would inadvertently be required to undergo State certification under section 2124(e) of the act, and, second, to exempt from Federal control any private, religious, or home school that receives no funds under the act. This is a package of clarifying changes I think all Members of Congress will endorse.

I have today learned that the language of our amendment could inadvertently prevent some private schools, especially Catholic schools, from participating in Federal education programs under which they technically do not receive funds but do administer funded services. I am more than happy to accommodate this very important concern, and so I am introducing a revised version of our amendment.

NATIONAL ENGINEERS WEEK 1994

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. BROWN of California. Mr. Speaker, I rise today to pay special tribute to America's engineers, who will be celebrating National Engineers Week 1994 beginning on February 20th.

Not a day goes by in this great Nation without the brilliant creations of engineers impacting our lives in some positive way. Towering bridges that span great waterways, instant communications, faster, smaller, and more powerful computers, life saving medical devices and daring space missions are just a few reminders of the myriad contributions America's great engineers have made to our quality of life, economic strength, and global leadership. To borrow from an old ad campaign, "without engineers, life itself would be impossible."

As the cold war continues to recede and the intense competition of the international marketplace heats up, it is important to remember and honor America's engineers, because it is their new ideas, innovations, and inventions that will determine our position as a first class power or also-ran in the next century. It is the engineers who create the new technologies that make us more productive and fuel U.S. economic growth.

As in recent years, engineers will take their message directly to America's classrooms during National Engineers Week. Donald R. Beall, honorary chair of National Engineers Week and chairman of Rockwell International, and James W. Poirat, chair of National Engineers

Week and president of the American Society of Civil Engineers will lead some 35,000 engineering professionals into the nation's classrooms to show 3 million students and teachers the contributions of engineers and how math and science relate to the world around them.

Another highlight of National Engineers Week is the Future City Competition which involves engineers helping intermediate school students design computer generated cities of the 21st century. Winners of local contests will compete in the national finals here in the Nation's Capital during Engineers Week.

In yet another effort to raise public awareness of engineering, as well as to have some fun, teams of engineers and engineering students will set up interactive exhibits at shopping malls across the country.

Mr. Speaker, I urge my colleagues to add to the success of National Engineers Week by joining the numerous engineering organizations and corporations in promoting Engineers Week in their own congressional districts. The excitement and interest surrounding National Engineers Week has the potential to serve as the catalyst for students to become America's next generation of engineers.

CHINESE NEW YEAR

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Ms. PELOSI. Mr. Speaker, I rise to note that today marks the Year of the Dog in the Chinese New Year, the first day of the first Moon of the Chinese lunar calendar year 4692.

In San Francisco, which has the largest Chinatown in the United States, the streets are mostly quiet as people celebrate the first few days of the New Year at home with their families and loved ones. The public schools have also closed for the holiday to enable parents and children to observe the traditions together.

During this festive season, the streets of Chinatown will fill with banquet-goers and street carnivals, firecrackers to ward off evil spirits, lion dancers and traditional music, culminating with the great dragons heralding the Chinese New Year Parade this February 26.

Mr. Speaker, the Chinese-American communities of this Nation have contributed greatly to our Nation. On behalf of the Congress, we salute all Chinese-Americans during their season of celebration.

TRIBUTE TO ELIZABETH RAMSEUR

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. TOWNS. Mr. Speaker, I am pleased to acknowledge Elizabeth Ramseur, a dedicated community worker. Elizabeth has been active in a number of community endeavors. She has served as the president of Tompkins Houses Tenants Union, Inc., and the NYCHA Police Service Area No. 3. Ms. Ramseur is a

member of the Brooklyn Community Correction Center advisory board, a supervisor for the Tompkins tenant patrol, and a member of the Marcus Garvey Local Development Corp. She is the president of P.S. 77 parent's association.

Her other endeavors include service as the past president of the pastor's aide committee, supervisor of the youth choir, and a member of both the trustee and deaconess boards.

Ms. Ramseur is a former paraprofessional with the New York City Board of Education, and also works with handicapped children. She and her husband have 4 children and 2 grandchildren.

I salute Elizabeth Ramseur as one of Brooklyn's dedicated tenant leaders.

TRIBUTE TO DON LUIS A. FERRÉ
ON HIS 90TH BIRTHDAY

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. SERRANO. Mr. Speaker, as chairman of the Congressional Hispanic Caucus and as a Member of this body, in the history of which so many outstanding men and women have been honored, I rise to pay tribute to a great Puerto Rican, don Luis A. Ferré, who celebrated his 90th birthday last Thursday.

Mr. Speaker, words cannot adequately express the depth of my admiration for don Luis. And I am certain that once they learn about him, all of my colleagues, no matter what their background or political persuasion, will share my admiration for this eminent industrialist, philanthropist, art collector, musician and ex-governor of Puerto Rico.

Luis A. Ferré was born in Ponce, on February 17, 1904. The second of four sons, he was groomed to help run Ferré Industries, an enterprise which his father Antonio began as a small foundry in 1918. After attending elementary school in Ponce and high school in Morristown, NJ, Luis Ferré studied mechanical and electrical engineering at the Massachusetts Institute of Technology, where he earned a B.S. and an M.S. in 1924 and 1925, respectively.

Mr. Speaker, in the course of an address he delivered to the Puerto Rico Iron Works Cooperative Association on Three Kings' Day in 1929, the 24-year-old engineer touched on two topics which are receiving a great deal of attention today: The importance of employee profit-sharing and the need for comprehensive health insurance. Early in the year that would see the dawn of the Great Depression, and more than 4 years before Franklin D. Roosevelt's New Deal, the young Luis Ferré was enunciating principles of social justice and workers' rights which were, increasingly, to become crucial to our Nation's workplaces. The employees of the Puerto Rico Iron Works soon enjoyed the benefits Luis Ferré identified in his speech, as did the employees of Ferré Industries.

Luis Ferré became politically active, and in the mid-1940's he successfully promoted the entry of Puerto Rico into the U.S. Social Security system. He was a member of the Constitu-

tional Convention of Puerto Rico in 1951, and having been elected in 1952 as a member of the Republican Statehood party to the Puerto Rico Legislative Assembly, helped preside over the adoption of Puerto Rico's constitution. In 1967 he founded the New Progressive Party, and was elected Governor the following year with a promise to work for subsidization of farm wages, rehabilitation of slums, and control of Puerto Rico's burgeoning narcotics problem. His party, meanwhile, won half of all seats in the Puerto Rico Senate and House of Representatives, and 26 mayoral elections.

Cofounder with his brothers of the Puerto Rican Cement Co., the first Puerto Rican company to be listed on the New York Stock Exchange, don Luis had become a very wealthy man early in life. His first philanthropic venture was the founding of the Ponce Public Library in 1937. Around the same time he saved the city's only newspaper, *El Día*, from bankruptcy. He founded the Luis A. Ferré foundation in 1950, and the Ponce Museum of Art, now rated the finest in all of Latin America, in 1959.

Mr. Speaker, among don Luis A. Ferré's many awards are the U.S. Medal of Freedom from President Bush, the Americas Award from the Americas Foundation, an honorary Doctor of Laws from Harvard University, and an honorary Doctor of Music from the New England Conservatory of Music, where he had studied after earning his engineering degrees. At 90 years of age don Luis is still an accomplished piano player, and is still active politically.

don Luis has described himself as "revolutionary in my ideas, liberal in my objectives, and conservative in my methods." In 1969, *Aspira* of America, an agency promoting Puerto Rican youth, honored don Luis as a man whose life and commitments exemplify the aspirations of Puerto Rico and its people. Mr. Speaker, I know my colleagues will agree that for all of his achievements, don Luis A. Ferré is a marvel and an inspiration for us all.

CONGRESSMAN WELDON SALUTES
HARRY JONES

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. WELDON. Mr. Speaker, I rise today to pay tribute to an outstanding constituent of mine, Mr. Harry Jones, for his selfless acts of service to our Nation. We must never forget the contributions of those who fought for this country nor miss an opportunity to honor brave acts of patriotism.

Like many young men his age, Harry Jones joined the service set to give his all to protect our Nation and its ideals. After 2 years of service, he was challenged to do just that during the Battle of Iwo Jima. After 21 days and nights of continuous battle, he was wounded. He lay helpless for 2 hours in an enemy fire lane as the Japanese fired at his every move.

Many men were wounded as they tried to rescue him, and he was finally dragged to safety by another Philadelphian, Cpl. William P. Ward. In fact, he was the only one in his

unit to survive Iwo Jima. Upon rescue, he was given water to revive him. Harry's first response was to apologize for drinking another soldier's water. It is individuals like this, Mr. Speaker, who have made America great and whose acts will live down in history.

Regrettably, Harry was severely wounded in all four limbs and lost his right arm and left leg. He suffered greatly, receiving over 4,000 needles to keep him alive. Harry suffered great physical injury, but it has never touched his spirit, which burns with patriotism and lives on as a shining example of all that is great about America.

TRIBUTE TO MATHURINE LUCY
ROWLING

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. TOWNS. Mr. Speaker, it is my pleasure to salute Mrs. Mathurine Lucy Rowling, a native of St. Martin, the West Indies. She was born on September 18, 1914. She came to America in 1952, where she met and married Mr. Langston C. Rowling on November 26, 1960.

After becoming a citizen of the United States, Mathurine dedicated herself to civic service. She has received numerous awards for her leadership activities in the community.

Currently, Mrs. Rowling is involved with the Morris L. Einstein Learning Center, Mutual Housing Association [ACORN], 75th Precinct Council, and the East New York Diagnostic and Treatment Center. Mathurine is also a member of St. Barnabas Episcopal Church, and the Women's Caucus.

Of all her accomplishments, Mathurine is most proud of her two sons, three grandchildren, and one great-grandchild.

A LETTER FROM JONNY
DAUTRICH

HON. DANA ROHRBACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. ROHRBACHER. Mr. Speaker, I call to the attention of all my colleagues the following letter I received from one of my 7-year-old constituents who wrote to me of his experience with home schooling. From personal experience he favors this method of education and urges the Congress to oppose the amendment to H.R. 6 that would inhibit parents from home schooling their children.

Hello, I'm Jonny Dautrich, I'm 7 years old and in 2nd grade and home schooled. I think home schooling is better. One reason is you can help with chores more, and you can get ahead on home schooling if you want a day off, and when you go to real school you can't. So I think you should still allow home schooling.

JONNY DAUTRICH.

TRIBUTE TO MICHAEL HILL

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. CALLAHAN. Mr. Speaker, I would like to take this opportunity to rise and recognize an outstanding Alabamian, Mr. Michael L. Hill, who was recently honored nationally by the Carnegie Hero Fund Commission.

On December 22, 1993, in its fifth and final award announcement in 1993, the Carnegie Hero Fund Commission named Mr. Hill as 1 of 21 recipients of the Carnegie Medal for Heroism. The medal is given to civilians who risk their lives for others.

Because of Mr. Hill's heroic efforts, Ms. Glenda A. Brock is alive today. Mr. Hill saved Ms. Brock from drowning in the Gulf of Mexico on July 2, 1992.

Ms. Brock was wading in the gulf when she was pulled away from the shore by a very strong current. She struggled to return to shore but could not make progress against the current. Walking on the beach, Mr. Hill was alerted to her situation. He entered the water and swam several hundred feet to her, grasping Ms. Brock by an arm.

Mr. Hill then swam against the current toward the shore. En route, he became tired and began pushing Ms. Brock in the direction of the shoreline. When they reached a wadable depth, Ms. Brock was aided from the water by a friend. Mr. Hill crawled out of the water and collapsed on the beach. Both he and Ms. Brock were exhausted, and required 2 days to recover fully from the incident. His valor and unselfish regard for human life serve as a standard for us all.

I commend Mr. Hill for his selfless act. All of us in the First Congressional District are proud to claim him as a citizen of south Alabama.

Mr. Speaker, I join Mr. Hill's friends and family in applauding him on this well-deserved recognition. He stands as a paragon of courage. I offer Michael Hill my warmest congratulations and wish him well in all he strives to accomplish.

INTRODUCTION OF THE "PRIVATE PROPERTY OWNERS BILL OF RIGHTS"

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. FIELDS of Texas. Mr. Speaker, 200 years ago, the people of this country declared their independence from a government that had forgotten it derived its powers from the consent of the governed. When the tyrant, King George, pushed the people around just a little too much—when he tried to destroy these rights—they rebelled.

They replaced tyranny with a Constitution and a Bill of Rights that guaranteed each and every one of us our basic rights to life, liberty, and property. The protections embodied in these two masterpieces ensure that the Government cannot come in and take our property

for public use without just compensation. These protections are supposed to keep the Government from forcing some people to bear public burdens that, in all fairness and justice, should be borne by the public as a whole.

But then came the Clean Water Act and the Endangered Species Act, and just about blasted those protections apart. Of course, constitutional scholars might tell you that is impossible. But, most likely, their property has not been classified as wetlands and the Government has not spotted any spotted owls on their property.

The history of wetlands regulation would be interesting if it were not so tragic. Back in 1972, Congress passed the Clean Water Act. One section, little noted but long remembered, prohibited the discharge of dredged materials into navigable waters without a permit. It was not until 1975 that the Corps of Engineers expanded the definition of navigable waters from waters that could be navigated to include wetlands—land that may only be wet occasionally. Since that time, bureaucrats and lawyers, not Congress have been "writing wetlands law."

Many Americans have become increasingly alarmed about the arbitrary implementation of the Clean Water Act. I, too, am deeply concerned that the wetlands law, which is having such a devastating effect on American landowners, is the result of overly broad judicial and bureaucratic interpretations of the law. Today, landowners are being denied their basic constitutional right to use their land and to be compensated for the loss of that land. Let me share several horror stories about the current enforcement of wetlands regulations.

A Pennsylvania family was prevented from selling their 127 acre ancestral farm, valued at \$190,000, after it was labeled a wetland. The Federal Government offered the family no compensation.

A Texas rancher had a man-made earthen stock tank for his cattle. When he moved his headquarters to the other end of the ranch, he dug a new tank, filling in the old one. The U.S. Fish and Wildlife Service cited him for converting a wetland.

A Missouri farmer wanted to repair one of his farm's levees that was built in the 1930's. The land had been farmed for over 100 years. He was told that in order to repair the levee he would have to get a permit from the Corps of Engineers and maintain 25 percent of his property, without compensation, as a permanent wetland.

And, a Minnesota rancher had two one-acre glacial potholes on his farm. To make farming around them easier, he filled one and expanded the other to two acres. The Corps of Engineers objected. The Federal Government fined him \$5,000 and made him dig out the original pothole.

There is little doubt that wetlands are an important habitat for many species that need protection. Regrettably, current Federal wetlands laws simply do not work. They neither improve our environment nor do they help our local communities. In short, our wetlands protection system must be improved in a comprehensive manner.

Although the Endangered Species Act has a much more structured past, its impact has not been any the less burdensome and onerous

on the private citizen. There is no shortage of stories of property owners being deprived of their constitutional rights to use their property, of landowners being harassed by Government officials, and of landowners being denied the peaceful enjoyment of their property continues to grow each day.

Let me give you a few vivid examples.

In Travis County, TX, property values have dropped \$359 million since the Fish and Wildlife Service listed the golden-cheeked warbler and the black-capped vireo as endangered. The State of Texas will lose \$2 million in property taxes and the residents of the area are going to find it difficult, if not impossible, to sell their homes. An 80-year-old woman has been told to stop brush clearing her land. The Government has warned her that failure to do so will subject her to fines of up to \$50,000 and up to 1 year in prison.

In Maryland, a couple was prohibited from preventing erosion on their property because the Government told them that it might destroy tiger beetles. Meanwhile, a 15-foot section of their property plunged into the bay. Their home is now the endangered species.

In Idaho, the water level of the Granite Dam was decreased by 37 feet to test the physical impact of a plan designed to benefit the endangered sockeye salmon. Besides thousands of other fish stranded and killed, a marina went bankrupt, docks were destroyed, and a half million dollars in damage was done to neighboring Whitman County, WA. Physical damage amounted to almost \$2 million and business losses exceeded \$3 million.

In Idaho, farmers have coexisted with the microscopic Bruneau Hot Spring snail for generations until the U.S. Fish and Wildlife Service listed the snail as endangered. Now, the Service has told area farmers they can no longer share the water, and rural farming must be shut down so as not to disturb the snail's habitat. Not only that, but the Service has also prohibited any cattle grazing. An entire valley of people was out of business. Fortunately, a U.S. district judge has declared the Service's designation as arbitrary and capricious and delisted the snail. But this case is the exception, not the rule.

The abuse of private property rights cannot be ignored any longer. But now, we are told that reform of the Endangered Species Act will not occur in this Congress, and while wetlands reform is moving along, that is not enough.

Today, we are taking our first step to taking back our rights—today we are introducing the private property owners bill of rights. This bill reaffirms our basic property rights and returns some balance to our legal system. This bill returns control of property to its owner. It ensures that if there is some public purpose to be served by conserving property and protecting species, the average citizen will not be forced to shoulder the entire burden. It gives the individual the right and means to expeditiously appeal decisions by unelected bureaucrats. And finally, it expeditiously appeal decisions by unelected bureaucrats. And finally, it provides swift and fair compensation to those property owners who happen to own land where the bald eagle likes to nest or the fountain darter likes to swim.

Each day Government regulations trample over private property. The people are angry.

We have new tyrants depriving us of our inalienable rights of life, liberty, and property—King George has been replaced by bureaucrats and kangaroo rats. This bill will take a first step to righting those wrongs.

TRIBUTE TO WILLIAM CARCIERI,
JR.

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. REED. Mr. Speaker, I rise today to salute a distinguished individual from Rhode Island who has through his dedication, hard work and professionalism served the people of Rhode Island proudly in his role as an administrator with the State department of transportation.

Upon his graduation from the University of Rhode Island, Bill was employed by the New England Division of the U.S. Army Corps of Engineers, undertaking various construction projects throughout our region. While with the corp, he was also assigned to the design branch, responsible for civil and military projects, and then to the operations division, where he oversaw the maintenance and operations of flood control facilities.

After leaving the corps in 1959, he spent a brief time in California as assistant traffic engineer for the city of Los Angeles and studied advanced traffic engineering at UCLA. Upon Bill's resignation, Rhode Island was fortunate that he returned home to begin what has been a lengthy and distinguished tenure in State service.

Bill has held various positions of responsibility while at the Rhode Island Department of Transportation. He began as resident engineer, and in 1977 was appointed chief design engineer. In 1981, Bill was promoted to chief engineer and during his tenure he oversaw the largest ever increase in both production and Federal funding. It is through his leadership and professionalism that many established policy procedures were enacted to maintain this continued growth of projects and public funding.

Bill is presently a registered professional engineer in the State of Rhode Island, a member of the Rhode Island Society of Professional Engineers and the National Society of Professional Engineers.

Mr. Speaker, transportation efforts in the Northeast corridor of our country have been greatly enhanced by Bill's efforts here in Rhode Island and I would urge my colleagues to join me in saluting this outstanding public servant upon his retirement.

DEMOCRACY AND HUMAN RIGHTS
FOR KOSOVO

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. GILMAN. Mr. Speaker, on February 3 numerous dignitaries from around the world

attended the National Prayer Breakfast here in Washington. Among those dignitaries and officials was Dr. Ibrahim Rugova, who represents the predominantly Albanian population of Kosovo, one of the regions lying within the borders of the former Yugoslavia.

In elections held by the Albanian majority, Dr. Rugova was overwhelmingly supported for the Presidency of Kosovo. In that capacity, he delivered a statement here on Capitol Hill to Members and others who share an interest in the events taking place in Kosovo and the rest of the former Yugoslavia.

Mr. Speaker, I would like to insert at this point in the RECORD Dr. Rugova's statement on the situation in Kosovo. I am hopeful that it will assist my colleagues in understanding events in the southern Balkans and the aspirations of the ethnic Albanian residents of Kosovo for democracy and human rights.

STATEMENT BY DR. IBRAHIM RUGOVA,
PRESIDENT OF THE REPUBLIC OF KOSOVA

I wish to express my sincere appreciation for the active concern shown by the US Administration in the tragic situation in our Republic. At the same time, we feel constrained to emphasize the following points:

The situation in Kosova is ready to explode. Since the refusal by Belgrade authorities to permit the operation of the CSCE long-term monitoring mission in our territory, repression has increased significantly. Over the past months human rights abuses have grown even worse. There are numerous well-documented instances of arbitrary arrests followed by torture, which have resulted in several deaths in the last five months. The people of Kosova are faced with a campaign of "quiet" ethnic cleansing by the Belgrade regime. Arrests, torture, and intimidation are coupled with a campaign to disenfranchise the Albanian people within their own homeland. The already grave situation is furthermore burdened with a heavy presence of police, military, paramilitary, and various armed gangs from Serbia hovering all over Kosova.

With the expulsion of international monitoring the people of Kosova now feel abandoned by the international community. For them, the only option left seems to be leave their homeland or an urgent need for concrete international support. Unless the international community, guided by US leadership, acts in a decisive manner, instability in Kosova will rapidly transform itself into an open and ever-widening conflict. Such a conflict will lead to massive bloodshed. It will be impossible to control and it may well result in widespread hostilities among states in the region, possibly even involving NATO members. Rather than waiting for such a horrendous outcome, it is essential to act now, while it is still possible to influence events. We believe that the following actions should be taken by the United States government.

The United States should restate its pledge that an armed intervention of the Belgrade government in Kosova would be met with a decisive US military response.

The United States should press for the re-establishment of the CSCE long-term monitoring mission in Kosova.

The United States should press for a United Nations protectorate and for the deployment of a UN preventive force in Kosova, including a human rights component with a mandate to monitor developments, assist in the process of restoring local control over state institutions, and preclude human rights violations;

The United States should press for serious dialogue between the Kosova authorities and the Belgrade government, with a view to achieving a peaceful solution towards the realization of the rights of the people of Kosova. Such dialogue must be supported by more vigorous international involvement;

The United States should seek confirmation in the UN Security Council of the fact that the removal of sanctions against Serbia cannot be contemplated until the situation concerning Kosova has been resolved.

TRIBUTE TO PEARL LUCILLE
JONES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. TOWNS. Mr. Speaker, I am pleased to salute Pearl Jones, a native of Brooklyn, for her extraordinary efforts as an educator in the public school system.

Ms. Jones obtained a bachelor of science degree and masters of science in elementary education at Brooklyn College. She then received a Certificate of Supervision and Administration at Hunter College. Subsequently she studied at Sophia University in Japan and the University of Legon in Ghana. After spending several years studying, Pearl became a teacher and childhood coordinator at P.S. 304. She was then appointed to the position of assistant principal twice, serving at P.S. 262 and P.S. 243. Ms. Jones later became the principal of P.S. 185 in 1979 where she is currently serving.

Pearl dedicates a great deal of her time to organizations that provide students with college scholarships. She presently serves on the board of the Association of Black Educators and the Girls' High Alumnae Association. Pearl is also a member of the Women's Caucus for Congressman EDOLPHUS "ED" TOWNS, the New York Urban League, and Bethany Baptist Church.

Ms. Jones has spent over 30 years proving her philosophy that "all children can learn." It is my pleasure to salute Ms. Jones on her successful efforts as an educator.

TRIBUTE TO HAROLD E. DOLEY,
JR.

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. DIXON. Mr. Speaker, I rise today to pay tribute to Mr. Harold E. Doley, Jr. Mr. Doley, chairman of Doley Securities, Inc., is the first—and at present, only, African-American to hold a seat on the New York Stock Exchange.

A native of Louisiana, Mr. Doley began his career in the property business around 1968 and from there, moved on to become an account executive for Bache and Company. In 1972, he was selected by Shareholders Management Company as Outstanding Stockbroker of the Year.

Mr. Doley's widely acknowledged expertise about the stock exchange was gained the

practical way—as a floor broker. As assistant vice president with the firm of Howard, Weil, Labouisse, Friedrichs, Inc., he handled the accounts of banks, insurance companies, and universities with portfolios totaling over \$500 million. During the same period, he served as an instructor at Southern University in New Orleans.

In 1973, using his life's savings, Mr. Doley became the first African-American to own a seat on the New York Stock Exchange. Three years later, in 1976, he founded Doley Securities, Inc., a firm which offers an array of brokerage, trading, financial advisory, and investment banking services to institutions, government organization, and selected individuals. Doley Securities is a member of the Municipal Securities Rulemaking board and the Securities Investor Protection Corporation.

From 1980 to 1981, Mr. Doley served as a board member of the Louisiana State Mineral Board. As chairman of the Royalty Accounting Committee, he supervised and advised the staff to ensure that established guidelines and procedures for payment of royalties were complied with.

Mr. Doley also served as director of the United States Department of Interior's Minerals Management Service [MMS]. During his term of office, he presided over the development and implementation of initiatives to improve the overall fiscal accountability of MMS. In addition, he directed implementation of the largest nondefense computer installation in the U.S. Government.

In 1983, then-President Ronald Reagan appointed Mr. Doley to serve as U.S. Executive Director of the African Development Bank and the African Development Fund [AFDB/AFDF]. As the U.S. representative, Mr. Doley was responsible for Federal Government policy on major issues and supervised the preparation of reports, analysis, and legal documents required to implement a range of sophisticated and complex economic, monetary, and financial operations. In addition, he was designated to represent the United States at international conferences related to the AFDB/ADF.

Mr. Doley is a frequent quest lecturer on fiscal management and investment banking to trade and professional organizations and at many institutions of higher learning. He is a graduate of Xavier University in New Orleans, the Harvard Business School, and holds honorary degrees from Clark Atlanta University and Shaw University. In addition, he is a member of the board of trustees of Shaw University.

Mr. Doley's other affiliations include the African-American Institute, Population Resource Center, and the United States-African Chamber of Commerce.

In 1989, 1990, and 1992 he was selected by the Wall Street Journal, along with three other of the Nation's top money management experts, as a participant in the Stock Pickers' Choices contest; participants were to make projections on the best stock picks for each respective year. Mr. Doley was the overwhelming winner in 1989.

Mr. Doley, who continues to serve as Chairman of Doley Securities, Inc., has appeared as a guest on CNBC, CNN, FNN, the Today Show, Nightly Business Report, Wall Street Week, and has been featured in the New York

Times Sunday financial section and in U.S. News and World Report.

Mr. Doley is married and the father of two children. His son, Harold, III, serves as the president of Doley Securities, Inc.

Mr. Speaker, I am pleased to join with Mr. Doley's family and colleagues in the business and financial community in saluting him on his two decades of outstanding achievements as a member of the New York Stock Exchange. I join with them in wishing him continued success.

INTRODUCTION OF LEGISLATION TO RESTORE STATES RIGHTS TO MEDICAID ABORTION FUNDING

HON. JAY DICKEY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. DICKEY. Mr. Speaker, today I am introducing legislation to reverse recently enunciated policy of the Department of Health and Human Services [HHS] to require States to use Medicaid funds for abortions in cases of rape or incest, even in States whose constitutions or laws forbid abortion funding for those purposes. Arkansas is one of those States.

I agree with and voted for the modified Hyde amendment last year in the Department of Health and Human Services appropriations bill, to allow taxpayer funding of abortions for poor women in cases of rape and incest. However, that amendment contained no language to require States to fund such abortions if it is contrary to State law. Nor did the modified Hyde amendment provide the States with additional Federal funding for those purposes.

Nonetheless, last December, the Clinton administration issued an interpretation of the modified Hyde amendment to require, rather than allow, States to use public funds to pay for abortions in cases of rape, incest, or danger to the mother's life. This low-key policy change, retroactive to October 1, 1993, appeared first in newspapers. This is where many of the State Medicaid Directors learned of the change. Ray Hanley, the Arkansas State Medicaid Director, first learned of the change after reading about it in the newspaper. Subsequently, the new guidelines were quietly faxed to each State Medicaid director.

The letter, dated December 28, 1993—Congress was out of session, the President was on vacation—was signed by Sally K. Richardson, the Director of the Medicaid Bureau, Health Care Financing Administration. The letter directed States to pay for abortions for low-income women in cases of rape or incest.

Ms. Richardson's order also contained a quirky little provision that interpreted the Hyde amendment to allow an abortion provider to suspend any State requirement that the rape or incest be reported to law enforcement officers. At least five States have such reporting requirements. The Hyde amendment includes no mention of reporting requirements.

This HHS policy change is in conflict with the laws and constitutions of at least 36 States. Arkansas is one State that specifically prohibits State public financed abortions in cases of rape or incest, amendment 66 to the Arkansas Constitution.

In a letter dated December 30, 1993, the State Medicaid Directors' Association, chaired by Ray Hanley of Arkansas, expressed its strong objection to HHS's new interpretation of the law. The letter characterized the interpretation as an unfunded mandate in clear violation of President Clinton's pledge to reduce unfunded mandates. Several State Medicaid Directors, including those from Arkansas, Utah, Pennsylvania, Colorado, and South Dakota, have also written in protest. State refusal to obey the administration's edict threatens future Federal matching funds.

On January 19, 1994, Representative HENRY HYDE issued a news release stating that "there is no basis in the 'Hyde amendment' for the recent Clinton administration decree that 37 States must rewrite their laws limiting State-funded abortions." Other Congressional leaders, such as Senate Minority Leader BOB DOLE, on January 7, 1994, have said that Congress should look into the question of whether the congressional intent of the Hyde amendment was to require all States to pay for Medicaid abortions for low-income women in cases of rape or incest.

My legislation provides that opportunity. My legislation reverses the HHS interpretation of the modified Hyde amendment by allowing, not requiring, States to use Medicaid funds to pay for abortions for poor women in cases of rape and incest, as well as to protect the life of the mother.

I hope my colleagues, especially those from the States that prohibit such funding or have reporting requirements, will join me in this effort to reverse this unfortunate HHS interpretation of the modified Hyde amendment. Your support will support States rights; support funding of Federal mandates on the States; and support proper administrative procedures in changing public policy.

AMERICAN HEART MONTH

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. SYNAR. Mr. Speaker, I am enclosing the proclamation signed by President William J. Clinton on February 3, 1994, which designates February as American Heart Month.

A PROCLAMATION

The heart is one of nature's most efficient and durable machines. During an average lifetime, the heart contracts an amazing 2.5 billion times. Although we now realize that it functions as a life-giving pump, the human heart was thought of by ancient man as the very soul of one's being. Certain words, such as "courage" and "cordial," are derived from the Latin word for heart, symbolizing prominence and significance.

Heart disease was not recognized until about 1500 A.D., for the heart was considered so delicate and sensitive that death was believed to be inevitable if the heart were injured in any way. Although most causes of heart disease observed early in the 20th century are still present today, the treatment and cures of the diseases are now dramatically altered.

Today, heart disease is one health threat that Americans can conquer. Extraordinary

scientific advances, together with increased public awareness, have forged one of this century's greatest medical achievements, saving untold lives through improved prevention and treatment. However, as long as cardiovascular diseases and stroke threaten the lives of Americans, we must continue in our diligent efforts to fight these diseases.

Today, many Americans are joining in this fight by taking steps to reduce their chances of developing a cardiovascular disease. They have learned to avoid the major risk factors by controlling blood pressure and blood cholesterol, by avoiding tobacco products, and by becoming more physically active.

At the same time, scientists are developing better ways to detect and treat cardiovascular diseases and stroke. Revolutionary advances are reducing the physical suffering exacted by heart disease and are making diagnosis and treatment more successful.

The Federal Government has contributed to these achievements by supporting research and public education through its National Heart, Lung, and Blood Institute. The American Heart Association, through its research and education programs and its vital network of dedicated volunteers, has played a crucial role in bringing about these remarkable accomplishments.

The results of the many scientific and public education achievements are dramatic. From 1972 through 1990, the death rate from heart disease dropped 39 percent and the death rate from strokes fell 57.4 percent.

However, these advances have not yet eradicated the devastating consequences of heart disease, which remains the leading cause of death in the United States today. American men and women still suffer about 1.25 million heart attacks each year. About 50 million Americans still have high blood pressure—and uncontrolled high blood pressure is a major cause of stroke. Virtually every American has grieved for a relative or friend debilitated or killed by a cardiovascular disease or stroke.

In recognition of the need for all of us to become involved in the ongoing fight against cardiovascular diseases, the Congress, by Joint Resolution approved December 30, 1963 (77 Stat. 843; 38 U.S.C. 169b), has requested that the President issue an annual proclamation designating February as "American Heart Month."

Now, therefore, I, William J. Clinton, President of the United States of America, do hereby proclaim the month of February 1994 as American Heart Month. I invite the Governors of the States, the Commonwealth of Puerto Rico, officials of other areas subject to the jurisdiction of the United States, and the American people to join me in reaffirming our commitment to combating cardiovascular diseases and stroke.

In witness whereof, I have hereunto set my hand this third day of February, in the year of our Lord nineteen hundred and ninety-four, and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON.

TRIBUTE TO BERNICE SHOFFNER WILEY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. TOWNS. Mr. Speaker, I want to recognize the numerous achievements of Mrs. Bernice Shoffner Wiley. Bernice is a distinguished graduate of North Carolina A&T State University. She received her master's in nutrition from NYU.

Bernice is a former principal for a junior high school in Brooklyn. As the director for Reimbursable Programs in District 17, she was responsible for administering a budget in excess of \$7 million for educationally disadvantaged students.

For the past 9 years, she has served as the principal of P.S. 289. Under her leadership, the academic performance of schools within the district have dramatically improved. She and her staff have been recognized by city officials and the Federal Government for excellence in education. In 1993, Bernice was designated as the superintendent for District 17.

Bernice and her husband Albert have two children, a son, Albert Jr., and a daughter, Courtney. Bernice is a member of the Deaconess Board of the Concord Baptist Church of Christ. I am honored and pleased to recognize Bernice Shoffner Wiley.

NATIONAL WILD BIRD FEEDING MONTH

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. PORTER. Mr. Speaker, I would like to recognize February, one of the most difficult months in the United States for wild birds, as National Wild Bird Feeding Month. During this month, individuals are encouraged to provide food, water, and shelter to help wild birds survive. This assistance benefits the environment by supplementing wild bird's natural diet of weed seeds and insects. Currently, one-third of the U.S. adult population feeds wild birds in their backyards.

In addition, Mr. Speaker, backyard bird feeding is an entertaining, educational, and inexpensive pastime enjoyed by children and adults. Bird feeding provides a needed break from today's frantic lifestyles. Adults enjoy the relaxation and peacefulness afforded by watching birds—nature serves to relieve the stress and can get one's day going on a tranquil note.

Young children are naturally drawn to the activities involved in feeding wild birds, which can serve as excellent educational tools. Children can identify different species of birds with a field guide and can learn about the birds' feeding and living habits. These observations can then provide excellent research opportunities for school projects and reports.

Feeding wild birds in the backyard is an easy hobby to start and need not overtax the family budget. It can be as simple as mounting a single feeder outside a window and filling it with bird seed mix. For many people, the hobby progresses from there. They discover the relationship between the type and location of feeders, and the seeds offered in them, and the number and varieties of birds attracted. Parents can challenge an inquisitive child's mind as they explore together these factors in trying to encourage visits by their favorite birds.

DEMOGRAPHY AND TECHNOLOGY TIME BOMB

HON. BILL BAKER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. BAKER of California. Mr. Speaker, I rise today to share with my colleagues a poignant article by Mr. Thomas Loarie, from my hometown of Danville, CA. Mr. Loarie's article, entitled "Demography and Technology Time Bomb," appeared in the Wall Street Journal of February 16, 1994.

In the article, Mr. Loarie warns against just one of the dangers of President Clinton's health care plan—that of the stifling of new medical technologies. Instead of causing health care costs to rise, medical research and development will actually bring costs down. More efficient and less intrusive surgical techniques will reduce the length of a hospital stay in some instances.

We have the best health care system in the world. We must not prevent the crucial research and development that will allow it to continue to improve.

[From the Wall Street Journal, Feb. 16, 1994]

DEMOGRAPHY AND TECHNOLOGY TIME BOMB

(By Thomas M. Loarie)

In its quest to squeeze savings from the health care system, the Clinton health care plan threatens to put a chokehold on the single greatest source of efficiency and productivity: medical technology.

This is shortsighted because in less than a decade, the baby-boom generation will begin entering the peak years of health care consumption. The need for efficient, labor-saving, resource-stretching tools to handle the boomers' health care needs will be greater than ever.

But perhaps the administration already knows this and chooses to ignore it. As a developer of medical technology, I know that the Clinton plan's impact on technology innovation will not be widely felt for about 10 years. This is roughly the time-line for a new medical device to go through development, testing and evaluation by the Food and Drug Administration.

Health care is the one industry where, erroneously, technological advances tend to be viewed as burdens, not solutions. But medical technology prices increased at an average annual rate of 2.9% between 1985 and 1992, vs. the 3.1% rate in the primary index of producer prices throughout the U.S. economy, according to the Health Care Technology Institute in Alexandria, Va. This is despite the rapid rate of medical technology innovation during that period, a period that saw seismic changes in the way health care is delivered.

Development of less invasive surgical technologies, for instance, helped drive the trend toward outpatient surgery, which now constitutes nearly 60% of all hospital-based procedures. One of the most important of these technologies, laparoscopy, was considered an exotic idea when introduced in the late 1970s for a small population of infertile couples desiring pregnancy. Since then, spinoff technologies have made its applications widespread.

The savings that come from such innovation are often ignored. Prior to 1989, for example, it cost about \$21,000 plus six days in a hospital to have a gall bladder removed by

conventional surgery. Today, a laparoscopic procedure performed in an ambulatory surgery center can accomplish the same thing for about \$6,400.

Labor costs, which account for 80% of health care spending, are the true wild card, yet they are not addressed in the reform plan. Another wild card is over-utilization of technology that occurs at the direction of physicians, hospitals and consumers themselves. Here the Clinton plan proposes to attack the problem by ensnaring medical technology makers in the same bureaucratic net as technology users. This is like cooling down the pace of telecommunications innovation as a national strategy for dealing with teenagers' overuse of their parents' telephones.

If the health care system fails to fully exploit technology's leveraging capacity, the needs and demands of an aging population will either bust the nation's treasury or require unnecessary, if not politically unacceptable, rationing.

Since coming under the regulatory purview of the FDA in 1976, our industry has undergone a series of ever-tightening R&D controls and product requirements. A three- to five-year FDA review process that was in force when my company started in 1986 is now a five- to seven-year process, which extends the full R&D cycle for many companies to 10 years or more. As a result, costs associated with surviving the FDA new product gauntlet have grown substantially higher, while potential returns have been further deferred.

The chilling effect of the administration's plans for health care spending caps can be seen by almost every leading health care analyst on Wall Street. Their nearly unanimous evaluation is that medical technology companies are among the "big losers" in the Clinton plan. Uncertainties over how new technologies will be assessed, how prices will be set, and how global budgets will affect new technologies over the long term have added measurably to the risk of investment.

It is fantasy for Washington to think medical technology investors have unlimited reserves of courage and patience. A bureaucratic scheme that makes irrelevant such foundational concepts as market research, pricing strategies and product-development timelines may be just the thing to steer investors into less precarious pursuits, along such lines as oil drilling or perhaps gold prospecting.

The president's plan puts the brakes on new advances that might otherwise be there to serve aging boomers like the Clintons, at a moment when the health care system will be put to its strongest test yet.

HEALTH CARE REFORM JOB PRESERVATION ACT

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. GALLO. Mr. Speaker, I rise today to ask my colleagues to support a bill that I am introducing jointly with our distinguished colleague, Representative JAN MEYERS from Kansas—the Health Care Reform Jobs Preservation Act.

Too frequently, Members of Congress pass legislation without knowing what impact these changes will have on U.S. jobs. As Congress begins reforming our health care system, it is

imperative that Members of Congress and the President be fully informed of the impact any health care reform measure will have on U.S. jobs.

That is why I am introducing this legislation—to provide Members of Congress and the President with information at least as important as whether a payroll tax should be on or off budget, and that is "how will reforming the health care system impact American workers."

The bill states that before any comprehensive health care reform takes effect a job impact study will be done by CBO and OMB determining the effect of health care reform on job loss or gain, impact on jobs requiring lesser levels of education or skill, shifts from full-time to part-time employment, and a decrease in wages or salaries.

I plan to offer this bill as an amendment to any health care reform plan considered in the House this session, because without a stable job base health care reform will fail.

In 1991, Congress passed legislation to raise the luxury tax on boats without information on how the increase would impact boating industry jobs. Not until virtually killing this industry did Congress, 18 months after it was enacted, repeal the luxury tax. In that short time, thousands of skilled American jobs were lost to other countries, and the tax even failed to raise anywhere near the revenue that was promised by supporters.

I fear a repeat of the luxury tax nightmare, but this time, in an area of our economy as large as health care, it would be even more disastrous.

I am asking this critical question because we cannot act in good conscience on reform without an answer to what will happen to American workers—and they deserve to know the truth. We know, for instance, that when you overtax small businesses, investment capital to these important job-generating companies dries up, leaving no alternative but to lay people off.

The Congressional Budget Office routinely assesses the impact of new laws on revenues, but the same importance is not afforded to jobs impact. As we learned with the boat tax, no revenue estimate is complete without the knowledge of who will lose their jobs if Congress makes the wrong decision.

Mr. Speaker, health care reform will affect every American in one way or another and Americans deserve to know the truth. Unless we pass my legislation, we risk blindly moving forward with legislation that could put hundreds of thousands of Americans out of work.

I urge my colleagues to cosponsor the Health Care Reform Preservation Act so that Congress and the President will be fully aware of possible job loss and shifts in reforming the health care system.

TRIBUTE TO RUTH A. WILLIAMS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. TOWNS. Mr. Speaker, I would like to familiarize my colleagues with Ms. Ruth A. Williams, a dedicated community service worker.

Ms. Williams has been actively involved in her community for a number of years. She has devoted a great deal of time to the New York Lioness Club. As a Lioness, Williams has held positions as chapter president, director, and membership chairperson of the East New York Lioness Club. She organized and founded 14 Lioness Clubs, and is responsible for establishing the first Lioness District, and District Convention in the State of New York.

As a Lioness, Ruth has held the position of zone chairman for two consecutive years. She is also a former regional chairperson, lieutenant governor, and cabinet secretary-treasurer in her district. Ms. Williams has been commended on her endeavors. She has received a number of awards including, Lions International Extension Award, Lioness of the Year Award, International President Banker, Certificate of Appreciation, and 100 Percent Attendance Award.

Ruth is also an active member in other community organizations. She is presently a member of the Laurencian Guild of St. Lawrence Parish, and a troop leader for the Girl Scouts.

I salute Ruth Williams for her fine accomplishments as a community activist and a member of the Lioness Clubs.

ESTABLISHING OFFICES OF WOMEN'S HEALTH WITHIN THE PUBLIC HEALTH SERVICE

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Ms. SNOWE. Mr. Speaker, today I introduce the Women's Health Offices Act, a bill which I previously introduced, as part of the Women's Health Equity Act. Just as there was a need for the statutory creation of an Office of Women's Health Research at the National Institutes of Health, I believe that there is a need for additional women's health offices. This bill would establish women's health offices within the Public Health Service and at the Food and Drug Administration, the Agency for Health Care Policy and Research, the Health Resources and Services Administration, and Centers for Disease Control.

Women's health concerns need to be addressed nationally at the highest levels of government. A recent, as yet, unpublished survey concluded that physicians are more than twice as likely to perceive that the same disease affects men more seriously than women. A study by the Commonwealth Fund found that more women than men failed to receive the care they need and that in the past year, about one-third of the women surveyed did not have any basic preventive services: a Pap smear, a clinical breast exam, a pelvic exam, or a complete physical exam. Women also reported greater communications problems with their physicians. The survey found that women lack the information they need, and they are not getting it from their doctors. They are not linking at-risk behavior and disease. Another recent study conducted by the Centers for Disease Control concluded that about 84 percent of American women think that they will not contract sexually transmitted diseases, al-

though 13 million cases are contracted annually in this country. As with other diseases, women often are undiagnosed for a long period of time. This not only complicates treatment and recovery, but often proves fatal.

For the diseases that are not preventable, early discovery greatly increases a woman's chance of survival. It improves the quality of her life and that of her family. For the diseases that are preventable, communication programs and education leading to prevention is vital. Short of eradication, early diagnosis and treatment are the keys to survival.

Women have been shortchanged. There are no textbook descriptions of the disease that is their number one killer—heart disease, and they are more than twice as likely as men to die after a heart attack. There is no known cause for breast cancer, the second leading cause of cancer deaths among women. Until recently, there was no mandate that they be included in clinical trials despite the fact that their physiology is distinct from men and they react to drugs differently. There is a desperate need to address these discrepancies in women's health.

This legislation would provide for short and long-range goals and coordination of all activities that relate to disease prevention, health promotion, delivery of health services, and scientific research concerning women. By statutorily creating offices of women's health, the new Deputy Assistant Secretary for Women's Health would be able to better monitor various Public Health Service agencies and advise on scientific, legal, ethical, and policy issues. Agencies would establish a coordinating committee on women's health with the director of each office as chair and identify and prioritize which women's health projects should be conducted. This would provide a mechanism for coordination, with each agency, among agencies and with the voluntary and corporate sector. This bill would require reports to the main women's health office culminating in a report by the Secretary to appropriate committees of Congress describing the actions taken during the preceding years and would appropriate such sums as necessary for fiscal years 1994 through 1996.

I urge my colleagues to support the Women's Health Offices Act. We all know there are deficiencies in communication, education, research, and services relating to women's health. Now is the time to prescribe a remedy and act. By providing offices of women's health in the Public Health Service, you would be ensuring that the health concerns of a majority of your constituents are being addressed.

NEW HOPE CANCER FOUNDATION

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. SUNDQUIST. Mr. Speaker, I rise to share with my colleagues the ambitious and noble efforts of the New Hope Cancer Foundation of Memphis, TN, which is working to build bridges between the American medical community and those of the New Independent States of the former Soviet Union.

The New Hope Cancer Foundation, in conjunction with the Oblast of Pskov, Russia, is working to design and develop a model cancer treatment complex there. Funded through private donations and government grants in aid, the center will serve patients in a 200-kilometer area. Ultimately, it will be a 200-bed hospital and outpatient treatment center serving children and adults, and patterned after successful centers such as the St. Jude's Research Center in Memphis.

The New Hope Cancer Center will be a model for others in the New Independent States. I salute the initiative of those working to make this center a reality, and I share with them a belief in its promise and potential.

STATEMENT ON POLICY TOWARD NEW ZEALAND

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. HAMILTON. Mr. Speaker, I welcome the administration's decision last Friday, February 18, to restore senior-level contacts between United States officials and their New Zealand counterparts for discussion on political, strategic and broad security issues.

Restrictions on New Zealand officials' access to the executive branch date back to 1987, when New Zealand adopted antinuclear legislation preventing U.S. Navy vessels and military aircraft from visiting New Zealand. The policy of keeping senior New Zealand officials at arms length since that time has had no impact on New Zealand's antinuclear stance. Nor has it served any other identifiable U.S. interest.

Despite its continuing differences with the United States on nuclear issues, New Zealand is a friendly country that shares United States values and has similar approaches to the United States on many issues. In recent years New Zealand has played an active and positive role on international issues of importance to the United States. Cases in point are its current participation in the Security Council, its contribution to U.N. peacekeeping operations and its strong support for the Asia Pacific Economic Cooperation forum.

In this post cold war period, when multilateral effort and burden-sharing are so important, maintaining restrictions on New Zealand's access to United States officials was no longer appropriate.

The increased contact with New Zealand that will now occur will help ensure that the United States continues to have New Zealand's support on important issues. By encouraging greater bilateral dialog, it could also contribute to an eventual resolution of the differences between us in the defense and security area.

TRIBUTE TO BISHOP GORMAN HIGH SCHOOL

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. BILBRAY. Mr. Speaker, today I rise to honor 40 years of educational excellence in southern Nevada. Bishop Gorman High School, the only Catholic high school in southern Nevada, will celebrate the beginning of their 40th anniversary year at the 12th annual Knight of the Gael on March 16, 1994.

Gorman High is an institution in southern Nevada. Over 6,350 students have graduated from Gorman since 1957. This accredited school offers students of all racial, national, and ethnic background strong academic curriculum and college preparatory programs. In addition, the spirit of community and friendship instilled at Gorman has made it extraordinary since doors were opened September 7, 1954.

Students and faculty are important parts of Bishop Gorman High. Graduates have gone on to serve with distinction in most every discipline. Members of Gorman's faculty have been recognized for excellence on many occasions. In fact, 73 percent of the current faculty have at least a master's degree. To be sure, the students and teachers through the years at Bishop Gorman High have formed a bond that benefits each other as well as the community.

Students and teachers, however, only make up part of the educational team at Gorman. The clerics of St. Viator—an order of priests headquartered in the great State of Illinois—have administered Bishop Gorman High School from the beginning. The late Fr. Francis Williams, the late Fr. Harold Devereaux, Fr. Phillip Clifford, the late Fr. William Anson, the late Fr. John Shiels, Fr. Edward Anderson, Fr. Lawrence White, Fr. George Harris, Fr. Charles Bolser, and Fr. Richard Rinn have all brought inspirational leadership to Gorman High School. These former principals deserve recognition and a hearty Thank You.

I ask my colleagues to join me in recognizing the contribution of these gentleman in making Bishop Gorman High School an outstanding institution and wishing the Bishop Gorman community a happy and fruitful 40th anniversary year!

TUSKEGEE AIRMEN HONORED

HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. BROWN of Ohio. Mr. Speaker, I rise today to recognize the Tuskegee Airmen, on the occasion of their 50th anniversary.

Due to the rigid pattern of racial segregation that prevailed in the United States during World War II, 966 black military aviators were trained at an isolated training complex near the town of Tuskegee, AL. Four hundred and fifty black fighter pilots under the command of Col. Benjamin O. Davis, Jr., fought in the aer-

ial war over North Africa, Sicily, and Europe. These gallant men flew 15,553 sorties and completed 1,578 missions with the 12th Tactical U.S. Army Air Force and the 15th Strategic U.S. Army Air Force. Colonel Davis later became the U.S. Air Force's first black general and later rose to the rank of lieutenant.

These airmen were called the Schwartze Vogelmenschen—Black Birdmen—by the Germans, who both feared and respected them. White American bomber crews reverently referred to them as "The Black Redtail Angels" because of the identifying red paint on their tail assemblies and because of their reputation for not losing bombers to enemy fighters.

The 99th Fighter Squadron, which had already distinguished itself over North Africa, Sicily, and Anzio, joined three other black squadrons: the 100th, the 301st, and the 302d. These four squadrons, designated as the 332d Fighter Group, comprised the largest fighter unit in the 15th Air Force. Sixty-six of these pilots were killed in aerial combat while another 32 were either forced down or shot down and captured to become prisoners of war. These black airmen came home with 150 Distinguished Flying Crosses, Legions of Merit, and the Red Star of Yugoslavia.

Other black pilots, navigators, bombardiers, and crewmen who were trained for medium bombardment duty were joined by 332d combat returnees and formed into the 477th composite Fighter-Bomber Group (B-52's and P-47's). This group never entered combat because of the surrender of Germany and Japan in 1945. Significantly, the 477th's demands for parity and recognition as competent military professionals combined with the magnificent wartime record of the 99th and the 332d led to a review of the U.S. War Department's racial policies.

For every black pilot there were 10 other civilian or military black men and women on ground support duty. Many of these men and women remained in the military service during the post-World War II era and spearheaded the integration of the armed forces of the United States with their integration into the U.S. Air Force in 1949.

Nearly 30 years of anonymity were ended in 1972 with the founding of Tuskegee Airmen, Inc., at Detroit, MI. Organized as a nonmilitary and nonprofit entity, Tuskegee Airmen, Inc., exists primarily to motivate and inspire young Americans to become participants in our Nation's society and its democratic process. In addition TAI's National Scholarship Fund awards scholarship grants across the Nation to young men and women who wish to pursue careers in aviation or aerospace industry.

With a growing number of chapters located in major cities throughout the United States, Europe, and in Japan, the membership of Tuskegee Airmen, Inc., is made up, principally, of veterans of the armed forces and active duty personnel representing all the branches of the military. It also includes a growing number of civilians who demonstrate sincere interest in helping the organization achieve its goals and objectives. All officers and directors of the organization serve without salary or fee.

Mr. Speaker, it is with great pride that I ask you and my fellow Members of Congress to join me in recognizing the Tuskegee Airmen.

As they celebrate their 50-year anniversary, let us remember the important contributions these individuals have made to the history of our country.

TRIBUTE TO HELEN L. WELLS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. TOWNS. Mr. Speaker, it is gratifying to introduce my colleagues to Helen L. Wells. Helen Wells is a native of Clayton, LA. She obtained her bachelor of arts degree from Long Island University. She subsequently acquired a master's of arts and a law degree from the State University of New York at Buffalo.

During the 1960's, Helen played an active role in the Civil Rights Movement in Natchez, MS. After receiving her law degree, she served as a community legal service community volunteer for the National Association for the Advancement of Colored People [NAACP]. As a volunteer, Ms. Wells offered free legal advice to members of the Concord Baptist Church, as well as members of the Rosetta Gaston Democratic Club.

Helen also should be recognized for her active participation with the Concord Baptist Church, the Association Board of Regents at Long Island College Hospital, the Kings County Bar Association, the New York State Bar Association, and the New York State Association of Criminal Defense Lawyers. She has also held the positions of administrative law judge for the Department of Social Service for the State of New York, and the Environmental Control Board of the city of New York.

Since 1982, Helen Wells has practiced law at her Brooklyn office where she handles cases in Federal, State, and city court.

IN HONOR OF DAVID R. YOUNG

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Ms. WOOLSEY. Mr. Speaker, I rise today to pay tribute to David R. Young of Sonoma, CA.

I offer great thanks and heartfelt appreciation for Mr. Young's contribution to educating the children of Marin and Sonoma Counties about HIV, the virus that leads to AIDS.

Living with the HIV and knowing only too well how the disease was robbing him of his days, David, with the full support of his life partner, Douglas Pinter, nevertheless sacrificed many of those precious remaining days to helping our children avoid becoming infected with HIV.

While we may never know exactly how many children's lives David has saved, we know it is many, and even if he saved only one, we will be eternally grateful for his gift to our community. It is more precious than gold.

Thank you, David. Godspeed and comfort in the days to come.

INTRODUCTION OF THE FEDERAL RESEARCH INFORMED CONSENT ACT

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. COOPER. Mr. Speaker, when the Secretary of Energy, Hazel O'Leary, announced the Department's openness initiatives in December, few of us imagined exactly what the declassification of documents would reveal. How could we possibly imagine that the Department of Energy would find that the Federal Government sponsored radiation experiments on American citizens during the cold war—that Americans have been used as guinea pigs without their consent?

It shocked me. It shocked my colleagues. It shocked many of my constituents in the State of Tennessee, where many of the radiation experiments were conducted. We were all alarmed at the thought that American citizens were exposed to radiation without their consent, and that some may have suffered serious health problems as a result.

Since Secretary O'Leary's announcement, I have received calls and letters from across Tennessee. People are panicked—afraid that they or members of their family may have been used as subjects in the cold war radiation experiments. These people have asked that I assure them of two things: first, that the Federal Government will provide full information to unwitting participants in the past experiments; and second, that American citizens will not be used as guinea pigs again.

The Secretary of Energy has testified to several congressional committees that the Clinton administration is determined to disclose all records relating to the experiments in question. I intend to hold the administration to that promise. The Secretary also committed to a review of current experimentation involving human exposure to radiation. I applaud that effort as well. There has been no attempt, however, to ensure that the Federal Government may never use its citizens as unknowing subjects again.

In seeking to provide that assurance to the people I met in Tennessee, I tried to find a Federal statute that prohibited the use of humans as subjects in experiments without their informed consent. I was surprised to find that none exists—there are regulations, but they leave a great deal of discretion in the hands of Federal agency heads.

The regulations have done a good job of protecting human subjects in the last decade. The United States is among the world leaders in the regulation of human experimentation. The chance that Americans could be subjected to radiation experiments without their knowledge today is small. When we are dealing with the health and welfare of American citizens, however, small is not small enough. I think that we should go that extra mile to protect people—a statutory ban on the use of humans in federally sponsored experiments without their consent would provide that extra protection.

Mr. Speaker, today I am introducing the Federal Research Informed Consent Act. This

legislation establishes a statutory requirement of informed consent in Federal research using human subjects. It centralizes authority over such experiments at the Department of Health and Human Services, and requires the Secretary of that Department to notify the Congress of any exemptions made. In short, it creates an oversight mechanism that will protect the American public.

I hope that never again are American citizens violated by their own Government. I think that this legislation will ensure that. We can never project into the future, however. That is why I have included a provision in this bill to provide legal remedy for individuals whose right to informed consent is violated. Americans have confidence in their Government, and most assume that their Government will not subject them to harm. If the Government abuses that relationship, citizens are entitled to recover.

Mr. Speaker, I introduce the Federal Research Informed Consent Act today to provide American citizens with renewed confidence in the relationship they have with their Government. The experiments revealed by the Department of Energy have troubled us all. We must ensure that such a terrible chapter in our Nation's history cannot be repeated. I encourage my colleagues to give serious consideration to this legislation, and hope that they will offer their support.

RACISM

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. CARDIN. Mr. Speaker, again I must rise to speak out against racism. Last Wednesday night, February 16, 1994, members of the Hagerstown Moose Lodge overwhelmingly, by a 52-19 vote, rejected a black man's application for membership.

Moose International has close to 2 million members. The Hagerstown Moose Lodge has about 8,000 members, making it the largest Moose Lodge in the world.

This Hagerstown lodge vote indicates that hatred and bigotry are still prevalent in our communities and in our country. Discrimination by private clubs on the basis of race, religion, or gender should be denounced by all people. The public should not sit idle and accept such racist actions.

We must all continue to condemn such racism. Prejudicial actions, just like hate speech, cannot be tolerated in our society.

A SALUTE TO FATHER SVETOZAR KRALJEVIC, O.F.M.

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. KING. Mr. Speaker, I rise today to submit for the RECORD, a salute to Father Svetozar Kraljevic, O.F.M., prepared by Ted Conlin of St. Brigid's Parish of Westbury, NY.

Father Kraljevic, a Roman Catholic priest of the Franciscan Order, and native of Bosnia and Herzegovina, has done much to help alleviate the suffering of the people of that tragically, war-torn region.

Mr. Conlin movingly tells Father Kraljevic's story of compassion and courage. Having traveled to Bosnia and Herzegovina last year, I understand the suffering that Father Kraljevic has seen.

Last spring, I took part in a week-long mission to the Balkans with my fellow members of the Balkan Crisis Task Force. Our itinerary included stops in Croatia, Bosnia and Herzegovina, Kosova, and the former Yugoslav Republic of Macedonia. Our delegation met with government officials, toured refugee camps and hospitals and received detailed briefings on the military situation in the Balkans.

At a meeting with Serbian Government officials, I personally confronted Serbian Vice President Zoran Arndjelovic on his Government's complicity in atrocities against Bosnian Moslem civilians. These crimes against humanity are the result of the heinous policy of ethnic cleansing, the genocidal program driving the creation of a greater Serbia.

I have long been in support of decisive action to halt the march of Serbian aggression, stop the genocide, and give the oppressed the means of defending themselves. This is the only way to stop the slaughter. Above all, those guilty of war crimes must be brought to justice and made to pay for their crimes against humanity.

Unfortunately, the killing and suffering continues in the former Yugoslavia. The following account of Father Svetozar Kraljevic's pastoral and relief activities in Bosnia is truly inspiring. His efforts to ease the pain and suffering of all those touched by the war are worthy of our gratitude and admiration. Someday I hope to visit with Father Kraljevic in an independent Bosnia, free from the shadow of war and oppression.

Father Svetozar Kraljevic's story follows:

A doctor tells of an operation which, as a young student, he observed in a London hospital. "It was the first time that this particular brain operation had been carried out in this country. It was performed by one of our leading surgeons upon a young man of great promise for whom, after an accident, there seemed to be no other remedy. It was an operation of the greatest delicacy, in which a small error would have had fatal consequences. In the outcome, the operation was a triumph. But it involved seven hours of intense and uninterrupted concentration on the part of the surgeon. When it was over, a nurse had to take him by the hand, and lead him from the operating theater like a blind man or a little child." This, one might say, is what limitless self-giving is like. It is what people and peoples, individuals and humanity, neighborhoods and nations, must emulate and demonstrate, if today's world is to overcome its chaos, absurdities and lies.

Father Svetozar Kraljevic, a Roman Catholic Priest of the Franciscan order, and native of Bosnia-Herzegovina, in the former Yugoslavia, is just such an individual. Father "Svet", as he is affectionately known by millions, mostly because of his pastoral and relief activities on behalf of all those who suffer in today's war that is the Balkans On Fire, is a man no less remarkable in what

means limitless self-giving than that London brain surgeon. Even more, he is remarkable for his humility. He is remarkable for how, in what is an instinctive if not rare humility, he shares himself with the victims of this war. A war that is neither a civil war nor a religious war as some have said but, rather, a land grab by the last of the old-guard communist dictators, Slobodan Milosevic, for a "Greater Serbia" that's been a dream of the Serbs for a hundred years. Too, Father Svet in this war is remarkable for how he leaves a trail of light wherever he goes thus keeping cool, under any confusion from terror and trauma, those to whom he ministers and brings relief supplies.

Here is a man who was born in the mountains of Hercegovina . . . the first reality of his childhood. His parents and his neighbors farmed their slopes and dwelt in their hollows. And when they had to go somewhere, they did not go around; they went over. It would never occur to them to do otherwise, and they expected their children to do the same . . . From Father Svet's earliest recollection, the mountains were a central feature in their lives. "They did not give us much of a living but", says Father Svet, "we did not need much. They, the mountains, taught us to be satisfied with what we had. In a way, they were like parents, they shaped our lives. The other reality was God. Like the mountains, He was just there . . . in my parents prayers, in their plans, in their Sunday worship, an hour's walk away. And so He was there for me too. In the hills, in the trees, in the cows; God was an ever present reality." . . . Father Svet grew up in a one room, dirt floor mountain dwelling built by his father and his father's two brothers. It was after the war and there was total deprivation. The Nazi and the partizani had left no crops, no livestock, nothing. All the people had was a trust in God . . . In his village, there was no school. So at seven his mother walked him over the mountains to the school two kilometers away. The school was one room with benches like pews. The next morning, when it was time to leave for school, Svet (as he was called at home) stood by the door with his book bag. His mother said, "What are you waiting for?" "I'm waiting for school." "Then why don't you go?" "I'm waiting for you." "You go alone today, Sveto". And so he took his first step into the world alone . . . barefooted, as did many of the mountain children. "When you have nothing," says Father Svet, "parents cannot buy you shoes. My older brother's shoes would not fit me for several years."

After World War II, under Communism the Church posed the only threat. At first, they simply killed the priests. In Hercegovina alone, sixty-nine Franciscans were murdered. Most of the others, including bishops, especially those whose example encouraged the people to keep the faith, were thrown into prison, with the prospect of a limitless sentence, months in solitary confinement, and possible torture. Thus as Svet-the-child took that first step into the world, "alone and barefooted," this was the world he entered, the reality he faced, the persecution he would come to know in a deeply personal and collective way. And years later, when he felt called to the priesthood, he elected to walk in the footsteps of the murdered and imprisoned Franciscans by becoming one of them.

In 1991 Croatia and Slovenia declared independence, as permitted by Yugoslavia's constitution; and then Macedonia; and later, Bosnia-Herzegovina. By radio Father Svet

heard the news: Serbs had destroyed a Croatian village . . . while the Yugoslav Army, led by Serbian Communist, looked the other way. Senior Croatian officers in that army were being discharged. The borders were closing. . . . To Father Svet it seemed it would take a miracle to save Croatia—and neighboring Hercegovina—from a bloodbath. The hatred between the Serbs and Croats ran as deep as that between Catholics and Protestants in Northern Ireland, or between Jews and Palestinians in the Holy Land. Present for so long that it was now ingrained in the racial memories of these two peoples, it had been suppressed under Communist rule. But now, the Communists were no longer in power. . . . The next morning after hearing this news, he walked with a friend in a little graveyard behind his retreat house. Pointing out two unmarked graves, he shared that after the war the partizani had come there and killed thirty villagers, after first making them dig those graves. Father Svet knew if there was war, there would be fresh graves. And there would be priests in them . . . yet he had the faith to believe for the miracle of peace. And he shared with his friend the message he had for the leaders of both sides who would be responsible for whatever was coming: "Accountability!" he exclaimed. "Most of them have forgotten—if they ever knew—that they will have to stand before God and answer to Him for every life that he had entrusted into their care, for every drop of blood needlessly shed." . . . Father Svet thought about that for a moment, then said: "The message for the leaders, for the politicians, is the Truth. If they will see the Truth and come to know it, they will do it. And the Truth will set them, and every-one else, free."

The rest now is history. Croatia first and then Bosnia-Hercegovina became a land of shameless slaughter, organized persecution and mass deportation . . . in the style of Hitler and the Khmer Rouge. Indeed it has become the most disgusting war of a century that has had too many. Into this scenario the good Father took the best of his heart, the best of his calm and confidence, the best of his courage, the best of his compassion, and he put them to work on the side of that land's victims, never asking whether they were Croatian, Muslim or Serbian. For going on three years now, Father Svet in his drive to minister and bring relief supplies to this war's victims, he's had to face down a Serb aggressor who, with bestial abandon and no thought for the soul of humanity, has aimed contempt and worse at all of humanity, especially those who would arrest his course and rescue victims, a Serb aggressor who has spat on innocence and crushed, defiled, destroyed whole generations of yesterday, today and tomorrow . . . leaving corpses that clutter the roads, the cries of wounded orphans, the tears of overburdened widows, and over half the children traumatized.

Father Svet has been able to do more than any other of the Franciscan friars because of his involvement with Medjugorje where, in 1981, began the reported appearances daily of the Blessed Virgin Mary. Today, nearly thirteen years later, she still appears and gives inspiration, instructions and messages; including warnings about the future of the world, and unprecedented pleas for a turning to God, prayer, reconciliation, and peace. Medjugorje is located in the Hercegovina sector of Bosnia-Hercegovina. Incredibly, while so much around has been scorched or reduced to rubble, Medjugorje itself, just outside heavily shelled Mostar, has remained untouched and thus become an Oasis of Peace during this war.

Father Svet has traveled far and wide, all over the world, Africa, the United States, Ireland and England organizing and seeking help for his relief efforts. He then personally escorts and leads relief convoys into the war zones and refugee camps, going always to where the suffering is at its worst and danger most extreme. "He just lets himself go," says a brother Franciscan priest, "for our times and for the love of all people . . . in the process exposing himself to danger in efforts that are extremely daring." Recently guaranteed safe passage by both the Serbian and the Muslim forces, the latter now a foe by how the logic of war can make adversaries out of allies, Father Svet made his way to the encircled people of Konjic who were without priests for Christmas, but not without first spending a night with a Serbian commander in the mountains. Very daring, very dangerous. Months ago, while celebrating Mass in his convent at Bijelo Polje, where he served as spiritual adviser for that convent's nearly ninety nuns, a bomb landed in the next room. Through smoke and dark, without lights of any kind, he guided the nuns through gunfire and into the mountains, to safety, and then returned to help others. His convent now a heap of rubble . . . and Father Svet himself, a refugee. Indeed, at one point, for several days, he was listed as "missing", thus alarming millions from round the world who had come to know of him through his association with Medjugorje and his 'round-the-clock relief work in Mostar and elsewhere.

Because it would be Father Svet's wish, it should be pointed out that it is not his life which is being presented here, but rather what God has done in such a life. Thus God, not he, must receive the credit, which is as it should be.

Finally, at a time in history when the world, especially its young people, are in desperate need of role models of the Mother Teresa kind, Father Svet is one man at least who qualifies. Like Mother Teresa, and too that remarkable London "brain surgeon", his "limitless self-giving" on behalf of all who suffer in today's Balkan war is so extraordinary as to merit special mention in public and private meeting places everywhere. For with his life, Father Svet strengthens all of us against suffering, sorrow and frustration. With his life he brings into our lives an Infallible Guide. With his life he brings the consciousness of a global unity in God, a new dependence on that God, a new sense of the brother- and sisterhood of people and peoples. He brings Peace!

We cannot tell what may happen to us in the strange medley of life. But we can decide what happens in us . . . and that is what really counts in the end. How to take the raw stuff of life and make it a thing of worth and beauty . . . that is the test of living. For Father Svet, that raw stuff ranged from the "dirt floor" home of a childhood whose priests were killed, imprisoned and tortured, to the killing fields of Croatia and Bosnia-Hercegovina in war whose course is always horrid. Father Svet, we of St. Brigid's Parish in Westbury, Long Island, New York, salute you! America salutes you!! Clearly we are grateful for all you are and all you do.

REPUBLICAN SUBSTITUTE AMENDMENT TO H.R. 6, THE ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1993

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. MICHEL. Mr. Speaker, today I have submitted a Republican substitute amendment that may be offered at the end of consideration of H.R. 6, the Elementary and Secondary Education Amendments of 1993. I am submitting this amendment on behalf of myself and the Republican members of the Education and Labor Committee, including Mr. GOODLING, Mr. PETRI, Mrs. ROUKEMA, Mr. GUNDERSON, Mr. ARMEY, Mr. FAWELL, Mr. BALLENGER, Ms. MOLINARI, Mr. BARRETT, Mr. BOEHNER, Mr. CUNNINGHAM, Mr. HOEKSTRA, Mr. MCKEON, Mr. MILLER, and Mr. CASTLE.

Below please find a description of the guiding principles underlying this amendment, as well as a summary of the provisions of the amendment:

21ST CENTURY EXCELLENCE IN EDUCATION ACT—GUIDING PRINCIPLES

Local control: This legislation honors the tradition of local control of education and exemplifies the belief that Federal programs, which supply only 6% of the funds, should to the maximum extent possible defer to educators, parents, and leaders in the community to craft and implement the activities to educate their children.

Flexibility: Since we believe that the best educational programs are those designed at the local level to respond to unique local circumstances, we must give schools the flexibility to adapt Federal programs to their own experiences and needs. In return, the Federal government should demand accountability in the form of improved student learning outcomes.

Bureaucracy and red tape: The demands on the resources and energies of local schools and school districts are great enough without the added burden of excessive Federal paperwork and reporting requirements. Accountability for use of Federal funds should be linked to student learning rather than reams of regulations dictating how money may and may not be spent. Access to Federal funds should be streamlined so that they move quickly and as directly as possible to the schools.

High standards and expectations: For too long we have short-changed our most disadvantaged students by refusing to forcefully declare that they can and must perform as well as other students. Federal programs to aid disadvantaged students must set the same high standards and expectations for them that we have for all other students.

Parental rights: No single factor is more important to student success than parental involvement. Federal education programs should foster parental involvement and access to training. Furthermore, Federal policies should foster greater access to quality education by encouraging approaches such as magnet schools, parental choice and charter schools.

The 21st century: A rapidly changing and increasingly demanding world means the Federal government must assist States and school districts to move toward technology-based education that will meet the demands of the next century.

General: Streamlines the legislation that was reported out of Committee; provides greater flexibility to SEAs and LEAs in the use of Federal funds; eliminates programs that Committee Republicans and the Administration argued do not serve useful purposes;

Title I: Carefully limits provisions and requirements to children served under this Title; the Federal Government is only justified in demanding accountability for those funds it provides.

Establishes an accountability mechanism that requires high standards for students served and assessments of student progress but does not permit the Secretary to dictate or condition the receipt of funds on specific standards or assessments.

Allows hundreds more Title 1 schools to operate schoolwide projects which allows them to combine funds from nearly all ESEA programs to benefit the entire school.

Encourages activities to increase parental involvement and to integrate these with programs such as Even Start and Head Start without specifically directing methods or funding levels.

Allows LEAs to use Chapter 1 funds to develop local option public schools choice programs for students served under this Title.

Establishes programs to recognize successful schools and educators based on student learning improvements, and directs the Secretary to develop a Presidential recognition program to provide cash awards to exceptional schools.

Retains the funding formula carefully worked-out in Committee that protects services to all eligible students, particularly in rural areas, and focuses new funds more on schools with greater concentrations of disadvantaged students.

Eliminates opportunity to learn standards and the unfunded reporting requirements imposed on schools; decisions on the resources and strategies to be employed to educate all of our children are necessarily local matters, and this legislation protects that important prerogative.

Even Start, Migrant Education, and Neglected and Delinquent programs are retained as reported by Committee.

Title II: Retains the Eisenhower Professional Development program but restores greater flexibility by eliminating limits on use of funds for curriculum materials; the provision on teacher certification that concerned home schoolers is stricken.

Restores the Chapter 2 program with the enhanced focus on the National Education Goals contained in the amendment offered by Messrs. Goodling and Gunderson.

Incorporates the Administration's attempt to streamline and consolidate technical assistance efforts and requires that the regional centers develop expertise in assisting schoolwide projects and in better coordinating services provided under a range of programs such as Chapter 1, Even Start, Bilingual Education, etc.

Employs the more realistic technology education program crafted by Messrs. Gunderson, Goodling, and Castle, and provides for a proportionate distribution of such funds between rural and urban districts. Incorporates the Star Schools program as an allowable use of funds under this part.

Directs the Secretary to establish a commission to study and make recommendations about the best ways to assist SEAs and LEAs to move toward technology-based education.

Title III: Incorporates a more flexible version of the Fund for Improvement of Education and adds charter schools as an allowable demonstration project.

Creates a competitive grant program to assist in the planning and implementation of charter schools; in exchange for waivers of restrictive regulations these schools are to develop innovative approaches to raising student achievement.

The Community Arts Partnership Act is folded into Arts in Education as an allowable use of funds.

The Gifted and Talented and Inexpensive Book Distribution programs are retained as reported by Committee.

Title IV: Mr. Barrett's amendments restoring the governors' funds and removing restrictions on contracting out are included in the Drug Free Schools Act.

Titles V, VI, VII: These programs are retained as reported by Committee.

Title VIII: Payments for civilian "B" students are eliminated and the Mink amendment moving funding to the Department of Defense budget is stricken.

Title IX: Waiver language is modified to provide the maximum flexibility at the State and local levels while preserving reasonable assurances for the use of Federal funds.

Title X: Adds language prohibiting the use of funds for family planning and reproductive services.

National Center for Education Statistics: Preserves the National Assessment Governing Board to assure that policy-makers and the public have a voice in shaping the assessments used to measure student progress.

H.R. 3875, THE PRIVATE PROPERTY OWNERS BILL OF RIGHTS INTRODUCED

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased today to join with Representative BILLY TAUZIN and a broad-based bipartisan group of Members to introduce the "Private Property Owners Bill of Rights."

Government trying to take private property for their use without paying for it is not new. The first recorded attempt at a "taking" occurs in the Bible, 1st Kings, chapter 21. King Ahab wanted Naboth's farm but he would not sell it to the King. So Queen Jezebel by official decree ordered Naboth stoned to death. And Ahab had his farm.

The main difference between this story and what is happening today under section 404 is, in the biblical story, the government at least tried to buy the land before they put poor Naboth to death. Today in many of the wetlands cases and an increasing number of endangered species cases the Government is simply taking land for public purposes without paying for it.

You may ask why is the concept of private property so important? In my opinion it is the concept of private property and respect of property rights that is one of the cornerstones of our free and democratic society. As the writer L.H. Rockwell said in the "Free Market" in November 1991:

Private property is the real human right, and the foundation of all freedom. If a church can't own its building, there can be no freedom of religion. If a newspaper can't

own its newsprint, there can be no freedom of press. If there is no private land there can be no freedom of speech.

As Pope Pius XII said on September 1, 1944:

Private property is a natural fruit of labor, a product of intense activity of man, acquired through his energetic determination to ensure and develop with his own strength, his own existence, and that of his family, and to create for himself and his own an existence of just freedom, not only economic, but also political, cultural and religious.

Our Founding Fathers clearly understood this truth and the importance of this fundamental right. They provided for its protection in the fifth amendment's provision that " * * * private property shall not be taken for public use without just compensation." Unfortunately, many in the Federal Government and in the environmental community seem to forget this fundamental truth. I believe that the Founding Fathers would be turning over in their graves if they knew what the Federal bureaucracy was doing in the name of the environment.

The very foundation of our fundamental right to use our own property is under tremendous attack in this country right now. Just as the former Soviet Union and Eastern bloc are discovering the critical need for private property, there are those in this country who in the name of environmental protection would seek to destroy the right to use your own land.

At best these extremists tend to believe that our traditional notions of private property are old fashioned throwbacks to our capitalist past that have outlived their usefulness. At worst they believe that all resources are to be shared by the masses and that they should be managed by the Government for the benefit of all.

If we don't stand up to these radicals and counter the slide toward Government imposed environmental extremism, we will produce the same disastrous standard of living now being suffered by the former Soviet Union. If this happens our families, our society and our environment will all pay the price.

Our environment will suffer because the single largest cause of environmental degradation in the world is poverty. And one of the major causes of poverty in this country is the excessive regulatory climate that has made jobs this Nation's largest export. We can't build anything anymore in this country because we can't afford the costs associated with permitting, regulations, and lawsuits. The most egregious examples are found with the wetlands regulations under section 404 of the Clean Water Act and the requirements of the Endangered Species Act.

In order to remedy these most intrusive statutes this bill would require that if the Federal Government effectively confiscates half the value of your property then they will be obligated to pay for it. In order to be fiscally responsible this legislation requires the agency responsible for the taking must reimburse the treasury for the cost of the taking.

The bill also clarifies that Federal employees who enter onto private property must get written permission before they can do so. They must also make available at no charge any information that is found on the property and give the landowner the opportunity to challenge the validity of the data. This will pre-

vent the types of abuses that have occurred in several programs such as the National Natural Landmarks Program.

If we are to reverse the slide we must all band together and fight. I and several of my colleagues will continue to fight to protect true wetlands, provide habitat for wildlife, and protect property rights but we need the help of every owner of property or those who wish to own property.

If we all work together I am convinced that we can protect property rights and still have a cleaner environment, because there is no better steward of the land than the person who owns it. If we provide some incentives the private sector will help improve our Nation's resources, not destroy them. All we need is to get back to the concepts of the private property and stewardship that built this country and I believe this legislation is a critical first step.

TRIBUTE TO DEIRDRA JEANINE SMITH

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. TOWNS. Mr. Speaker, I want to recognize the accomplishments of Deirdra Jeanine Smith, daughter of Dorothy and John Smith. She received her elementary education in Brooklyn, NY, attended Brooklyn Technical High School, and received her bachelor's degree from North Carolina Agricultural and Technical State University.

As a college student, she was a founding member of Students Against Drunk Driving [SADD]. She was the first recipient of the Beta Epsilon Chapter's Alpha Phi Alpha Student Woman of the Year Award. Upon graduation Deirdra was chosen to participate in Teach For America, a highly competitive program which places graduates in under resourced schools throughout the Nation to help ensure that all children receive a quality education.

Deirdra is on the faculty of Community Elementary School 53, in the Bronx, where she teaches fifth grade. She resides in Brooklyn and attends St. Paul Community Baptist Church. Deirdra is a member of Delta Sigma Theta Sorority Inc., and hopes to pursue graduate studies in social work.

A GOLDEN OPPORTUNITY FOR UNITY

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. NADLER. Mr. Speaker, I rise today to inform my colleagues of the outstanding work of an organization in my congressional district which is working to heal the rifts which have for too long divided our city and our Nation along racial and ethnic lines. The Foundation for Ethnic Understanding, an organization of concerned citizens, is working to promote understanding and peace between the diverse communities that make up the greatest and most vibrant of cities in the world.

They have chosen as their emblem the GOLDEN OPPORTUNITY FOR UNITY universal harmony insignia created by Artist-in-Residence Regi Taylor.

The foundation president, Rabbi Marc Schneier, has called the GOLDEN OPPORTUNITY FOR UNITY an artistic expression which exemplifies a very profound social ideal. Rabbi Schneier has observed that:

Regi has, in this work, captured the spirit of mutual ethnic understanding, respect and cooperation which is at the foundation's philosophical core. I believe we can reach multitudes with the insignia's message, encouraging positive racial dialog on a large scale.

Regi Taylor's vision is equally forward looking, and his work demonstrates the power of artistic expression to affect people deeply and truly change the world.

Mr. Speaker, sometimes it seems that mistrust, a failure to communicate, and fear combine to fuel the fires of hatred in our Nation and around the world. We need potent and profound reminders that our strength lies in our diversity and our ability to build on the combined strengths of many traditions. We are Americans, not so much because of where we are from, but because of what we have done here together to build this Nation. Each of us has a part. As we face the challenges that lie ahead, we are going to need the talents and abilities of everyone.

Mr. Speaker, I am proud that in the city of New York, neighbors are working together for a better day. They are using the power of artistic expression and the moral leadership of example to bring about the kind of change we will need if this Nation is to survive. I am pleased to commend their efforts to my colleagues.

TRIBUTE TO LT. GEN. NEAL T. JACO

HON. FRANK TEJEDA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. TEJEDA. Mr. Speaker, I rise today to pay tribute to Lt. Gen. Neal T. Jaco, commanding general of the 5th U.S. Army and Fort Sam Houston in San Antonio, TX. General Jaco's retirement ceremony is Friday, February 25, and I know that I can speak for many in the San Antonio community when I say his presence and his service will be sorely missed.

General Jaco was born in Springfield, MO, on October 28, 1937. He was commissioned through the ROTC program in 1959, and holds a bachelor's degree from Southwest Missouri State University and a master's degree in international relations from George Washington University. His military education includes the infantry officer's basic course, the armor officer's advanced course, the Naval Command and Staff College, and the Army War College.

General Jaco has held several command and staff positions including: Battalion personnel officer and brigade operations officer at Fort Benning, GA; company commander and

battalion operations officer in Korea; division operations adviser in Vietnam; and training staff officer at the Department of the Army Office of the Deputy Chief of Staff for personnel.

In November 1975, General Jaco assumed command of the 1st Battalion, 28th Infantry at Fort Riley, KS. Just 1 year later, he took command of the 3d Battalion, 28th Infantry in West Germany. He later returned to Fort Riley to become the division personnel officer for the 1st Infantry Division. After attending the Army War College, General Jaco assumed duties as the corps personnel officer/director of personnel and community activities of III Corps and Fort Hood, TX. In May of 1982, he assumed command of the Armor Center and School Brigade at Fort Knox, KY. He then served as the operations officer for III Corps at Fort Hood. He transferred to Fort Polk, LA, where he served as the chief of staff for the 5th Infantry Division, and then returned to Fort Hood to assume duties as assistant division commander of the 2d Armored Division, and later, chief of staff of III Corps and Fort Hood.

General Jaco's most recent assignments include service as the commanding general of the U.S. Army Community and Family Support Center at Department of the Army. In May 1990, he assumed command of the 4th Infantry Division, mechanized, and Fort Carson, CO. He has earned many military awards including the Distinguished Service Medal, Legion of Merit, Bronze Star Medal, Meritorious Service Medal, Army Commendation Medal, Army Achievement Medal, Combat Infantryman Badge, Parachutist Badge, and the Army General Staff Identification Badge.

On November 14, 1991, General Jaco took command of 5th U.S. Army and Fort Sam Houston, TX. It was in this capacity that I began to work with General Jaco on matters of importance to the San Antonio community. Those of my colleagues who represent military bases know how often a Congressman is called upon to work with those bases, on constituent matters or on base issues. San Antonio has five military bases, so, over the years, I have worked with many commanders.

General Jaco is an accomplished leader, but he also is an accomplished listener. He knows how to command, and how to respond. He understands that an Army post is more than a collection of buildings and men and women, that it works with the surrounding community to solve common problems. Each time that I have asked for assistance in addressing an issue, General Jaco has responded quickly and courteously. He is a problem-solver with uncommon skill and zeal.

Being a leader is never easy. But it is all that much more difficult to manage the modern American Armed Forces in a time of such dramatic change. General Jaco came to Fort Sam Houston, an old and historic installation, in such a time of change for this Nation's military. We all know that the military budget is shrinking, and that our forces are being asked to do more with less. So a commander like General Jaco is asked to manage an installation a century old at a time of great technological change. And he must do so in the midst of a community that now numbers over a million people with all the urban problems and tensions that they can bring.

Let me say that General Jaco distinguished himself in the modern armed forces just as he

distinguished himself on the battlefield. He has been a good friend to me, and more importantly, to the San Antonio community. But most of all, he has been everything that our armed services and this Nation could ask. On behalf of my colleagues, I would like to wish him many years of well-earned retirement, secure in the knowledge that he has many years of contribution to his country.

TRIBUTE TO ELIZABETH
LACRETIA SINCLAIR

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to an outstanding member of the community, Ms. Elizabeth Loretta Sinclair, in honor of her 43 years as a teacher in the public schools of Columbia, SC.

It is fitting that we honor Ms. Sinclair during the month we celebrate as Black History Month. At 103 years of age, she has lived through many of the most significant events in African-American history, as well as world history. Few people are granted such longevity. After graduating from Benedict College, she began her teaching career in 1915, and, I imagine that she has outlived many of her former students. Having retired in 1958, she ended her illustrious teaching career before the dramatic civil rights events of the 1960's and 1970's.

It is a privilege to represent an individual such as Ms. Sinclair in the House of Representatives. The schools where she taught—the Old Waverly School, the I.S. Leevy School, and the Ridgewood Elementary School—were all located in what is now the Sixth Congressional District, which I am proud to represent.

Mr. Speaker, Elizabeth Sinclair is a living legacy who has stood the test of time. I join with her former students and community in honoring her on Saturday, February 26, 1994, at the Ridgewood Baptist Church for a distinguished life of service to young people and to mankind.

TRIBUTE TO CAPT. LARRY
FRANKLIN

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. KLEIN. Mr. Speaker, I rise today to pay tribute to Capt. Larry Franklin who is the first African-American captain in the history of the Paterson Fire Department. I am very proud to join Councilwoman Vera Ames and the city of Paterson Fire Department in congratulating him for his recent promotion and significant achievement.

Captain Franklin dreamed of serving all people and his community when he was young. After growing up in South Carolina, he received his formal education at the Passaic County Community College where he received

his AAS degree in criminal justice/fire science. He is presently attending Jersey City State College where he will receive his bachelor of arts degree.

Captain Franklin has served as an emergency medical technician for 15 years, and believes that these have been the most rewarding years of his life. Captain Franklin has also helped the city of Paterson in other ways. He has worked the Paterson Public School system as a mentor of Project 2000 at Public School No. 6. Through this program, Captain Franklin visits classrooms and teaches students about fire prevention, fire education procedures, and first aid.

The Paterson Fire Department and the entire city of Paterson have benefited from Captain Franklin's service. His achievement of becoming Paterson's first African-American fire captain could not come at a better time as we celebrate Black History Month. For his valued effort, I join with my colleagues in wishing him continued success.

CONGRESSMAN MFUME SUPPORTS
SAFE SCHOOLS ACT

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. MFUME. Mr. Speaker, violence in our society has become a national crisis. Stories in the press about children as victims of crimes and children committing crimes seem to be more frequent and more gruesome. Too many American children are raised in neighborhoods fraught with drugs and violence, creating escalating cycles of violence. In order to help our youth break the cycles of violence, they must be provided a quality education. Unfortunately, the education of our young is hindered by the plague of drugs and violence in our schools. It is for this reason that I strongly support the Safe Schools Act.

A National School Boards Association survey shows that 82 percent of 729 school districts responding said that violence in their schools had increased over the past 5 years. In 1992, 2 percent of eighth graders, 4 percent of 10th graders and 3 percent of 12th graders nationwide reported that they regularly carried a weapon to school. In addition, 14 to 19 percent of eighth, 10th and 12th graders reported being threatened with a weapon; 25 to 29 percent reported being threatened without a weapon; and 5 to 9 percent reported being injured with a weapon in school. According to newspaper accounts between 1986 and 1990 at least 71 persons—65 students and 6 school employees—were killed by guns at school, 201 were severely wounded, and 242 were held at gunpoint.

The plague of violence in our schools is epidemic. Although responsibility for school safety rests with State and local officials and the community, the crisis is overwhelming and financial resources and research are inadequate. The Safe Schools Act will provide grants to local education agencies which receive, or are eligible to receive, grant funds for concentrations of poverty and serve in an area with high crime rates. Local education agen-

cies must also assess the violence in the schools and communities that will be served, have written safety and discipline policies, and explain how activities will be coordinated with its education reform plan.

The grants included in the Safe Schools Act will support activities such as identifying and assessing the violence and discipline problems in schools; planning comprehensive, long-term strategies to address these problems; educating the community about the agencies safety plans, and developing and implementing violence prevention activities that may include conflict resolution, disciplinary alternatives to expulsion and suspension, peer mediation and counseling, and after school programs. Other activities include training staff to deal with violent behavior; providing safe passages between home and school, and security activities such as installing metal detectors and video surveillance devices.

The Safe Schools Act is long overdue. Our teachers cannot continue to attempt to educate our youth with the fear of being threatened or attacked by one of their students; children cannot continue to try to learn in spite of threat of danger within their own classrooms, and parents should not continue to fear for the safety of their children. The education of the youth of America has been compromised for far too long. The Safe Schools Act will not end the violence our society, but it is an important step in curbing the violence to which our children are exposed and provide them with a safe haven in which they may learn and grow.

NATIONAL FHA/HERO WEEK

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. NATCHER. Mr. Speaker, last week, February 13-19, was National FHA/HERO Week and at this time, I would like to say a few words about the Future Homemakers of America. FHA/HERO is a national vocational organization in which students participate in a variety of activities and projects focusing on the family and community service. Participation in these projects helps to prepare these young people to become community leaders, wage earners, and caring family members. This year's theme, "Make It Happen," emphasizes how FHA/HERO members make a difference in the lives of others while learning valuable skills for life.

In 1993 over 263,000 members in 10,200 chapters across the Nation were involved in projects stressing family relationships, self-esteem, nutrition, teen issues, and environmental awareness. They participated in programs such as Leaders at Work in Food Service designed to sharpen skills in communication, management, and entrepreneurship or the Community Service Award Program in which chapter members identify a specific community need and carry out a service project to meet that need.

In my home State of Kentucky there were 10,242 members in 249 FHA/HERO chapters last year. These students took part in programs such as STAR Events in which activi-

ties are designed to recognize student achievements in leadership and job-related skills. Many were involved in Power of One which includes completing individual projects in five areas: improving self, strengthening family life, exploring careers, developing leadership skills, and promoting the organization.

In Kentucky's Second Congressional District, there were 1,564 members during the past year. At this time, I would like to recognize those from the district I represent in Congress for their outstanding achievements through the FHA/HERO organization over the last year.

At the 1993 national leadership meeting in Anaheim, CA, the following were recognized for their participation in STAR Events: Melissa Moore from Marion County High School received a gold medal for the occupational job application and interview event; Nathan Johnson, Pam Barnes, Sara Ross, Shannon Johnson, and Amy Wallace of Greenwood High School received gold medals for parliamentary procedure.

Those from the Second Congressional District of Kentucky who received Power of One recognition at the national leadership meeting were: Stephanie Bowman, April Bryant, Donita Denton, Jamie Hood, Tonya London, and Kelly Smith of Barren County High School; Nellie Bratcher, Sandy Pennington, Kandy Pennington, Debra Ramsey, Darleen Singleton, and Wendy Trowbridge of Hart County High School; Howard Stinson III of Churchill Park High School; Misty Cable, Deanna Caulk, Kacey Chowning, Veronica Duka, Andrea Elliot, Ashlee Fields, Robin Gray, Jennifer Gibbons, Tabatha Greer, Melissa Howard, Kim Keeney, Chanci Knifely, Jessica Pierce, Anna Rogers, Dana Smith, Jennifer Spear, and Carla Underwood of Campbellsville High School.

I would also like to mention those from the district I represent who are serving on the State executive council. Sara Ross of Greenwood High School is vice president for achievement and Melissa Boils from Taylor County High School is activity leader.

At this time I would like to commend all of the members and advisors of FHA/HERO in the State of Kentucky and throughout the United States for their many accomplishments through this organization. All down through the years, FHA/HERO programs have taught young people useful problem-solving skills which enable them to help themselves while helping others in their families and communities. For this reason, those involved in FHA/HERO really are making it happen.

UNITED NATIONS MEMBERSHIP FOR TAIWAN

HON. WILLIAM J. JEFFERSON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. JEFFERSON. Mr. Speaker, the United Nations today includes 184 member nations—almost all of the nations of the world, except Taiwan. Taiwan has a population of 21 million—more than that of 130 members of the United Nations, but Taiwan is not a member.

In the economic field, Taiwan is the 14th largest trading nation in the world; its gross national product is the world's 20th largest; its annual per capita income exceeds \$10,000; it has the largest foreign exchange reserves worldwide at \$80 billion; it is the United States' sixth largest trading partner. But again, Taiwan is not a member of the United Nations.

In the field of democracy, Taiwan has begun to make exceptional progress in recent years toward establishing democracy and securing political freedoms for its people. And again, Taiwan is not a member of the United Nations.

Despite this economic and political progress and despite the people of Taiwan's strong desire to be recognized as a political entity separate from China, Taiwan has not been the beneficiary of representation in the United Nations. This gross lack of international recognition has left 21 million Taiwanese voices unheard in world affairs.

It is uncontested reality that the government in Taipei only exercises effective control over the Island of Taiwan and that the government in Beijing only exercises effective control over China. Since China is already seated on the United Nations' Security Council, I strongly believe that the people of Taiwan now also deserve a separate Taiwan seat in the United Nations.

It is important to realize that the fact that 21 million residents of free and democratic Taiwan are not represented in the United Nations clearly goes against the United Nations' principle of universal representation.

When the United Nations replaced the government in Taipei with the government in Beijing in 1971, this was done in order to "strengthen the authority and prestige of the UN." And with Taiwan's ever increasing economic and political importance, the same argument which was used for China over 20 years ago must be applied to Taiwan's current bid to join the United Nations. Taiwan must now also join the United Nations in order to "strengthen the authority and prestige of the United Nations."

IMPROVEMENTS TO PUBLIC HOUSING

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mrs. ROUKEMA. Mr. Speaker, today I am introducing legislation making much needed improvements to our public housing and related housing programs.

Many of these provisions were requested by the Department of Housing and Urban Development last year but were not acted on by the Banking Committee. Many of these provisions also have the support of the public housing industry as well.

Mr. Speaker, there are over 3,100 public housing authorities throughout the Nation providing critically needed affordable housing to well over 100,000 low- and moderate-income families, elderly persons and those who are handicapped. Most of these authorities are doing a very good job and are providing the safe, decent, and affordable housing the law requires.

However, there are a small group of housing authorities who are faced with such overwhelming problems as crime, drugs, deteriorating developments, poor location, few job opportunities for their residents, and excessive vacancies which has resulted in the negative reputation accorded public housing in general. Regrettably, some of these PHA's are just not up to the task of running a successful public housing program.

My legislation is intended to help eliminate some of the problems which may contribute to the difficulties many PHA's have in running their developments.

Specifically, my legislation makes several technical changes to existing programs in order to achieve efficiencies and addresses five major issues. These include:

SEVERELY DISTRESSED PUBLIC HOUSING

In the 1992 Housing Act, our committee created the Severely Distressed Public Housing Program (aimed at providing funds to clean up the worst public housing projects). While the committee was waiting to finish that bill (October), the Appropriations Committee funded a similar program called Urban Revitalization Program. However, the appropriations bill required that the provisions of the two initiatives be conformed. This provision does that. Specifically, the legislation:

Requires applicants to propose community service as part of the revitalization effort;

Eliminates the requirement to publish a list of severely distressed projects;

Clarifies replacement rules to allow section 8 assistance rather than new units in certain circumstances;

Raises the cap on amount of funds which can be used for support services from 15 percent to 20 percent; and

Eliminates the requirement that grant awards be made on a geographic basis.

INCOME DISALLOWANCE

Under current law, a public housing tenant pays a rent based on 30 percent of his/her earned income. So, when a public housing resident moves from welfare to work, their rent immediately increases. This has often provided a disincentive to work. This section would allow the PHA to either deduct 20 percent of the earned income for purposes of the rent calculation or freeze the families current rent for 18 months as incentives for encouraging work. The legislation also allows the PHA to discount part of the salary earned by a dependent who lives in the same unit. This would eliminate the penalty for a family who has a son or daughter who secures employment to help the family survive.

CEILING RENTS

Because of the location or condition of some public housing, the 30 percent of income rule may actually result in a family paying rent in excess of the actual value of the apartment thus forcing the family—especially working families—to seek better living accommodations. The result is often an increase in vacancy rates or occupancy by a nonworking family which requires additional Federal subsidy. My provision would allow the PHA to set rents based on the market value of the apartment in order to allow working families to remain in their public housing apartment.

STREAMLINE PUBLIC HOUSING DEVELOPMENT

This provision would attempt to streamline public housing development by giving PHA's

more flexibility in the type, size, location, and design of the units they are developing or replacing. It would eliminate current unrealistic cost limits; would allow PHA's to use non-Federal funds for development amenities without reducing the overall grant they would receive; it allows PHA's to build to local neighborhood standards and to use local housing codes. The provision would also allow the PHA to change the development plan after receiving a grant without going back through the HUD approval process. And finally, it would provide the PHA an incentive for achieving cost savings by allowing the PHA to share 50 percent of any savings generated by efficient and timely development of units.

PAYMENT IN LIEU OF TAXES

Currently, public housing developments are not assessed a local property tax. In lieu of this, the PHA and the local unit of government negotiate an amount of payment to be made by the PHA for services such as education of the children in the development, refuse collection and police protection. However, the payment is based on a formula which takes a percentage of the actual rents collected by the PHA. In many areas of the country, the rents paid by the tenants are so low that the payment made to the local government is almost negligible. My provision would not change the formula currently in use but it would require a minimum payment for each unit occupied by a family in a public housing development.

Mr. Speaker, these proposed changes to the operation of public housing represent modest but sensible changes to the way we do business. All of them represent improvements designed to enhance the efficiency and effectiveness of our Federal housing programs.

THE PRIVATE PROPERTY OWNERS BILL OF RIGHTS

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. TAUZIN. Mr. Speaker, I rise today to introduce legislation that every property owner in America should welcome. The private property owners bill of rights reawakens America's commitment to the concept of private ownership of property. The greatness of our country arises from the economic opportunities afforded by the use and ownership of private property. Ownership of property makes most of us better citizens and increases our involvement in local and national government activities. Our Government ought to be encouraging, not discouraging private property ownership.

As we watch former Communist governments move in the direction of a free enterprise economy based on ownership of private property, our own Government is moving in the opposite direction. Greater burdens are being placed on private property owners and the Government is making it riskier to own private property. An individual who purchases property, assumes the debt to make that investment, and pays substantial property taxes, should at least be able to expect that the Government will not actively work to prevent some return on that investment.

Unfortunately, there is a growing attitude within the Federal bureaucracy that it is acceptable to disregard the legal rights of private property owners, as long as the goal is a laudable one. There is a growing movement to preserve various types of habitat in order to protect plants and animals to benefit the general public but at the total expense of the individual property owner. Many of these owners have been good stewards of their property, preserving forests and wetlands in their natural state. However, when those landowners choose to use their property, they are prevented from using it because it has been preserved.

I have had constituents in my district who were denied wetlands permits to use their land based on the fact that their property was wooded or provided habitat. When a landowner is denied a permit to use their land for an activity that would otherwise be harmless, I believe that this is a taking. The fifth amendment of our Constitution clearly states that private property may not be taken for a public purpose unless just compensation is paid. Our Constitution was adopted, not just to grant power to the Government, but also to limit the power of the Government and to protect the rights of the individual. Without the protection of the fifth amendment, our Government could solve all its budgetary problems by simply confiscating any property it needed for any purpose at will through restrictive regulations. The fifth amendment is a curb on the abuse of power by Government and the compensation provision makes Government accountable for its actions.

If the Government can force land into public service as habitat or for flood control purposes, without the payment of compensation, then Government can and will abuse its citizens by taking property freely for any well-intended public program.

The bill I introduce today is intended to make our Government accountable to its citizens. The bill clearly sets forth that it shall be a Federal policy to encourage, support, and promote the private ownership of property. Most of the cases that have arisen in which landowners have lost the use of their property have been under the Endangered Species Act and the wetlands permitting program under section 404 of the Clean Water Act. Therefore, the bill limits most of its provisions to these two acts. Let me make it clear that I support the goals of both of these laws. However, they can be carried out without depriving property owners of their legal rights.

The bill requires Federal agents who enter private property to gather information under either the Endangered Species Act or under section 404 to first obtain the written consent of the landowner. It guarantees administrative appeals for landowners from decisions made under ESA or 404. Property owners are guaranteed the right of access to information gathered on their property and the right to dispute the accuracy of the information. The bill requires that when property is devalued by 50 percent or more based on a decision under ESA or the wetlands permitting program he or she is entitled to be compensated.

Administrative procedures are established so that property owners have a simple and inexpensive way to seek a fair and equitable

resolution of their claim that their property has been taken. Currently if a property owner is denied the use of their property, their only recourse is to file a suit in the U.S. Court of Claims in Washington. The suits that have been filed have taken many years to litigate and hundreds of thousands of dollars and, in most of the cases, the litigation continues without resolution. Most of our constituents simply cannot afford the claims court process with all its procedural and financial hurdles.

We need a process in which the agency deals fairly and equitably with the landowner. This bill will accomplish that result. The fifth amendment is clear that property should not be taken for a public purpose without compensation. There is no exception in the fifth amendment for wetlands or the Endangered Species Act. The private property owners bill of rights will bring sanity and responsibility back to the manner in which our Federal Government carries out these laws.

I urge my colleagues to join with me in co-sponsoring this bill.

AUSPICIOUS CHANCE FOR HILL'S FRESHMEN

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. GINGRICH. Mr. Speaker, I would like to bring to the attention of all of my colleagues an enlightening article in the Washington Times on February 8, 1994. The article was written by Congresswoman JENNIFER DUNN entitled "Auspicious Chance for Hill's Freshman."

I think that she hit on some extremely vital points in regard to reform within Congress. I hope that all of my colleagues will take some time to read what the Congresswoman from Washington has to say and learn from it.

[From the Washington Times, Feb. 8, 1994]

AUSPICIOUS CHANCE FOR HILL'S FRESHMEN

(By Jennifer Dunn)

Most American citizens thought 1993 would be the "year of reform" in Congress. To drive the message home, voters sent 114 new faces to the House of Representatives to improve the way Congress conducts its business. But 1993 yielded little reform.

Now, early in 1994, those reform-minded freshmen have the opportunity to fish or cut bait on reform. As early as March, the House will take up the pallid recommendations of the temporary reform panel, known as the Joint Committee on the Organization of Congress.

This committee, which was formed over a year ago amidst House bank and post office scandals, was charged with seeking improvements in the operation of the House and Senate. Unlike most committees in Congress, it was comprised with complete fairness in mind. It was bicameral—with 14 members from the House and 14 from the Senate—and composed equally of Democrat and Republican members.

Over the course of the year, the committee heard hours of testimony from hundreds of current and former members of Congress, journalists, and other congressional scholars on what bold and sweeping changes were needed to improve how Congress conducts its

business. Many reform-minded freshmen, both Democrat and Republican, have already supported various bold proposals to get at the obvious problems that plague the Congress. For instance:

The present committee structure is an inefficient, ineffective tangle. The House and Senate do not have coordinated structures. In each, jurisdiction over legislation is shared by so many committees competing for political "turf," that issues of national priority can become bogged in gridlock.

The chaotic scheduling system now forces members of Congress to race back and forth from one hearing to another, often interrupted to go to the floor for votes, then back to committee hearings or meetings with constituents. Using "proxy" votes, members don't even have to be present when major decisions are made in committee.

One result of the helter skelter on Capitol Hill is that Congress frequently fails to adequately follow up on, or oversee, effects of legislation. A painful example was the savings-and-loan debacle.

There should be more turnover among committee chairmen. At present, chairmen exercise far too much power over the shaping of legislation, Committee staff, unelected and entrenched, hold too much power, as well.

(The committee discovered that more than 80 committee staff members received salaries above \$110,000 a year. That's more than Gen. Colin Powell made as chairman of the Joint Chiefs of Staff.)

Too many public-policy decisions are made behind closed doors. (House Resolution 237, The "Sunshine bill," would force virtually all committee action decisions to be made in open session.)

For democracy to work effectively, there's need for more thoughtful deliberation of issues and for the voice of the minority to be heard.

Congress has become a place where debate is often stifled by rules that endow the majority party with overwhelming power. Minority Republicans and reform-minded Democrats are often prevented from offering amendments or alternative ideas.

That unnecessarily inflames and raises the level of rancor in the House.

In late November came the moment for the Joint Committee's decisions. In a series of party-line votes, House Democrats thwarted significant reforms. Primarily cosmetic changes were recommended.

There was no bold reform of the committee system, no change in the overlapping jurisdictions of committees that contribute to gridlock (As one example, more than 40 committees and subcommittee will continue to claim jurisdiction over surface transportation.)

There was refusal to require computerized scheduling, to avoid conflicts of meetings. There was refusal to have the House adopt the Senate schedule—three weeks of work per month, with a full week to spend with citizens in the home district.

There was broad committee agreement on a two-year budget-appropriations cycle, rather than the present one-year cycle. That can afford better oversight of programs.

The final report of the Joint Committee, drawing public criticism for the mostly pale, pastel changes it recommends, is on the action agenda now that the House has reconvened.

Clearly, powerful committee chairmen, and other senior members of the majority party have a stake in preserving the status quo and will continue to attempt to thwart

any effort to bring real change to our legislative process. Republicans (especially the freshmen among them) have led the reform charge since they owe no fealty either to the White House or Democratic committee chairmen.

This leaves only one hope for reform: the Democratic freshmen.

Stuck between the rock of their campaign promises and the hard position presented by leaders of their party who prefer the status quo, Democratic freshmen will be on the spot. But there is evidence that many of them will rise to the occasion. Many of them privately express great frustration with the lack of reform in 1993. Many have assured me that they will support open meetings, bans on proxy voting and other bold reforms anathema to senior Democrats.

Should the Democratic freshmen take up the cause and join with their Republican counterparts as they did when the veil of secrecy was lifted from the discharge petition, we may yet achieve the significant improvements in the operations of Congress largely disdained by their senior colleagues. Then, regardless of which party controls the House, Congress will be the better for our efforts.

TRIBUTE TO CAROL PARRY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. TOWNS. Mr. Speaker, I am indeed pleased to recognize the sterling achievements of Carol Parry, managing director in charge of the community development group at Chemical Bank. Carol is responsible for all lending for low and moderate income multi-family housing; corporate contributions and community outreach; the Minority and Women Vendor Program, and Community Reinvestment Act compliance. Additionally, she also chairs the Chemical Bank Community Development Corp.

Carol's career includes 25 years of management experience in the financial services industry. Ms. Parry has the distinction of being named the first woman senior vice president for the company. She was formerly the director of Manufacturers Hanover's regional banking group's business banking unit, responsible for the bank's tri-State area relationships with small- and mid-size businesses with annual sales generally in the \$3 to \$50 million range.

Among her other notable accomplishments, she is the former chairwoman of the Brooklyn Navy Yard Board of Directors. The board is responsible for overseeing and setting policy for the center which houses 190 businesses employing 3,000 people. The Navy Yard has been an economic lifeline in Brooklyn. Under Carol's stewardship, profits rose from \$500,000 in 1991 to \$1 million per year in 1993; revenue increased from \$11 million to \$13.7 million from 1991 to 1993; tenancies increased from 150 to 200; and occupancy rose from 90 to 95 percent. There can be no doubt that Ms. Parry's management and financial prowess was largely responsible for those improvements.

Carol Parry is a graduate of Tufts University, and also has a M.S.W. degree from the University of Connecticut School of Social

Work. I am immensely pleased to recognize this outstanding professional. She has demonstrated that she not only cares about the Brooklyn community, but has worked diligently to ensure its vitality.

THOMAS P. "TIP" O'NEILL, JR.
HONORED

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. MORAN. Mr. Speaker, I would like to submit a recent transcript by the Reuter's news service of an interview I had with Fox "Morning News" honoring the late Speaker, the Honorable Thomas P. "Tip" O'Neill, Jr.

A FAREWELL TO "THE MAN OF THE HOUSE"

LARK MCCARTHY. Virginia Congressman Jim Moran felt a special kinship with Tip O'Neill. Their families hailed from the same neighborhood in Boston. Jim Moran joins us now to reflect on the life and times of Tip O'Neill.

Is this the end of an era?

Representative MORAN. I think he may have been the last of the great, truly unapologetic liberals. He really believed in what he did. You know, we asked him one time, "What's the definition of a liberal?" And he used the story of how he had been told by Dr. DeBaecqy (sp), I think it was, that if they could develop this drug, they could extend the height of dwarfs by three to six inches. And he went back to the Appropriations Committee and insisted that they put this money in. And he got all kinds of derisive laughter. The Wall Street Journal criticized him and the Republicans criticized him. In fact, the big joke was that, why don't they just go down and buy a Cuban lift for all of their shoes, and it would save the taxpayers a lot of the money. But he insisted.

And today, you know, if a child is born a dwarf, their parent can take them down to Baylor University and extend their height by about six inches. And, you know, you can never measure something like that, but he was proud of it because those people are going to be able to live lives with a little greater dignity. He said that you could probably add up all the mistakes in dollars and cents, but I don't think you can ever quantify what good we've been able to accomplish. And I know that's true, that his life was of immeasurable value. But the people that benefited most are the ones we'll never hear from.

Ms. MCCARTHY. Yes. He liked to think of himself as the working man, working class politician, didn't he?

Representative MORAN. You know, over 50 years, he had to run every other year. He never lost an election. And he said, it's because he kept the same wife, the same values.

Ms. MCCARTHY. And he always called her, "My Millie," right?

Representative MORAN. Yes. He married her back in 1941. The same wife, the same values, and the same lifestyle—he never changed. And, in fact, in his recent book that he was nice enough to autograph for me and write some nice words, that's what he talks about. You've got to stay the same. You've got to know what you believe in. And you've got to live your life that way. And he did. And I think he was a great guy. He may have had—

Ms. MCCARTHY. Just quickly, because he's also being remembered as the last of the old Boston-Irish halls, and your family is from that same area. What was it about, that climate or that time, you know, that Boston influence on him?

Representative MORAN. Well, you know, he was personable. He just loved to be with people. They believed in him. I'll never forget. I mean, during the 1990 campaign, I got this check for \$176.82, signed by Thomas P. O'Neill. And I was so desperate for money—it was my first campaign and all—I cashed it. I'll never forgive myself for doing that. But later on, he told me that it was the last check he had ever written out of his office. He paid off all his debts. He gave money to every good cause that he had ever wanted to, and he was left with \$176.82, and he sent it to me.

You know, most members of Congress—and I think they would agree—would have walked off with hundreds of thousands of dollars after having served as Speaker for that many years. But he never kept anything for himself. His reward was in the good that he did, and he did an awful lot of good.

TRIBUTE TO EVANS SCOGGINS

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. DARDEN. Mr. Speaker, I rise today to pay tribute to Mr. Evans Scoggins of Summerville, GA, a man who has made a contribution of inestimable value to the well-being of his community. Evans has served for the past 15 years on the Boy Scouts of America Executive Board. He has been involved in the Boy Scouts for 66 years, since he first joined the Scouts in 1927. He later became Scout Leader of Troop 7.

Mr. Speaker, I can think of few who are better role models for young people than Evans Scoggins. His enthusiasm, respect for others, and dedication to youth have helped to improve the quality of life in northwest Georgia. However, I can offer no words of praise for Evans higher than those bestowed upon him by former Scouts he has led. Listen to the words of praise for Evans Scoggins from former Troop 7 Boy Scouts. James "Bud" Jackson, who now owns the Jackson Drug Co., said this about Evans Scoggins: "He's a hero * * *. He is a true hero because he took nothing for spending his life for young people." Or how about the words of Allan Eleam, the president of Guffin and Eleam Insurance, Inc. of Summerville: "I feel like what leadership qualities I have were influenced by him and his Christian attitude." And Jon Payne, a probate court judge and former Troop 7 Scout remembers Evans spent so much time trying to teach us things that we needed to be taught about Scouts and about life.

Truly, no one can doubt that Evans Scoggins has distinguished himself in his work for young people. Evans has instilled in so many young men the moral and ethical principles and attitudes which are conducive to good character and citizenship. Most importantly, his teachings have stayed with these young men throughout their lives.

Mr. Speaker, a newspaper article on Evans Scoggins recently appeared in the Summer-

ville News. With the consent of my colleagues in the House, I would like to submit this article for the RECORD.

BOY SCOUTING IS AN ADVENTURE—SCOGGINS INFLUENCES LIVES FOR MORE THAN 50 YEARS

(BY JULIE GRIFFIS)

Billy Mitchell still holds a special place in his heart for his former scoutmaster, as do other former Boy Scouts who grew up in Summerville.

Evans Scoggins has been involved in scouting for 66 years, since he first joined the scouts in 1927. Later he became a scout leader and for the past 15 years, he has served on the Boy Scouts executive board.

"Fred Ray, a Methodist minister, started the troop in Trion," Scoggins explained. "I joined and it (scouting) taught me more about life and had more effect on me than any one person I ever knew."

From that beginning, Scoggins became the person who had more effect on several area young boys than anyone they ever knew.

"He was like a father to me and other boys. He considered me one of his own," Mitchell recalled fondly from his home in Orange Park, Fla.

"He was a good motivator and has been to a lot of boys," added the retired Navy command master chief.

Scoggins said scouting taught him what he could do with his life.

According to Mitchell, Scoggins ran with that thought and used it to show others what they could do with their lives.

As a youngster, Scoggins said he attended the Rev. Ray's church, but never remembered anything that was said from the pulpit. But he remembered everything Ray said around the campfire.

"He taught us about other people and how to help them and the community," Scoggins said. "I learned that there's always something you can do for someone or the community whether you have money or not."

Scoggins, Job Development Specialist of the Chattooga County Chamber of Commerce Jobs Training Partnership Act (JTPA) program, was a Boy Scout until he was 17. He then began his work as scoutmaster of Summerville Troop 7. He led the troop for 31 years.

"I think the Boy Scout program turned my life around," Scoggins said. "I grew up during the Depression and it was tough."

"It doesn't matter how poor you are, in the Boy Scouts everyone is exactly alike. There's no such thing as a poor boy. They're all Boy Scouts," he added.

Once he became a scoutmaster, Scoggins said he had a fine troop—always the best one in the region.

"Some of the finest young men in the country came out of my troop," Scoggins said, naming off four lieutenant colonels, one colonel, teachers, pharmacists, ministers, etc.

"One reason I had a good troop is I always had good boys," he said, adding that he's taken as many as 95 boys on a camping trip at one time with no other adult help.

"I have no regrets for the nights I spent away from my wife with the boys. Thank God I had an understanding wife," he said.

Scoggins has attended three National Boy Scout Jamborees and one World Jamboree that hosted Boy Scouts from 100 countries and attended three National Order of the Arrow Conventions.

Through Scouting, Scoggins has met four presidents: Harry S. Truman, Dwight D. Eisenhower, John F. Kennedy and Richard M. Nixon.

"There are more opportunities in scouting for the average boy than any program I know of in the world," Scoggins said.

He led his last troop in 1976, deciding to retire from that phase of scouting for health reasons.

He worked in the textile trade for 43 years and was with the Georgia Department of Labor for five years. He accepted his position with JTPA nine years ago.

"If I had to do it over again, I'd spend another 50 years in scouting," he said. "It pays off in the community and people."

Scoggins still has a poem presented to him by scout Mitchell, several years ago, when Mitchell didn't have the money to buy his scoutmaster a Christmas present.

"He'll never know how much that poem meant to me," Scoggins said. And, by the look in his eyes you can tell it still means a lot.

"I can still see him standing there. I keep it (the poem) framed now. It's the most valuable thing in this house."

It follows:

SCOUT

(By Billy Mitchell)

If I were asked to name a man
I thought was really great
I wouldn't have to ponder or even hesitate.
He's as gentle as my mother, yet he's firm
and strict with rules
And he teaches us so many things we could
never learn at school.

Yes, wherever I may go
The greatest man I know is our scoutmaster
He listens to our troubles, he's so gentle and
so kind

And He's so understanding he can almost
read our mind.

He works so hard to help us and he gives his
time so free

And I wish that I could thank him for all
he's done for me.

Yes, wherever I may go
The greatest man I know is my scoutmaster.
When I see a scout official I raise my head so
high

Like a soldier in the army when a general
passes by.

They will never, never die when their time
on earth is spent

In the hearts of all their boys they have
built their monument.

Yes, wherever I may go
The greatest man I know is our scoutmaster.

And to all the scout officials with your
hearts so big and true

I say thank you, and God bless you for the
glorious work you do.

Scoggins kept his scouts busy.
"We planted 2,000 pine trees in 1954. I saw
them being cut not long ago," he explained.

"We put up 75 feed stations for birds and
squirrels, and cleared 15 piles of brush and
500 feet of creek.

The troop attended five gun safety demonstrations, and averaged about one camping trip a month. While under Scoggins' leadership, his troop even won a national camping award.

And through it all, Scoggins said it was worth every night he was kept awake during those camping trips long ago.

"They'd slip around and pull the pegs out of my tent and the tent would fall down on me," he grinned.

"I used to be a boy with 'em," Scoggins laughed. "And it liked to have killed me."

A simple way to describe Evans Scoggins is as a "hero."

And the meaning behind that is best explained by former Troop 7 boy scout James "Bud" Jackson, who was a member of Scoggins' troop for four years.

"He's a hero—a hero of mine," the Jackson Drug Co., owner and pharmacist said. "He did all that work for all those people just for the good it did. Most heroes are sports people and greedy folks with big salaries. He (Scoggins) is a true hero because he took nothing for spending his life for young people.

"He's led an exemplary life in an exemplary way—a good way. And, at an age when most people say, 'I've done enough,' he's helping people find jobs."

Jackson not only described a man who was his hero as a child, but to this day remains a hero and continues to make an impression on him.

Just about everyone who was a scout back then wanted to be in Troop 7, according to Lann Cordle, Chattooga clerk of court, who was in Scoggins' troop for about two to three years.

"There was a troop in Trion and another one in Summerville, but everyone knew Troop 7 was the best one and that was the one they wanted to be in," explained Cordle, who is now an assistant scout leader for Troop 7.

When asked about Scoggins, Cordle replied, "I don't have anything but praises for the man. He means a lot to me and any boy who was in the troop. He's given a lot of folks, some wouldn't have had the opportunities in life they had if it wasn't for him."

"He was always ready to listen to you and help in any way he could," Cordle continued. "I don't know how he kept from having a nervous breakdown. We'd all load up in a big truck and take off on a camping trip. When we got there, everyone jumped out and some of the boys he probably didn't see until it was time to leave. A good time was had by everybody."

Cordle said he'd never be able to oversee 95 scouts on a campout like Scoggins did.

"He had special days set aside to work on ranks and stuff. He just seemed to give and give, and give and give of himself."

Allan "Butch" Eleam, a scout under Scoggins' leadership for five years, attributes most of his leadership qualities to his former scoutmaster.

"I feel like what leadership qualities I have were influenced by him and his Christian attitude," Eleam said.

Eleam is president of Guffin and Eleam Insurance Inc., Summerville. He is a past president of the Summerville-Trion Rotary Club and currently serves as sergeant of arms for the organization. He also is a former Eagle scout.

He remembers when Troop 7 was one of the largest.

"Around 1968 or '69 we went on a camping trip and 116 boys went. Nowadays most scout camps with dozens of troops might not have 116 boys," he explained.

Eleam attributes the size of the campout and the size of the troop to Scoggins "making it fun."

"He's a real leader," Eleam summed up. Jon Payne, Probate Court judge, remembers a bunch of rambunctious boys and Scoggins on several campouts.

"One time, we were camping out in a field owned by a farmer who also had a watermelon patch," Payne fondly remembered. "That night, the watermelon patch got raided. I had nothing to do with it, of course."

"Boy, did he (Scoggins) get mad at us...uh...I mean them," Payne added. "He had to work something out with the farmer."

"And there was another time when we all had new sleeping bags and didn't want to sleep inside out tents. It was a beautiful night but he (Scoggins) said it was going to rain, Payne said.

"Well, we weren't worried because our new sleeping bags were waterproof, or so we thought. Actually they were water repellent. Around 10 or 11 p.m. it started to pour. We were soaked. I remember we had to get in the back of the truck. We ate peanut brittle," he said.

"He's a super person," Payne said. "He's taken care of so many of us kids for several years and helped our parents keep us on the straight and narrow."

"He spend so much time away from his wife trying to teach us things that we needed to be taught about scouts and about life," the probate judge said.

THOMAS P. "TIP" O'NEILL, JR.,
HONORED

HON. ENI F.H. FALCOMVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. FALCOMVAEGA. Mr. Speaker, I rise this afternoon to pay tribute to Thomas P. O'Neill, Jr., Speaker of the House of Representatives from 1977 to 1987.

In 1977 when Tip O'Neill was elected to the position of Speaker, I was a staffer with the House Committee on Interior and Insular Affairs. Having come shortly after the watershed year of 1974 and the post-Watergate elections, it was time for a change in the congressional leadership, and Tip O'Neill was a new kind of leader. Less autocratic than the previous Speakers, his manner was well suited to the House of Representatives at that time, and remains so today.

Speaker O'Neill's style of leadership was one of personal contact, and in that vein he spent a considerable amount of his time talking to his colleagues. His door was routinely open to the other Members of the House of Representatives, and the Members used the opportunity presented to them. This was also true for his work in his congressional district.

The stories of his local upbringing and his never forgetting his roots are legendary, as is his quote "all politics are local." His willingness to hold open sessions in his district office, even when he was Speaker, is commendable, and points out that he practiced what he preached—most of the time.

I am reminded of the story he told that when campaigning for reelection he frequently saw and remembered a lady over a 20-year period. Each time he would greet her, always assuming she had voted for him in the past and that she would vote for him at the next election. It was only after doing this for 20 years that it came up in conversation that, in fact, she had not voted for him all those years. When asked why she had not, she responded that candidate O'Neill never asked her to.

Speaker O'Neill said this incident reminded him again that "all politics are local." Despite constant repetitions of this political truism, even a consummate politician and creator of the phrase needed an occasional reminder as to its ramifications. That is a lesson we can all take to heart, and with today's computerized voting records and increased public disclosure of the operations of government, the lesson is even more relevant today than it was in the past.

Mr. Speaker, Speaker O'Neill's reputation has spread much further than many of us would think. I recently received a copy of a resolution passed by the Legislature of American Samoa, paying tribute to the accomplishments and public service of Tip O'Neill, and I request the resolution be included with my statement today.

The Twenty-Third Legislature, Third Regular Session, H.C.R. No. 23-21.

HOUSE CONCURRENT RESOLUTION

A House concurrent resolution paying tribute to the accomplishments and public service of the late Thomas P. "Tip" O'Neill and conveying the condolences of the Legislature and people of American Samoa to Mrs. O'Neill and family.

Whereas, the former democratic Speaker of the United States House of Representatives, the Honorable Thomas P. "Tip" O'Neill at the age of 81 passed away peacefully at Boston's Brigham and Women's Hospital on January 5, 1994; and

Whereas, the Honorable Thomas P. "Tip" O'Neill devoted many years of his life in the service of the people of the United States, and served with honor and distinction; and

Whereas, during his 34 years in the House, Thomas P. "Tip" O'Neill served for an unequalled ten consecutive years as Speaker; and

Whereas, Thomas P. "Tip" O'Neill in 17 House terms rose to become the most powerful democrat in the country; and

Whereas, Minority Leader Bob Dole characterizes Thomas P. "Tip" O'Neill as " * * * the model of what a Representative and a leader of the American people should be" and that "he will go down in history as one of the great political leaders of our time"; and

Whereas, a close friend of the former Speaker said that "when he would talk to an audience about seniors or about the government's responsibility to help the less fortunate, you could hear a pin drop. He captivated people, he moved them, and he appealed to what's best in us."; and

Whereas, Thomas P. "Tip" O'Neill honored American Samoa with an official visit which is fondly remembered by the people of American Samoa; and

Whereas, Thomas P. "Tip" O'Neill has rendered outstanding service to the people of the United States through his many years of community and public service; and

Whereas, it is fitting and proper to commend and thank this great person and pay tribute to his compassionate, generous and highly skilled service to his people; and

Whereas, Thomas P. "Tip" O'Neill's passing away not only is tragedy to Mrs. O'Neill and his family, but is a great loss to the people of the United States and her territories; now, therefore, be it:

Resolved by the House of Representatives of the Territory of American Samoa, the Senate Concurring: That, the Legislature on its behalf and on behalf of the people of American Samoa convey their deepest sympathies to the bereaved family of Thomas P. "Tip" O'Neill on the occasion of his passing; and

Be it further resolved, That Honorable Letuli Toloa, President of the Senate, Honorable Savali Talavou S. Ale, Speaker of the House of Representatives and Honorable Faleomavaega Eni Hunkin, Representative to the U.S. Congress, are respectfully requested to present this concurrent resolution to Mrs. Thomas P. "Tip" O'Neill, and to his family at an appropriate occasion; and

Be it further resolved, That the Chief Clerk of the House of Representatives is directed to transmit copies of this concurrent resolu-

tion to: Honorable A.P. Lutali, Governor of American Samoa, Honorable Faleomavaega Eni Hunkin, Representatives to the U.S. Congress; and Honorable Thomas Foley, Speaker of the House of Representatives, U.S. Congress.

tuli Toloa,

President of the Senate.
SAVALI TALAVOU S. ALE,
Speaker of the House.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 24, 1994, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 25

9:30 a.m.
Finance
Social Security and Family Policy Subcommittee
To hold hearings on welfare reform issues.
SD-215

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on S. 1801, to apply certain minimum standards to the conversion of savings associations and savings banks from the mutual form to the stock form.
SD-538

Foreign Relations
To hold hearings on the nominations of Thomas L. Baldini, of Michigan, to be a U.S. Commissioner on the International Joint Commission, U.S. and Canada, Charles R. Baquet III, of Maryland, to be Deputy Director of the Peace Corps, and Jeanette W. Hyde, of North Carolina, to be Ambassador to Barbados, and to serve concurrently and without additional compensation as Ambassador to the Commonwealth of Dominica, St. Lucia, and to St. Vincent and the Grenadines.
SD-419

FEBRUARY 28

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on the nominations of Maria Luisa Mabilangan Haley, of Arkansas, to be a Member of the Board of Directors of the Export-Import Bank of

EXTENSIONS OF REMARKS

the United States, Elaine A. McReynolds, of Tennessee, to be Federal Insurance Administrator, Federal Emergency Management Agency, William Alan Reinsch, of Maryland, to be Under Secretary of Commerce for Export Administration, and Raymond E. Vickery Jr., of Virginia, to be an Assistant Secretary of Commerce.
SD-538

MARCH 1

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on S. 1614, to authorize funds through fiscal year 1998 for programs of the Child Nutrition Act and the National Lunch Act.
SH-216

Energy and Natural Resources
To hold hearings on the President's proposed budget request for fiscal year 1995 for the Office of Civilian Radioactive Waste Management.
SD-366

Labor and Human Resources
To hold hearings to examine the Employee Retirement Income Security Act's (ERISA) preemption of State prevailing wage laws.
SD-430

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Veterans of Foreign Wars.
345 Cannon Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD-138

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Office of the United States Trade Representative, and the Small Business Administration.
S-146, Capitol

MARCH 2

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD-192

Armed Services
To hold hearings on proposed legislation authorizing funds for fiscal year 1995 for the Department of Defense, and the future years defense program, focusing on the unified commands military strategy and operational requirements.
SR-222

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to re-

view the legislative recommendations of the Disabled American Veterans.
345 Cannon Building

10:00 a.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Bureau of Alcohol, Tobacco and Firearms, and United States Customs Service, both of the Department of the Treasury.
SD-116

Environment and Public Works
Superfund, Recycling, and Solid Waste Management Subcommittee
To hold hearings on the Superfund clean-up process, focusing on States' responsibility and community participation.
SD-406

Small Business
To hold oversight hearings on the Small Business Administration's 7A guaranteed business loan program, and disaster loan program.
SR-428A

10:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation to authorize funds for fiscal year 1995 for the National Aeronautics and Space Administration (NASA).
SR-253

1:00 p.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1995 for the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD-192

MARCH 3

9:30 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to mark up proposed legislation to reorganize the Department of Agriculture.
SR-332

Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD-138

Rules and Administration
To hold hearings to examine emerging and current state-of-the-art technology which may have an impact on the future operations of the Senate.
SR-301

10:00 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the U.S. Senate, and the Congressional Budget Office.
SD-116

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Su-

- preme Court of the United States, and the Judiciary. S-146, Capitol
- Budget
To hold hearings to examine defense contractor abuses. SD-608
- Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 274, to establish the Casas Malpais National Historical Park in Springerville, Arizona, S. 859, to reduce the restrictions on lands conveyed by deed under the Act of June 8, 1926, S. 1233, to resolve the status of certain lands in Arizona that are subject to a claim as a grant of public lands for railroad purposes, S. 1586, to establish the New Orleans Jazz National Historical Park in the State of Louisiana, and H.R. 1183, to validate conveyances of certain lands in the State of California that form part of the right-of-way granted by the United States to the Central Pacific Railway Company. SD-366
- 1:00 p.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1995 for the Departments of Labor, Health and Human Services, and Education, and related agencies. SD-138
- MARCH 4
- 9:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the American Battle Monuments Commission, Cemeterial Expenses (Army), the National Credit Union Administration, the Federal Deposit Insurance Corporation, the Resolution Trust Corporation's Inspector General Office, the Consumer Product Safety Commission, the Office of Consumer Affairs, the Consumer Information Center, the Neighborhood Reinvestment Corporation, and the Court of Veterans Affairs. SD-106
- 9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Departments of Labor, Health and Human Services, and Education, and related agencies. SD-192
- 10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Agriculture. SD-138
- MARCH 7
- 1:30 p.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the U.S.
- Capital Police Board, and the Architect of the Capitol. SD-116
- Federal Law Enforcement Training Center, Department of the Treasury. SD-116
- 10:30 a.m.
Commerce, Science, and Transportation Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation to reauthorize the Earthquake Assistance Program. SR-253
- MARCH 8
- 9:30 a.m.
Energy and Natural Resources
To hold hearings on the President's proposed budget request for fiscal year 1995 for the Department of Energy, focusing on renewable energy programs. SD-366
- 10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense. SD-192
- Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Library of Congress, and the Office of Technology Assessment. SD-116
- MARCH 9
- 10:00 a.m.
Budget
To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1995 budget for the Federal Government, focusing on defense. SD-608
- MARCH 10
- 9:30 a.m.
Rules and Administration
To resume hearings on S. 1824, to improve the operations of the legislative branch of the Federal Branch, focusing on Title I, relating to the Standing Rules of the Senate. SR-301
- 10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the United States Navy and Marine Corps. SD-192
- Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Federal Highway Administration, Department of Transportation. SD-138
- 1:30 p.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Government Printing Office, and the General Accounting Office. SD-116
- 2:00 p.m.
Veterans' Affairs
To hold hearings on proposed budget requests for fiscal year 1995 for veterans programs. SR-418
- MARCH 11
- 10:00 a.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the General Services Administration, and the
- MARCH 15
- 10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the United States Army. SD-192
- Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Office of the Attorney General. S-146, Capitol
- MARCH 16
- 9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Health and Human Services. SD-192
- 10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for Small Community and Rural Development, Farmers Home Administration, and Rural Electrification Administration, all of the Department of Agriculture. SD-138
- Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of State. S-146, Capitol
- Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Internal Revenue Service, Department of the Treasury, and the Office of Personnel Management. SD-116
- 2:30 p.m.
Commerce, Science, and Transportation Science, Technology, and Space Subcommittee
To hold hearings on competition in the U.S. biotechnology industry. SR-253
- MARCH 17
- 9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the National Institutes of Health, Department of Health and Human Services. SD-116

Rules and Administration

To resume hearings on S. 1824, to improve the operations of the legislative branch of the Federal Branch, focusing on Title I, relating to the Standing rules of the Senate.

SR-301

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Paralyzed Veterans of America, the Jewish War Veterans, the Blinded Veterans Association, and Non Commissioned Officers Association.

345 Cannon Building

10:00 a.m.

Appropriations
Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the United States Air Force.

SD-192

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the National Science Foundation, and the Office of Science Technology Policy.

SD-124

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Office of Inspector General, Department of Transportation, and the Interstate Commerce Commission.

SD-138

MARCH 22

9:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Education.

SD-138

10:00 a.m.

Appropriations
Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on manpower and personnel programs.

SD-116

Appropriations

Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Commerce.

S-146, Capitol

MARCH 23

10:00 a.m.

Appropriations

Treasury, Postal Service, General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the United States Secret Service, Department of the Treasury, and the Executive Residence at the White House.

SD-116

2:30 p.m.

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee

To hold hearings to examine science and technology policy issues.

SR-253

MARCH 24

9:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Labor.

SD-138

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the AMVETS, American Ex-Prisoners of War, Vietnam Veterans of America, Veterans of World War I, Association of the U.S. Army, The Retired Officers Association, and the Military Order of the Purple Heart.

345 Cannon Building

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for National Guard and Reserve programs, focusing on manpower and equipment requirements and the restructuring of brigades.

SD-116

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Federal Emergency Management Agency.

SD-124

2:00 p.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Federal Railroad Administration, Department of Transportation, and the National Railroad Passenger Corporation (AMTRAK).

SD-138

MARCH 25

10:00 a.m.

Appropriations

Treasury, Postal Service, General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Office of Management and Budget, and the Executive Office of the President.

SD-116

APRIL 11

2:00 p.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for Marketing and Inspection Services, Animal and Plant Health Inspection Service, Food Safety and Inspection Service, and Agricultural Marketing Service, all of the Department of Agriculture.

SD-138

APRIL 12

10:00 a.m.

Appropriations

Defense Subcommittee

To hold closed hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on classified programs.

S-407, Capitol

Appropriations

Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the National Oceanic and Atmospheric Administration, Department of Commerce.

S-146, Capitol

APRIL 13

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the United States Coast Guard, Department of Transportation.

SD-138

Appropriations

Treasury, Postal Service, General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the United States Postal Service, and the Financial Crimes Enforcement Network.

SD-192

APRIL 14

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on health services and infrastructure.

SD-192

Appropriations

Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Federal Bureau of Investigation, and the Drug Enforcement Administration, both of the Department of Justice.

S-146, Capitol

APRIL 18

2:00 p.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for Science and Education, Agricultural Research Service, Cooperative State Research Service, Extension Service, and Alternative Agricultural Research and Commercialization, all of the Department of Agriculture.

SD-138

APRIL 19

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on strategic programs.

SD-192

APRIL 20

10:00 a.m.

Appropriations

Treasury, Postal Service, General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of the Treasury.

SD-116

- APRIL 21
- 10:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on intelligence programs.
S-407, Capitol
SD-106
- Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Housing and Urban Development.
SD-106
- Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Securities and Exchange Commission, and the Federal Communications Commission.
S-146, Capitol
SD-138
- Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Federal Aviation Administration, Department of Transportation.
SD-138
- APRIL 25
- 2:00 p.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for International Affairs and Commodity Programs, Natural Resources and Environment, Agricultural Stabilization and Conservation Service, Foreign Agriculture Service, Soil Conservation Service, and Federal Crop Insurance Corporation, all of the Department of Agriculture.
SD-138
- APRIL 26
- 10:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on National Foreign Intelligence Programs (NFIP) and Tactical Intelligence and Related Activities (TIARA).
S-407, Capitol
SD-138
- Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Office of Justice Programs, and the Immigration and Naturalization Service, both of the Department of Justice.
S-146, Capitol
- APRIL 27
- 10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Fed-
- eral Transit Administration, Department of Transportation, and the Washington Metro Transit Authority.
SD-138
- APRIL 28
- 10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Environmental Protection Agency, and the Council on Environmental Quality.
SD-106
- Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the United States Information Agency.
S-146, Capitol
- MAY 3
- 9:30 a.m.
Energy and Natural Resources
To hold hearings on Boron-Neutron Cancer Therapy.
SD-366
- 10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for Food and Consumer Services, Food and Nutrition Service, and Human Nutrition Information Service, all of the Department of Agriculture.
SD-138
- Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on defense conversion programs.
SD-192
- MAY 5
- 10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Legal Services Corporation.
S-146, Capitol
SD-138
- Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the National Transportation Safety Board, and the National Highway Traffic Safety Administration, Department of Transportation.
SD-138
- MAY 10
- 10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Commodity Futures Trading Commission, the Farm Credit Administration, and the Food and Drug Administration,
- Department of Health and Human Services.
SD-138
- MAY 12
- 10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Corporation for National and Community Service.
SD-106
- MAY 17
- 10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on the Pacific Rim, NATO, and peacekeeping programs.
SD-192
- MAY 19
- 10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense.
SD-192
- Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Veteran's Affairs, and the Selective Service System.
SD-106
- MAY 20
- 9:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Departments of Veterans Affairs and Housing and Urban Development, and independent agencies.
SD-138
- MAY 26
- 10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the National Aeronautics and Space Administration.
SD-106
- JULY 19
- 10:00 a.m.
Appropriations
Defense Subcommittee
Business meeting, to mark up proposed legislation authorizing funds for fiscal year 1995 for the Department of Defense.
SD-192